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Report of Case Study No. 28
Catholic Church authorities in Ballarat

November 2017

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The Hon. Justice Peter McClellan AM

COMMISSIONERS
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Table of contents

Preface  

1 Introduction

2 Executive Summary

3 The Congregation of Christian Brothers
   3.1 The Christian Brothers in Australia
   3.2 Knowledge of allegations about Christian Brothers in St Patrick’s community, Ballarat
   3.3 Brother Gerald Leo (‘Leo’) Fitzgerald
   3.4 Brother BWX
   3.5 Stephen Farrell
   3.6 Edward Dowlan
   3.7 Peter Toomey
   3.8 Conclusions about the response of the Christian Brothers to allegations and complaints of child sexual abuse

4 The Catholic Diocese of Ballarat
   4.1 Structure and governance
   4.2 Monsignor John Day
   4.3 Gerald Ridsdale
   4.4 Paul David Ryan
   4.5 Robert Claffey
   4.6 Conclusions about the response of the Diocese to allegations and complaints of child sexual abuse
   4.7 The experiences of survivors and the impact of child sexual abuse on the Ballarat community
   4.8 Disclosure and the effects of faith
   4.9 Impact on families
   4.10 Suicide and premature death
   4.11 Impact on the Ballarat community
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 Systemic Issues</td>
<td>440</td>
</tr>
<tr>
<td>Appendix A: Terms of Reference</td>
<td>441</td>
</tr>
<tr>
<td>Appendix B: Public Hearing</td>
<td>448</td>
</tr>
<tr>
<td>Appendix C: Ridsdale’s list of appointments</td>
<td>455</td>
</tr>
<tr>
<td>Appendix D: Data</td>
<td>456</td>
</tr>
<tr>
<td>Endnotes</td>
<td>460</td>
</tr>
</tbody>
</table>
Preface

The Royal Commission

The Letters Patent provided to the Royal Commission require that it ‘inquire into institutional responses to allegations and incidents of child sexual abuse and related matters’.

In carrying out this task, we are directed to focus on systemic issues but be informed by an understanding of individual cases. The Royal Commission must make findings and recommendations to better protect children against sexual abuse and alleviate the impact of abuse on children when it occurs.

For a copy of the Letters Patent, see Appendix A.

Public hearings

A Royal Commission commonly does its work through public hearings. A public hearing follows intensive investigation, research and preparation by Royal Commission staff and Counsel Assisting the Royal Commission. Although it may only occupy a limited number of days of hearing time, the preparatory work required by Royal Commission staff and by parties with an interest in the public hearing can be very significant.

The Royal Commission is aware that sexual abuse of children has occurred in many institutions, all of which could be investigated in a public hearing. However, if the Royal Commission were to attempt that task, a great many resources would need to be applied over an indeterminate, but lengthy, period of time. For this reason the Commissioners have accepted criteria by which Senior Counsel Assisting will identify appropriate matters for a public hearing and bring them forward as individual ‘case studies’.

The decision to conduct a case study will be informed by whether or not the hearing will advance an understanding of systemic issues and provide an opportunity to learn from previous mistakes, so that any findings and recommendations for future change which the Royal Commission makes will have a secure foundation. In some cases the relevance of the lessons to be learned will be confined to the institution the subject of the hearing. In other cases they will have relevance to many similar institutions in different parts of Australia.
Public hearings will also be held to assist in understanding the extent of abuse which may have occurred in particular institutions or types of institutions. This will enable the Royal Commission to understand the way in which various institutions were managed and how they responded to allegations of child sexual abuse. Where our investigations identify a significant concentration of abuse in one institution, it is likely that the matter will be brought forward to a public hearing.

Public hearings will also be held to tell the story of some individuals which will assist in a public understanding of the nature of sexual abuse, the circumstances in which it may occur and, most importantly, the devastating impact which it can have on some people's lives.

A detailed explanation of the rules and conduct of public hearings is available in the Practice Notes published on the Royal Commission’s website at:

www.childabuseroyalcommission.gov.au

Public hearings are streamed live over the internet.

In reaching findings, the Royal Commission will apply the civil standard of proof which requires its ‘reasonable satisfaction’ as to the particular fact in question in accordance with the principles discussed by Dixon J in *Briginshaw v Briginshaw* (1938) 60 CLR 336:

it is enough that the affirmative of an allegation is made out to the reasonable satisfaction of the tribunal. But reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal...the nature of the issue necessarily affects the process by which reasonable satisfaction is attained.

In other words, the more serious the allegation, the higher the degree of probability that is required before the Royal Commission can be reasonably satisfied as to the truth of that allegation.
Private sessions

When the Royal Commission was appointed, it was apparent to the Australian Government that many people (possibly thousands) would wish to tell us about their personal history of child sexual abuse in an institutional setting. As a result, the Commonwealth Parliament amended the Royal Commissions Act 1902 to create a process called a ‘private session’.

A private session is conducted by one or two Commissioners and is an opportunity for a person to tell their story of abuse in a protected and supportive environment. As at 22 September 2017, the Royal Commission has held 7,642 private sessions and more than 472 people were waiting to attend one. Many accounts from these sessions will be recounted in later Royal Commission reports in a de-identified form.

Research program

The Royal Commission also has an extensive research program. Apart from the information we gain in public hearings and private sessions, the program will draw on research by consultants and the original work of our own staff. Significant issues will be considered in issues papers and discussed at roundtables.
1 Introduction

1.1 This case study

A number of survivors who gave evidence in the case study and who did not wish to have their identities revealed were given a pseudonym.

In addition, at the time of the public hearing some clergy and religious who were considered in the case study were the subject of criminal investigations or charges. Where the Royal Commission considered it appropriate to do so, those individuals were given a pseudonym so as not to interfere with those criminal matters. Many of those pseudonyms have since been lifted, because the criminal processes have since been concluded.

Part One

Part One of the public hearing was held in Ballarat from 19 May 2015 until 29 May 2015.

The scope and purpose of Part One of this case study was to hear:

1. from residents, students and others of their experiences of child sexual abuse by Catholic clergy and religious associated with the following institutions run by Catholic Church authorities in Ballarat:
   a. St Joseph’s Home, Ballarat
   b. St Alipius Primary School, Ballarat East
   c. St Alipius Parish, Ballarat East
   d. St Patrick’s College, Ballarat
   e. St Patrick’s Christian Brothers Boys Primary School, Ballarat.

2. from residents, students and others about the impact of their experiences of child sexual abuse by Catholic clergy and religious associated with institutions run by Catholic Church authorities in Ballarat

3. from members of the community of Ballarat about the impact of child sexual abuse on the community of Ballarat

4. the response of relevant Catholic Church authorities to:
   a. the impact of child sexual abuse on survivors of child sexual abuse, their families and the community of Ballarat
b. survivors of child sexual abuse, their families and the community of Ballarat following the conviction of Catholic clergy and religious for acts of child sexual abuse committed at institutions associated with Catholic Church authorities in Ballarat

5. from Catholic clergy who have been convicted of child sexual offences which took place within the geographical bounds of the Catholic Diocese of Ballarat

6. any related matters.

Part Two

Part Two of the public hearing was held in Melbourne from 7 December 2015 until 16 December 2015. The time between the first and second parts of the public hearing was to enable the Royal Commission to carry out its investigation of the knowledge of Catholic Church authorities in and around Ballarat to allegations of child sexual abuse and their response to those allegations.

Following that investigation, in Part Two of the public hearing we called a number of institutional witnesses from those Catholic Church authorities. At the request of Cardinal George Pell, two survivors who gave evidence in Part One of the public hearing were recalled.

Part Two of the public hearing was coordinated with the public hearing on Case Study 35: Catholic Archdiocese of Melbourne, which commenced in Melbourne on 24 November 2015. Evidence from witnesses common to each hearing was received.

Cardinal Pell, who was ordained a priest of the Diocese of Ballarat, was expected to give evidence in Part Two of the public hearing and the Catholic Archdiocese of Melbourne public hearing in December 2015. The timing and manner of his evidence to the Royal Commission is discussed below.

The scope and purpose of Part Two of this case study was to inquire into:

1. the response of the Catholic Diocese of Ballarat and of other Catholic Church authorities in Ballarat to allegations of child sexual abuse against clergy or religious

2. the response of Victoria Police to allegations of child sexual abuse against clergy or religious which took place within the Catholic Diocese of Ballarat

3. any related matters.
Part Three

Part Three of the public hearing was held in Ballarat from 22 February 2016 until 25 February 2016.

The Royal Commission heard evidence from the former Bishop of Ballarat, Ronald Mulkearns. Due to his health, Bishop Mulkearns gave evidence by video link from his nursing home in Ballarat. According to medical advice, Bishop Mulkearns could give evidence for only 90 minutes at a time before requiring a period of recovery of several days. The Royal Commission received Bishop Mulkearns’ evidence for 90 minutes during the Part Three of the public hearing. The bishop passed away in April 2016 before his evidence was completed.

The scope and purpose of Part Three of this case study was to inquire into:

1. the response of the Catholic Diocese of Ballarat and other Catholic Church authorities in Ballarat to allegations of child sexual abuse against clergy or religious

2. the response of the Congregation of Christian Brothers (Christian Brothers) in St Patricks Province, Australia, to allegations of child sexual abuse against Christian Brothers

3. any related matters.

Data produced to the Royal Commission

The Royal Commission conducted a comprehensive data survey of all Catholic Church authorities in Australia, including the Christian Brothers and the Diocese of Ballarat. The survey sought information about all claims and substantiated complaints that were received by Catholic Church authorities during the period 1 January 1980 to 28 February 2015.

The data in relation to the Diocese of Ballarat and the Christian Brothers was presented in the form of data analysis reports prepared by the Royal Commission from the data produced by the Catholic Church authorities. These reports analysed claims of child sexual abuse or complaints of child sexual abuse that were subsequently substantiated, that have been received by a Catholic Church authority against one or more Christian Brother, or that relate to an accused person operating within the Diocese of Ballarat at the time of the alleged sexual abuse.

The reports were tendered in Parts Two and Three of the public hearing.¹ Aspects of the data reports are set out in Appendix D.
Evidence of Cardinal George Pell from Rome

Because Cardinal Pell was outside of the Royal Commission’s territorial jurisdiction, the Royal Commission could not compel him to attend and give evidence.

In 2015, Cardinal Pell volunteered to appear in person before the Royal Commission to give evidence in the case study (as well as the Catholic Archdiocese of Melbourne case study). The Royal Commission accepted this offer, and Cardinal Pell was scheduled to appear in person in Melbourne from 16 December 2015.

On 11 December 2015, Cardinal Pell’s counsel submitted that the cardinal was too unwell to travel to Australia and submitted that the cardinal should be permitted to give evidence via video link from Rome.²

We decided not to rule on that application at that time and instead deferred Cardinal Pell’s evidence to a later date. A directions hearing was convened on 5 February 2016, at which time Cardinal Pell’s counsel renewed his application to have his evidence taken by video link from Rome. Medical evidence in support of the application was tendered as a confidential exhibit. It confirmed that Cardinal Pell suffers from hypertension, ischemic heart disease complicated by a previous myocardial infarction, cardiac dysfunction related to the arterial hypertension and previous ischemia.³ The doctor concluded that a prolonged flight could induce an episode of heart failure, which would be difficult to treat onboard, and that travel to Australia could entail significant risks to the cardinal’s health.⁴

We considered it was preferable that Cardinal Pell appear and give evidence in Australia. However, in light of the medical evidence, on 8 February 2016 we determined that Cardinal Pell’s evidence would be received via video link from Rome.⁵

Cardinal Pell gave evidence by video link, from the Hotel Quirinale in central Rome, from 29 February 2016 to 3 March 2016. Given the time difference, it was necessary to sit outside ordinary sitting times to enable this to occur, and the Royal Commission sat at times agreeable to the cardinal.

The Church parties’ approach to the evidence of survivors and Gerald Ridsdale

Requests for the recalling of witnesses for questioning

Gerald Ridsdale is a former priest of the Diocese of Ballarat. He has been convicted of numerous child sexual offences. He gave evidence at the public hearing in May 2015 via video link from prison.
At the conclusion of Ridsdale’s evidence in May 2015, Mr Peter Gray SC, counsel for the Truth, Justice and Healing Council, the Diocese of Ballarat, Catholic Church Insurance Ltd (CCI), the Congregation of Christian Brothers and the Sisters of Nazareth (the Church parties) indicated to the Royal Commission that he may have questions for Ridsdale but that he was not in a position to embark upon them at that time. Mr Gray SC indicated that ‘There are many things which we will need to investigate and check, people we will need to speak to, and that will take some time’. The Chair granted Mr Gray SC an opportunity to ask Ridsdale questions at a later time. Mr Gray SC subsequently indicated that he had no questions for Ridsdale.

Mr Timothy Green and Mr David Ridsdale gave evidence in the first Ballarat public hearing on 20 May 2015 about their experiences of child sexual abuse. Both Mr Green and Mr David Ridsdale gave evidence about conversations they said they each had with Cardinal Pell when he was a priest of the Diocese of Ballarat. Their statements had previously been provided to all parties with leave to appear and to Cardinal Pell.

Neither Mr Green nor Mr David Ridsdale were questioned by those representing the Church parties. Cardinal Pell had not sought and did not have separate leave to appear at that time.

After Mr Green was questioned by Senior Counsel Assisting, and before he was discharged, the Chair informed Mr Gray SC that there was a real possibility that the Commissioners will be asked to make findings about Mr Green’s allegations in relation to Cardinal Pell. Mr Gray SC responded that he did not wish to ask Mr Green any questions and said, ‘we will not be putting to Mr Green that he is not to be believed, which is the matter discussed or covered in the practice guideline’.

The Chair reiterated his comments after Mr David Ridsdale gave evidence and before he was discharged. He also indicated that Cardinal Pell would be asked to make a statement in relation to those matters.

The same day, Cardinal Pell issued a media statement responding to various matters raised in the evidence of Mr Green and Mr David Ridsdale. That statement was tendered. Mr Green and Mr David Ridsdale were recalled for questioning in Part Two of the public hearing at the request of Cardinal Pell.

Anticipated adverse evidence

In a letter of 1 June 2015 to the Solicitor Assisting the Royal Commission, the solicitors for the Church parties wrote that on 15 April 2015 the Royal Commission made requests for statements from eight Church party witnesses, and on 17 April 2015 requests were made for statements from two additional Church party witnesses, all of which ‘related to community impact matters.'
The Church parties’ solicitors also noted that they were provided with the first 11 statements from survivor witnesses on 12 April 2015, a further four statements on 14 May 2015, and a further three statements on 15 May 2015, including the statement of Mr David Ridsdale. The hearing commenced on 19 May 2015. They wrote:

Despite the Commission being aware that many of the survivors’ statements contained material adverse to various individuals, and despite the provisions of paragraph 70 of Practice Guideline 1, the Commission:

a. did not disclose any adverse material to any of the individuals who had been asked to provide ‘community impact’ statements, prior to requesting those statements from them; and

b. did not seek statements in response, from any of the individuals who were adversely named in any of the survivors’ statements.13

Clause 72 (previously clause 7014) of Practice Guideline 1 sets out the procedure the Royal Commission will generally adopt where it is anticipated that documents, information or evidence will be tendered and there is a risk of damage to the reputation of a person or institution arising from that public exposure. That procedure includes that, as far as possible, the person or institution will be given advance notice of that anticipated evidence.

That procedure was followed in this hearing. A number of letters were received by individuals or representatives of institutions in response to that notification. Those letters were tendered.

Application of the rule in Browne v Dunne

During Part One of the public hearing, counsel for the Church parties, Mr Gray SC, stated that the position of his clients was that they were very conscious of the enormous difficulties faced by the witnesses who had come forward to give evidence and that the Church parties in general did ‘not intend to question witnesses about the detail of their recollections of various events, even where, for instance, someone associated with a church party may have a different recollection of an event or conversation. In that situation, I expect that that person will in due course provide the Commission with his or her own recollection’.15

In a subsequent letter to the Royal Commission of 1 June 2015, the solicitors for the Church parties wrote, ‘The Church parties’ decision not to question survivor witnesses not only was a principled one for the reasons stated above, but was made in circumstances where no witnesses associated with any of the Church parties had yet been asked for, nor given an opportunity to provide, a considered response to any accusations made against them’. They wrote that, in their view, the rule in *Browne v Dunne* can have no application in relation to any of the 18 survivor witnesses called in Part One of the public hearing.
Clause 69 of Practice Guideline 1 provided that, except as set out below, the Royal Commission will not apply the rule in *Browne v Dunne*:

a. If the Royal Commission is to be invited to disbelieve a witness, the material grounds upon which it is said that the evidence should be disbelieved should be put to that witness so that the witness may have an opportunity to offer an explanation.

b. The Royal Commission expects that, where it is contended that deliberately false evidence has been given, or that there has been a mistake on the part of the witness on a significant issue, the grounds of such contention will be put.

c. What is stated above is not intended to mean that:
   
i. mere inconsistencies and unimportant differences in the evidence should be raised
   
ii. once the grounds for disbelieving a witness have been put by one party, other parties need to put them again.16

Our findings in this report are consistent with our Practice Guidelines.

Request for the tender of additional documents or the calling of additional witnesses

In a letter dated 22 July 2015, the Solicitor Assisting the Royal Commission asked the solicitor for the Church parties to advise whether they wished to apply for any other person to give evidence and any document to be tendered.

The Royal Commission did not receive any requests to call additional witnesses pursuant to clause 67 of Practice Guideline 1.

A number of statements from institutional figures were prepared with the assistance of the solicitors for the Church parties at the request of the Royal Commission for the purposes of Part One of the public hearing. Some of those statements were not tendered in that hearing, and those individuals were not called to give evidence. Those statements were tendered in Part Three of the public hearing at the request of the solicitors for the Church parties.

From time to time during the three parts of the public hearing in Case Study 28, documents were tendered at the request of parties with leave, including Cardinal Pell’s representatives and the representatives of the Church parties.
Evidence in witness statements provided to the Royal Commission

On 30 November 2015, the Solicitor Assisting the Royal Commission wrote to the solicitors for the Church parties indicating that the Royal Commission intended to tender witness statements of 16 individuals and not call those individuals to give oral evidence. The solicitors for the Church parties indicated they did not require any of those individuals to be available for questioning. We refer to those statements at relevant times throughout this report.

Generally, this report does not distinguish between evidence given in witness statements and evidence given orally in the public hearings, unless such a distinction is relevant to a finding.

Private hearings

As part of its investigations for the purposes of Case Study 28, the Royal Commission conducted a number of private hearings pursuant to its powers under subsection 2(1) of the Royal Commissions Act 1902 (Cth). All of those private hearings were the subject of a Direction Not to Publish, pursuant to the same Act.

The transcripts of some of those private hearings were later tendered into evidence, and the corresponding Directions Not to Publish were lifted. They were:

- a. private hearing with Paul David Ryan on 25 February 2015
- b. private hearing with Stephen Farrell on 2 April 2015
- c. private hearing with Father Brian McDermott on 9 July 2015
  (Father McDermott gave evidence in the public hearing on 14 December 2015)
- d. private hearing with Father Lawrence O’Toole on 17 August 2015
  (Father O’Toole gave evidence in the public hearing on 15 December 2015)
- e. private hearing with Bishop Brian Finnigan on 8 June 2015
  (Bishop Finnigan gave evidence in the public hearing on 11 and 14 December 2015)
- f. private hearing with Mr Daniel Torpy on 7 July 2015.

Mr Torpy was summoned to appear and give evidence in Part Three of the public hearing in February 2016. Mr Torpy was legally represented at the public hearing and, on the basis of medical evidence provided to the Royal Commission, the summons was not called upon. In May 2016, in lieu of giving oral evidence, Mr Torpy provided a written statement to the Royal Commission. The statement was tendered.

The weight given to the evidence of Mr Torpy is addressed at relevant parts of this report.
Submissions in the case study

After the public hearing concluded, the parties were invited to provide written submissions and responses to other parties’ submissions. The written submissions received were extensive and detailed. We have carefully reviewed and considered all submissions made in this case study, and we have taken them into account when preparing this report and making our findings. We have not set out all of those submissions, but each has received close attention.

Matters of proof

As set out earlier, in reaching findings, the Royal Commission applies the civil standard of proof which requires its ‘reasonable satisfaction’ as to the particular fact in question in accordance with the principles discussed by Dixon J in *Briginshaw v Briginshaw* (1938) 60 CLR 336.

Counsel for Cardinal Pell submitted that:

[The Royal Commission cannot ignore] the corrosive effect of time on the ability to be comfortably satisfied of such matters to reach a ‘correct and just conclusion’, particularly in light of the consequences of its findings. A correct application of the *Briginshaw* principles does not mean doing the best one can on the limited or stale evidence available, and determining whether matters may be plausible or by filling gaps in the evidence. The effluxion of time and the historical nature of the events in question is a critical integer in the fact-finding process and a level of proof consistent with *Briginshaw*. Ultimately this may mean that the Royal Commission is only able to address issues at the institutional level, and is unable to determine the factual minutiae of meetings, conversations and individual understandings of the matters before it.17

In coming to the findings set it in this report, we have applied the standard set out earlier. The oral and documentary evidence has been considered. Where we have been reasonably satisfied as to a fact or circumstance, we have made the appropriate finding.

We have made no findings critical of any person solely based on that person not recalling historical events.

If it is the submission of counsel for Cardinal Pell that we are unable to rely on the evidence of any witness recalling events of a historical nature solely because of the effluxion of time, we do not accept that submission.
1.2 ‘Gossip’

In this report, we set out our findings as to what was known by priests and others in the Diocese of Ballarat about Monsignor John Day, Ridsdale, Ryan and Robert Claffey and their sexual abuse of many children over decades.

There is no doubt from the many documents which are in evidence that, at various times, Bishop Mulkearns, the Bishop of Ballarat, knew or strongly suspected that these priests had sexually abused children in the diocese. His responses to that knowledge or suspicion are set out in the report. His concern was overwhelmingly about protecting the reputation of the Church and avoiding scandal. There was little evidence that he was concerned to protect children from these priests.

In our experience, it is part of the ordinary human condition that groups of individuals who are engaged in similar work talk about happenings in their workplace, including about their colleagues. It is also common human experience that allegations, suspicions of wrongdoing and potential scandal will be the topic of discussion. Where that talk is about matters which could affect the reputation of the institution in which they all work, the expectation is that such talk will intensify.

We have been told on many occasions that priests gossip, have a clerical grapevine and the like. In particular, Ridsdale’s and Monsignor Day’s conduct was the source of gossip among priests. It would be remarkable if it was not.

Not surprisingly, most of the witnesses said they had little precise recall of the events in the 1970s and 1980s. This was particularly so in relation to meetings which occurred over that time between consultors.

As set out above, our findings must be based on the evidence before us and we must be satisfied to the Briginshaw standard.

We understand that the talk about Ridsdale in particular was widespread in the Catholic community, including amongst priests and parishioners. We understand that most in the community who have followed these hearings will have developed strong views on who knew what. However, our findings are based on the evidence available to us having regard to the standard of proof we need to apply.
1.3 Bishop Finnigan’s evidence

During Bishop Finnigan’s evidence at the public hearing, a transcript of his private hearing with the Royal Commission on 8 July 2015 was tendered. In the public hearing, Bishop Finnigan agreed that, on at least one matter, the evidence he gave in the public hearing was different from, and far more restrictive than, the evidence he gave in his private hearing.21

Bishop Finnigan accepted that Senior Counsel Assisting had asked him about many matters that he said he did not recall or that he had no memory of and that these were very significant, important questions that had arisen in his presence from time to time with regard to the offending by priests against children or adolescents.22 He gave evidence that ‘I think it’s a bit demanding to try and recall events of – well, go back to 25 years ago’.23

Bishop Finnigan was interviewed by a CCI loss adjustor, Mr JE O’Connor, on 20 April 1993. In relation to the transcript of that interview and Mr O’Connor’s cover letter enclosing the transcript, Bishop Finnigan gave evidence that he ‘basically’ accepted the transcript as an accurate record of the interview he had had with Mr O’Connor. He stated:

I had the opportunity to comment on this if I’d wanted to, and, well, I didn’t bother because at that stage I just thought it was a very run-of-the-mill interview, so to speak, and I had no idea it was going to be subject to such scrutiny nowadays; I would have probably expressed things differently, but yes, that’s mine, and what’s there is basically what I said.24

He agreed that what he said to Mr O’Connor in 1993 was true and that what was recorded in that document was what he had said ‘in some shape or form’.25

Bishop Finnigan gave evidence that he was not sure whether this interview was recorded but did not deny that it was. He agreed that, if it was recorded, the words in the transcript would have probably been the words he used.26

There are a number of examples of Bishop Finnigan giving evidence in public that was different from evidence he gave either to the loss adjustor in April 199327 or in his private hearing. In particular, in the public hearing Bishop Finnigan sought to give evidence that was more protective of either himself or the Church than evidence he had given previously. Examples are identified below.

On 21 June 1988, two months after Ridsdale’s resignation, a consultors’ meeting was held. The minutes record that ‘it was reported that it became necessary to move [Ridsdale] out of the parish ministry’.28 In his private hearing, in relation to that meeting, it was put to Bishop Finnigan that at the time it was known generally in the Diocese of Ballarat, and certainly by the consultors, that there had been complaints against Ridsdale at several of the parishes that
he had been at. Bishop Finnigan responded, ‘Yes, I would think so’. Bishop Finnigan agreed that it was ‘probably’ the case that the reason that it had become necessary to move Ridsdale out of parish ministry was that there was a concern that the complaints would be made public. When asked if that would be a matter that was discussed at the consultors’ meeting, he said, ‘it’s hard to remember what was discussed, but it’s more than likely, I would say’. In context, it is perfectly clear that the ‘complaints’ that were referred to in this evidence were complaints of Ridsdale sexually abusing children.

However, in the public hearing Bishop Finnigan did not accept that at the time of the meeting it was well known amongst the consultors that Ridsdale had been offending against children. He gave the following evidence:

A. Well, I don’t know whether I could say it was well-known among the Consultors. Of course, it’s not right to read back in the documentation we read, that he told the parish priest of Horsham that he needed to move on because his past was catching up with him, and I presume that was reported to the Bishop. So, whether that was shared with the Consultors, I can’t remember.

Q. Do you have any memory of what was said at this meeting which gave rise to this record here, that it was reported that it become necessary to move out of the parish ministry.

A. Yes, no memory of the meeting at all.

As indicated above, when challenged, Bishop Finnigan accepted that the evidence that he had given in the public hearing was different from and more restrictive than the evidence that he gave in the private hearing.

The Church parties submitted that Bishop Finnigan’s private hearing evidence above came after he was asked to accept that, when Ridsdale was at Horsham with Father Francis Madden, Father Madden knew that Ridsdale had a propensity to sexually abuse children and that the evidence establishes that Father Madden had no such knowledge. We deal with the evidence about what Father Madden knew in 1988 later in this report. However, Bishop Finnigan’s answer about what the consultors knew in 1988 is not predicated on what Father Madden – who was not a consultor at the time – knew about Ridsdale’s offending. Bishop Finnigan said in his private hearing that he ‘would think’ the consultors knew by 1988 that Ridsdale’s move out of parish ministry was because there had been complaints about him at various parishes. He also accepted in his private hearing that, although he could not remember what was discussed at the consultors’ meeting, he thought it was ‘more than likely’ that was a matter which was discussed at the meeting.
The Church parties also submitted that Bishop Finnigan’s evidence in private and in public was consistent that he could not actually remember what was discussed at the June 1988 consultors’ meeting.36 That is so. However, Bishop Finnigan’s evidence was more restrictive in public in that, despite having no actual memory, he did not accept that at the time of the meeting it was well known amongst the consultors that Ridsdale had been offending against children. During his private hearing he had said that it was generally known in the Diocese of Ballarat and certainly by the consultors that there had been several complaints about Ridsdale offending against children.

A third example is Bishop Finnigan’s evidence about the group of parents who came to see him as the bishop’s secretary when Ridsdale was in Mortlake.

In his CCI interview, in the context of a discussion about Ridsdale’s sexual abuse of children, Bishop Finnigan volunteered that when Ridsdale was at Mortlake ‘People came to me to well, sort of complain’.37 He went on to say that the people were ‘disturbed’ by Ridsdale’s behaviour because ‘he used to invite all these lads around to his place to play pool and those sort of things and they felt he was over friendly to them’.38 Bishop Finnigan said that he ‘confronted’ Ridsdale, which was ‘a very hard thing to do’ and that Ridsdale was ‘most crestfallen’.39 He later said that he would imagine that from a complaint made to the vicar general, Monsignor Leo Fiscalini, ‘and from what was said to me’ – which is clearly a reference to the group of people who had come to ‘sort of complain’ to him – it was thought appropriate to withdraw Ridsdale from parish ministry.40

In his private hearing, in relation to the bishop’s report to the consultors’ meeting on 14 September 1982 that ‘it had become necessary for Fr Gerald Ridsdale to move from the Parish of Mortlake’, Bishop Finnigan said that he presumed that he knew at that stage the reason Ridsdale was moving, ‘because that was after those people came to see me from Mortlake’.41 That answer was entirely consistent with what he had said in the CCI interview; that is, that he appreciated that what the people had come to complain about was Ridsdale’s sexual activity or intent with regard to their children.

However, Bishop Finnigan then sought to downplay the significance or implication of what the parents had told him, although he accepted that their concern was that Ridsdale was ‘behaving inappropriately with their children’.42 After giving evidence that he presumed he knew the reason Ridsdale was moving, the following exchange occurred with Counsel Assisting:

Q. You don’t have to presume, Bishop. You knew that Ridsdale was being moved from Mortlake because complaints had been made against him and to you of child sexual abuse of boys in Mortlake?

A. I’d have to say no to that, because the complaints I had heard from those people who came to see me, they didn’t mention child sexual abuse.43
In the public hearing, Bishop Finnigan agreed that the people who came to see him from Mortlake came to him to ‘complain’. He then said that he has no clear memory of the people, and he has no memory of them coming to see him, but ‘the memory that prompts me is what I said to Mr O’Connor in 1993’ and that what is recorded in the CCI interview transcript ‘is the memory of it’. Counsel Assisting submitted that, despite that, Bishop Finnigan sought thereafter to recreate what he had been told in such a way as to minimise the significance of it and resile from or qualify what he had said to CCI. When confronted with the inconsistencies between what he had told CCI and his evidence during the public hearing with regard to what the parents had complained to him about, Bishop Finnigan again sought to minimise the significance of what he was told.

The Church parties submitted that the suggestion that Bishop Finnigan sought to downplay the significance or implication of what had been said to him is unsustainable. They submitted that is because of Bishop Finnigan’s evidence that he did not understand the nature of what was said to him and that he was ‘blind, stupid and naïve’ in that regard. For that reason, the Church parties submitted the criticism of Bishop Finnigan falls away. We do not accept this submission, and we do not accept Bishop Finnigan’s evidence that he did not recognise the nature of the complaints. Our reasons for this are set out later in this report.

Another feature of Bishop Finnigan’s evidence is that he professed in respect of almost every, if not every, meeting of the College of Consultors that he has no recollection of the meeting or what was discussed, even when the matters that were dealt with were clearly very significant and serious.

Bishop Finnigan’s evidence was highly unsatisfactory. He gave the clear impression that he was seeking to protect himself and the Church or the bishop at the time, and he made no effort to give clear and honest evidence. The result is that we have not accepted Bishop Finnigan’s evidence except where it is corroborated by other evidence or where it is inherently probable and not contradicted by other evidence.
2 Executive Summary

In Case Study 28 the Royal Commission into Institutional Responses to Child Sexual Abuse inquired into the response of the Congregation of Christian Brothers in the St Patrick’s Province of Ballarat and the Catholic Diocese of Ballarat (the Diocese) to complaints and allegations of child sexual abuse by Christian Brothers, clergy and religious.

The public hearing of this case study was held in three parts.

Part One of the public hearing examined the response of relevant Catholic Church authorities to the impact of child sexual abuse on survivors, their families and the community of Ballarat. It also examined their responses to survivors, their families and the community of Ballarat following the conviction of clergy and religious for acts of child sexual abuse committed at institutions associated with Catholic Church authorities in Ballarat.

Part Two of the public hearing examined the knowledge of Catholic Church authorities in and around Ballarat to allegations of child sexual abuse and their response to those allegations. It also examined the response of Victoria Police to allegations of child sexual abuse against clergy or religious which took place within the Diocese.

Part Three of the public hearing examined the knowledge of and response to allegations of child sexual abuse by Christian Brothers in St Patrick’s Province, specifically in institutions within the Diocese.

2.1 The Congregation of Christian Brothers

The Congregation of Christian Brothers (Christian Brothers) is a Catholic male religious order founded in Ireland in 1802 by Edmund Rice. The Christian Brothers was established primarily to provide academic education, vocational training and care for poor boys.

The Christian Brothers operated or provided staff for six primary and secondary schools in Ballarat and Warrnambool. St Alipius Boys’ School (St Alipius), a primary school in Ballarat East, and St Patrick’s College, a secondary school in Ballarat, were the principal focus of our inquiry. They were staffed primarily by Christian Brothers from the St Patrick’s community. We heard evidence from a number of men that they were sexually abused at these schools.

Structure and governance

Worldwide, the Christian Brothers is divided into areas known as ‘provinces’. The events the subject of this report principally occurred in St Patrick’s Province and Holy Spirit Province. Between 1953 and 1967, St Patrick’s Province covered Victoria, Tasmania, South Australia and Western Australia. In 1967 it was divided in two. St Patrick’s Province covered Victoria and Tasmania. Holy Spirit Province covered Western Australia and South Australia.
The leader of each province was known as the ‘provincial’ (now known as the province leader). We examined the knowledge and response of the provincial at relevant times to allegations and complaints about sexual abuse of children by Christian Brothers – in particular, St Patrick’s provincials Brother Chanel Naughtin (1972–1984) and Brother Francis Chappell (1984–1990), and Holy Spirit provincial Brother Gerard Faulkner (1984–1996).

Each province also had a provincial council (now known as the province leadership team). The provincial council provided advice and support to the provincial. We examined the knowledge and response of the provincial council to allegations and complaints about sexually inappropriate conduct towards children by Christian Brothers.

Within each province, the Christian Brothers are organised into ‘communities’. In the 1960s, 1970s and 1980s, there were around 25 to 30 Christian Brothers communities in Victoria. Each Christian Brothers community is led and supervised by the superior of that community. The superior plays a primarily pastoral role in relation to the spiritual welfare of the Brothers in that community.

Supervision of each province took the form of annual visits to communities by a member of the provincial council. The visitor would stay with the community for a number of days and would speak to and observe the Brothers as well as others who were in contact with the community. The visitor would then write a ‘visitation report’, which was sent to the provincial. The visitation report was typically also provided to members of the provincial council.

**St Patrick’s community, Ballarat**

St Patrick’s community is the Christian Brothers community in Ballarat. In the 1970s, St Patrick’s community was one of the largest Christian Brothers communities in Australia.

Although St Patrick’s community is located within the geographical boundaries of the Diocese, it is not subject to the authority of the Bishop of Ballarat.

Brothers from the St Patrick’s community taught at four different schools in Ballarat: St Alipius, St Patrick’s College, St Paul’s Technical School and St Patrick’s Drummond Street. The Brothers who taught in parish schools such as St Alipius, or diocesan schools such as St Paul’s Technical School, remained subject to the overall authority of the Christian Brothers. However, in relation to the management of the particular school, the Brothers were also responsible to the relevant parish priest or the bishop.

The Brothers who taught at these schools lived together on the grounds of St Patrick’s College.

St Alipius and St Patrick’s College also had a chaplain, who was appointed by the Bishop of Ballarat. The chaplain was independent of the Christian Brothers but very involved in the life of the school.
Many children, mainly boys, said they were sexually abused at St Alipius and/or St Patrick’s College. In this report we consider what was known to the Christian Brothers and Catholic clergy in the Diocese of complaints about:

- Brother Gerald Leo (Leo) Fitzgerald
- Brother BWX
- Stephen Farrell
- Edward Dowlan
- Peter Toomey.

Allegations of sexual abuse by Robert Best

Robert Best was given the pseudonym ‘CCK’ during the public hearing so as not to prejudice then current criminal proceedings against him for child sexual abuse offences. That pseudonym direction was vacated following the completion of the criminal proceedings.

Best was appointed to teach at St Alipius in 1968 and remained there until 1973. A number of survivors told us that they were sexually abused by Best. However, we did not hear evidence that anyone in authority in the Christian Brothers or the Diocese knew of complaints about Best’s conduct at the time. For that reason, knowledge about Best’s conduct is not considered in this report.

‘Common knowledge’ among students

A number of former students of St Alipius and St Patrick’s College told us that the sexual misconduct of Christian Brothers towards students was common knowledge around the schools.

We have no reason not to accept this evidence, which was not challenged in any way. It was powerful and compelling. Accordingly, we accept that in the early to mid-1970s there were widespread rumours about the Christian Brothers’ sexual misconduct around boys and those rumours were known by many, if not most, of the students in St Alipius and St Patrick’s College.
2.2  Brother Gerald Leo (‘Leo’) Fitzgerald

Brother Fitzgerald was born in 1902, was admitted as a Christian Brother in September 1919 and made his final profession of vows in 1927. He worked in various places in Victoria from 1921, including Ballarat and Warrnambool. Brother Fitzgerald was never charged with any child sexual abuse offences. He died in 1987.

Allegations against Brother Fitzgerald in the 1950s

Brother Fitzgerald spent many years working in orphanages and with ‘delinquent boys’ in the 1930s, 1940s and 1950s.

In 1943, Brother Fitzgerald was made a probation officer for Catholic delinquent boys and was moved to live at St Vincent’s Orphanage in South Melbourne. By 1950, the provincial was aware of specific concerns about Brother Fitzgerald’s conduct around boys. Despite a direction in April 1950 that in no circumstances was he to take on any form of supervision, Brother Fitzgerald was discovered in the dormitory at St Vincent’s Orphanage looking after boys. He was reprimanded. The provincial censured him for allowing boys to enter his room and for kissing a boy.

Brother Fitzgerald was allowed to remain at St Vincent’s Orphanage until the following year, when he was moved to Albert Park in Victoria. At Albert Park he continued to work as a probation officer with access to children.

We find that it was wrong and unacceptable for the provincial, Brother JL Mackey, to allow Brother Fitzgerald to remain as a probationary officer at St Vincent’s Orphanage for a further year after first becoming aware of the incidents there. It was also wrong and unacceptable for the provincial to move Brother Fitzgerald to other appointments where he continued in his role as a probation officer, giving him ongoing access to children.

Permitting Brother Fitzgerald to remain in his position and moving him to other appointments where he had ongoing access to children was wrong and unacceptable by the standard imposed by the provincial of the day.

St Alipius Boys’ School

In June 1962 Brother Fitzgerald was appointed to a teaching position at St Alipius. He held the position for 13 years until 1975. This appointment to a teaching position should not have occurred, and a system in which this could happen was completely inadequate and unsatisfactory.
Brother Paul Nangle was superior of the Ballarat community from January 1973 to July 1978. It was never brought to his attention that Brother Fitzgerald was censured in the 1950s.

We find that Brother Nangle should have been informed of the complaints about Brother Fitzgerald’s conduct for which he was censured in 1950. Brother Nangle was the superior of the community. Again, a system in which this information was not passed on to Brother Nangle was inadequate and unacceptable.

Several survivors gave evidence that they were sexually abused by Brother Fitzgerald while they were students at St Alipius. The common theme was that boys were made to sit on his knee and were kissed and fondled. Brother Fitzgerald would line his students up and kiss them goodbye. He would also take boys swimming at school picnics. The boys would swim naked while Brother Fitzgerald watched. Brother Fitzgerald also swam in the nude. For some, it seemed to be common knowledge at the school that this was a tradition.

Just before Brother Fitzgerald retired in 1975, Brother Nangle received a complaint from the father of a student at St Alipius. The father was a policeman.

Brother Nangle regarded the conduct as sufficiently serious and ‘unacceptable’ to warrant reporting it to the provincial and did so immediately. Brother Nangle was immediately made aware that Brother Fitzgerald was to be withdrawn from teaching as a result of the report from the parent. Brother Nangle understood there was a sexual element to Brother Fitzgerald’s behaviour.

**Brother Fitzgerald’s retirement from teaching**

In March 1975, Brother Naughtin told Brother Fitzgerald that he had decided Brother Fitzgerald was to retire from full-time teaching at the end of the term and referred to the ‘complications that have arisen in recent times’. We do not doubt that the ‘complications’ referred to the conduct that the police officer complained of.

In 2014, Brother Nangle told Mr Howard Harrison, a solicitor representing the interests of the Christian Brothers, that in his time there was never any suggestion of improper conduct by Brother Fitzgerald. That was not true. Brother Nangle had received a complaint of improper conduct in 1975 and told the provincial immediately. We infer his statement was designed to protect the Christian Brothers.

Brother Fitzgerald continued to live in retirement at the Brothers’ residence on the grounds of St Patrick’s College.

In July 1976, a visitation report noted that Brother Fitzgerald should be watched and, if there were any indications of future incidents, he should be removed from Ballarat.
It is likely that the report was provided to the provincial and the provincial council. Neither the provincial, Brother Naughtin, nor the provincial council took steps to impose any restrictions on Brother Fitzgerald’s access to children, including in the dormitories.

That report indicates that in 1976 the visitor knew of the reason for Brother Fitzgerald’s retirement and knew that his proximity to boarding schools presented a risk of the same conduct arising. He should have been moved to a location or role where that risk was minimised or removed.

A June 1978 visitation report records that Brother Fitzgerald ‘used to visit the Junior Dormitory and play with the boys’. It was recorded that the superior told the community that the Brothers should not visit dormitories without permission. Although it was couched as a ‘general principle’, Brother Nangle said it was directed particularly to Brother Fitzgerald.

Again, it is likely that this visitation report was provided to Brother Naughtin and the provincial council. There is no evidence that Brother Nangle received the visitation report.

By June 1978, the provincial, Brother Naughtin, the provincial council and Brother Nangle knew that Brother Fitzgerald had access to children at St Patrick’s College, particularly in the dormitories, and that there was a risk of sexual contact with the students. Despite this, the only condition or restriction on his contact with children was that Brother Nangle told him not to go to the dormitories. The provincial did not remove him from a community whose residence was located on school grounds. He should have been removed.

**What diocesan clergy knew about Brother Fitzgerald’s conduct with children**

Each year, Brother Fitzgerald took grade 3 boys swimming naked at an annual St Alipius camp. The practice was notorious among students at St Alipius and St Patrick’s College.

**What Father O’Toole knew**

Father Lawrence O’Toole was an assistant priest at Ballarat East in 1973. He knew about the annual trip to the lake. He was informed by parents that Brother Fitzgerald would take boys swimming, and the boys would be in the nude. He thought the parents ‘were accepting of it’. Father O’Toole was shocked at this practice; however, he did not do anything about it. He did not tell the parish priest or take it any further.

The most likely reason for his shock was the ‘sexualised’ nature of that activity. Regardless of whether the parents were accepting of the activity, priests and clergy had a responsibility to ensure that they, and their fellow Brothers and fellow clergy, acted protectively towards children in their care.
It may have not been unreasonable for Father O’Toole to believe it was not for him to raise Brother Fitzgerald’s conduct with the provincial. However, it is troubling that nothing was done even though he was shocked by the conduct and believed that there was a sexual element to it.

What Father Pell knew

Father George Pell was also an assistant priest at Ballarat East in 1973. He too heard about students swimming naked with Brother Fitzgerald. It was ‘quite common knowledge’. Although ‘no improprieties were ever alleged’ to Father Pell, he would have considered it somewhat imprudent of a Brother to do this at the time.

Father Pell also heard talk about Brother Fitzgerald kissing some of the boys as they were leaving school. At the time he did not see Brother Fitzgerald’s kissing of children as sexualised behaviour; he said it was ‘common knowledge, and the general conviction was, it was harmless enough’. He said that, while it was certainly unusual, ‘people were aware of it and they weren’t insisting that anything be done’.

Regardless of whether the parents or others were accepting of the activity, priests and clergy have a responsibility to ensure that they and their Brothers and fellow clergy act protectively towards children in their care. A specific request or accusation should not be required for the Church to act protectively towards children in its care. The conduct was occurring while the children were under the direct care and supervision of the Church.

We agree that the standards at the time should prevail. However, Brother Fitzgerald’s conduct was not only wrong by contemporary standards; in the early 1970s, the attitude was also that Brother Fitzgerald’s conduct was of concern. Father O’Toole gave evidence he was shocked at the conduct. Father Pell thought it imprudent. The likely and rational reason for those responses was that the swimming posed a risk of sexual contact and that kissing boys was sexualised behaviour.

Father Pell said he had no jurisdiction ‘in any sense’ over the Christian Brothers. It was not unreasonable for Father Pell, as a diocesan priest, to believe it was not for him to raise the conduct of Brother Fitzgerald with the provincial.

What other clergy knew

BAB told us that he was sexually abused by Brother Fitzgerald in 1973, when he was in grade 3. About three months later, he told a visiting priest to St Alipius during confession that Brother Fitzgerald had ‘done things’ to him. He said the visiting priest responded, ‘That didn’t happen’. BAB said he realised there was no point in telling anyone else.
We accept BAB’s evidence that he told a visiting priest. The response of the priest was inexcusably wrong and contributed to Brother Fitzgerald continuing to have access to children. It shows how the response of the institution can inhibit children from complaining.

2.3 Brother BWX

Brother BWX was born in 1939 and entered the novitiate in January 1956. Brother BWX has never been charged with a child sexual abuse offence. He was given the pseudonym ‘BWX’ so as not to prejudice then current criminal investigations about child sexual offences.

What the Christian Brothers knew about Brother BWX’s conduct in the 1960s

A complaint was made about Brother BWX in Perth, Western Australia, in August 1960. At the time he was teaching English at Christian Brothers College, St George’s Terrace. This complaint was communicated by a Christian Brother in Perth in a letter to a ‘Brother Consultor’. Brother BWX was confronted with the allegation and admitted to touching the genitals of eight boys over the previous year. A short time later, Brother BWX was transferred to Brunswick in Victoria, where he was appointed to another teaching position. The reasons for Brother BWX’s move to Victoria, at least in part, involved a desire to conceal the real reason for his having left the school in Perth and to protect the reputation of the Christian Brothers.

The letter to the ‘Brother Consultor’ reached the provincial council at some stage. The provincial and/or the provincial council were aware that Brother BWX was removed from Perth and sent to Victoria following an admission of sexual misconduct with children.

In these circumstances, it was inexcusably wrong for Brother BWX to have been moved to Brunswick in 1960 and appointed to another teaching position, and later to other teaching positions where he sexually abused more children. There is no evidence to suggest that Brother BWX was sent for treatment either before or immediately after his transfer to Brunswick or that he was subject to any special restrictions or safeguards to address the threat that he would engage in further sexual abuse of children.

The systems and procedures in place which allowed this to happen were completely inadequate and unsatisfactory.

Brother BWX worked in Christian Brothers schools until 1968.

While Father Francis Madden was chaplain at a Christian Brothers College in Warrnambool in Victoria, between 1964 and 1968, he overheard conversation among students in the vein of ‘be careful if Brother BWX offers to give you a massage’ or ‘don’t let Brother BWX get you behind the shelter shed’.
He told the principal of the college, Brother HL Williams, what he had overheard. He was concerned about the boys using that sort of language. He was clearly right to report to the principal of the school.

In the early 1970s at Ballarat, Father Brendan Davey, the chaplain at St Patrick’s College, mentioned to Father Madden that Brother BWX was a member of staff there. Father Madden told Father Davey what he had overheard the students at Warrnambool saying about Brother BWX several years earlier, in the mid-1960s.

There was an obvious sexual aspect to what was said by the boys and overheard by Father Madden. We accept that it did not occur to him that Brother BWX was actually engaging in some sort of sexual misconduct with boys. However, if Father Madden believed it was entirely benign, it is unlikely that he would have reported it and unlikely that he would have recalled it some years later and told the chaplain. We make no finding as to Father Madden’s actual knowledge.

Brother BWX accepted that in 1966 Brother Williams had spoken to him about an allegation and warned him that he should not ‘go one to one with boys or touch their genitals’.

At the beginning of the following year, in January 1967, Brother BWX was transferred from Warrnambool to another teaching position at North Melbourne. From the timing, at least one of the reasons he was transferred from Warrnambool was that allegations had been made against him.

It was inexcusably wrong for Brother BWX to have been appointed to another teaching position when allegations of his sexual misconduct with students were known to the Christian Brothers and they were sufficiently concerned to put in place restrictions on his access to children.

**Allegations about Brother BWX’s conduct in Ballarat**

Brother BWX was transferred from North Melbourne to a teaching position at St Patrick’s College, Ballarat, in January 1971. The reason for his transfer from North Melbourne is not known.

Again, it was inexcusably wrong for Brother BWX to be appointed to another teaching position.

In 1973, Brother BWX was a teacher and dormitory master at St Patrick’s College. Mr Peter Farley, a lay teacher, saw Brother BWX engaged in sexual activity with two boarders. He reported what he saw to Brother Nangle, the headmaster of the college and superior of the community. Brother Nangle immediately informed Brother BWX of the allegation. Brother
BWX admitted it was true. Brother Nangle immediately drove to Melbourne to see the provincial, Brother Naughtin, who said Brother BWX would be taken out of the school straight away.

Brother Naughtin transferred Brother BWX out of St Patrick’s College in July 1973 as a direct result of Brother BWX’s admission that he had sexually abused two boarders at the school.

Brother Nangle previously reported Brother BWX’s conduct with the two boarders to the provincial, the parents of the boys concerned and the Bishop of Ballarat, Bishop Ronald Mulkearns.

In July 1973, the same month that he was removed from St Patrick’s College, the Christian Brothers moved Brother BWX to St Kevin’s College in Toorak, Victoria. He was appointed as the school’s sports master. There is no evidence that Brother Naughtin informed the principal of St Kevin’s College of Brother BWX’s offending or otherwise imposed any restrictions or conditions upon him.

It was inexcusably wrong for Brother Naughtin to appoint Brother BWX to St Kevin’s College, Toorak, in 1973 when he knew at least that Brother BWX had offended at St Patrick’s College that year and it is likely that he knew of Brother BWX’s earlier misconduct.

It was also inexcusably wrong of Brother Naughtin to fail to inform the headmaster of St Kevin’s College of what had happened at St Patrick’s College. Given that Brother Naughtin knew that Brother BWX had not only admitted the conduct but also failed to appreciate its seriousness, there was no basis for him to expect that Brother BWX would cease the conduct.

In these circumstances, Brother Naughtin’s conduct was particularly appalling. He placed Brother BWX in a school environment despite knowing the serious risk that he posed to students.

We are of the view that the Christian Brothers, similar to other Catholic orders, have a structure in which ultimate power and responsibility rests with one person: the provincial. A system without checks and balances has the obvious potential for mismanagement or abuse of that power and neglect of that responsibility.

**Brother BWX after Ballarat**

In 1981, Brother Naughtin received a further complaint from BWW, a former student at St Kevin’s College, Toorak, about Brother BWX’s sexually inappropriate conduct towards children. We cannot be satisfied that Brother Naughtin sent Brother BWX for counselling or took any other action in response to this complaint.
Brother BWX was sent to St Kilda in 1981. He remained at St Kilda in Victoria until 1984. In 1984, Brother BWX was transferred to Bundoora in Victoria. It was inexcusably wrong for Brother Naughtin, as provincial, to transfer Brother BWX to Bundoora in 1984 when he knew of the 1981 complaint by BWW and also that Brother BWX had admitted to offending in Ballarat in 1973.

In 1984, at the conclusion of his term as provincial, Brother Naughtin destroyed personnel records and reports. The personnel records are likely to have contained important information about Brother BWX’s conduct and his suitability to be around children, including complaints about child sexual abuse. Those records should have been retained so that future provincials were aware of his history and able to take necessary precautions.

In 1994 Brother BWX was sent to the St Luke Institute in the United States for treatment for ‘child abuse incidents’. He returned to Australia in 1995. In 1998, Brother BWX signed a ‘Continuing Care Contract’ with the Christian Brothers. It is not known what prompted this arrangement.

2.4 Stephen Farrell

Stephen Farrell was born in 1951 and entered the Christian Brothers juniorate in 1968. He did not make his final profession. He was appointed to teach at St Alipius in 1973 and 1974. In the two years he was there, at least three allegations emerged about Farrell’s sexual conduct with children.

Farrell has been convicted of indecent assault against boys at St Alipius.

Father O’Toole told us that in 1973, when he was an assistant priest at Ballarat East, Monsignor William McMahon, the parish priest, told him that a parent of a child had alleged that Farrell had exposed himself to the child. Father O’Toole did not do anything with this information. He thought it was the responsibility of the monsignor as the senior priest. He did not follow up with Monsignor McMahon as to what he had done. Monsignor McMahon died in 1978.

In 1974 Mrs CCE took her son, CCD, to St Patrick’s College to the Brothers’ residence and spoke with the ‘head brother’ about what Farrell had done to her son. The head Brother said, ‘Don’t go to the police’, and that he would get rid of Farrell. CCD returned to school a couple of days later. Neither he nor Mrs CCE recall seeing Farrell at St Alipius again.

Brother Nangle, the head Brother, said he went to Farrell’s bedroom and passed on ‘the substance’ of the parent’s complaint. Farrell said it was true. Brother Nangle said he then telephoned the provincial, Brother Naughtin, and informed him of the complaint. In 2003,
Brother Naughtin told Catholic Church Insurance Ltd (CCI) he had no recollection of receiving a report of improper conduct against Farrell. Brother Naughtin is now deceased. Brother Nangle could not recall telling CCD and Mrs CCE not to go to the police.

We accept Brother Nangle’s evidence that he reported the complaint to the provincial at the time. We also accept CCD’s and Mrs CCE’s evidence that Brother Nangle asked them not to go to the police.

In 1975, after leaving St Alipius and the Christian Brothers, Farrell applied for and obtained a lay teaching position at a Catholic primary school in Pascoe Vale, Victoria. Nobody within the Christian Brothers took any steps to notify other Catholic schools in the Diocese, the St Alipius school community or the wider Ballarat community of Farrell’s admission in relation to his sexual abuse of children at St Alipius.

Mr Philip Nagle told us that he was sexually abused by Farrell multiple times during 1974 in a number of different locations at St Alipius. Mr Nagle said that after Farrell left St Alipius he continued to visit Mr Nagle’s family. During one of those visits, he saw Farrell sexually abusing his brother.

It was unacceptable for Brother Naughtin to fail to notify the St Alipius school community about the complaint against Farrell in 1974. The Church parties acknowledged, rightly, that, if that had been done, it is unlikely that the post-1974 sexual abuse of Mr Nagle’s brother would have occurred.

2.5 Edward Dowlan

Dowlan was born in 1950. He entered the Christian Brothers novitiate in 1968 at the age of 16 and made his perpetual vows at the end of 1975 at the age of 25. Dowlan held a number of teaching appointments in Victoria between 1971 and 1993. He was first interviewed by police in 1993.

Dowlan between 1973 and 1974

Brother Nangle was the headmaster of St Patrick’s College in Ballarat when Dowlan was appointed to the teaching staff in 1973. Brother Nangle was also superior of St Patrick’s community.

In 1973 the student representative council (SRC) at St Patrick’s College informed Brother Nangle of a complaint that Dowlan had been putting his hands down students’ pants. Brother Nangle responded by asking the SRC representative who raised the complaint, Mr Timothy Barlow, to come forward at a school assembly and apologise to the school for spreading lies.
We are satisfied that Brother Nangle’s response to Mr Barlow’s complaint was humiliating to Mr Barlow and explains why it has remained in Mr Barlow’s memory. Brother Nangle’s response was also wrong.

Mr Neil Wileman is a former boarder at St Patrick’s College. In 1973, while he was at the college, he was sexually abused by Dowlan. He approached Brother Nangle one day in late 1973 ‘and told him that Dowlan was hurting me’. He was not able to tell Brother Nangle about the sexual abuse at that time. Brother Nangle said he would talk to Dowlan. He did not question Mr Wileman to find out what was going on.

Brother Nangle did not recall the interaction, but he did not deny it occurred. We accept Mr Wileman’s evidence.

If a child tells a school principal that a Brother is ‘hurting’ him, questions should be asked to ascertain the nature of the problem and whether the child is at risk. Brother Nangle should have asked questions of Mr Wileman to find out the circumstances of Dowlan hurting him. If he had done so, Mr Wileman may have disclosed that he was being sexually abused. It was a missed opportunity for Brother Nangle to learn of an allegation of misconduct on Dowlan’s part.

In 1974, the mother of a St Patrick’s College student complained to Brother Nangle about Dowlan administering excessive corporal punishment on her son, BWG.

Although the evidence is insufficient to establish that BWG’s mother told Brother Nangle the extent of BWG’s physical injuries, we accept that BWG had been severely beaten with a belt buckle.

Brother Nangle told us he did not ask for details of what had occurred to lead to BWG’s complaint, and he did not ask Dowlan what he had actually done. He did not report the incident to the provincial. Brother Nangle told us that when BWG’s mother first came to see him they discussed involving the police. Brother Nangle stated that he apologised to BWG’s mother and recalled discussing the police with her.

Brother Nangle should have done more to understand the extent of the punishment. He should have asked questions of Dowlan, BWG and BWG’s mother in order to understand the precise nature of the complaint.

In 1996, Dowlan was convicted of indecently assaulting BWG.

In 1974, Mr Maurice Holloway, a lay teacher at St Patrick’s College, became aware of a report by a parent on behalf of two families about ‘inappropriate behaviour’ by Dowlan with two boys in the junior school. Dowlan denied the allegation.
There is no evidence that Brother Nangle reported this complaint to the provincial or took any other action in relation to it.

Mr Martinus Claassen was a student at St Patrick’s College from 1974 until 1979. In 1974, Mr Claassen told his mother that Dowlan had touched him and, when he told Dowlan to stop, Dowlan hit and pushed him.

In mid-1974, Mr Claassen and his mother met with Brother Nangle at St Patrick’s College, and Mr Claassen told Brother Nangle that Dowlan had touched him on the genitals.

There is no evidence that Brother Nangle reported this complaint to the provincial or took any other action in relation to it. Dowlan remained at St Patrick’s College until 1975, despite Brother Nangle’s knowledge of the complaint. By now, he also knew of Mr Barlow and the SRC’s complaint, and the complaint through Mr Holloway. These complaints all related to Dowlan touching students in a sexually inappropriate way.

Mr Paul Tatchell was a student and boarder at St Patrick’s College in 1974. Mr Tatchell recalled that one night in September or November 1974 he woke with Dowlan stroking his head and pulling his blankets off. He told Dowlan to go away. Dowlan raped him.

Afterwards, Mr Tatchell called his father and told him to get him out of there. When his parents arrived, Mr Tatchell was distressed. When Mr Tatchell was asked what the trouble was, he said, in the presence of Brother Nangle, ‘they were a heap of poofters and get me out of here’.

If Brother Nangle did not already understand what Mr Tatchell meant by this comment or the reasons for his distress more generally, he did not ask any questions to find out, as he should have.

In 1973 or 1974 Brother Bernard Scott, the principal of St Paul’s Technical School in Ballarat, took Dowlan and some boys on a camp. When the boys returned to school, Brother Scott heard rumours that Dowlan had ‘played funny buggers’ on the camp. He never invited Dowlan on another camp. However, the precise nature of the rumours is not known.

We have found that Brother Nangle received complaints about Dowlan sexually abusing boys from Mr Barlow, a member of the SRC at St Patrick’s College; Mr Holloway, a lay teacher at St Patrick’s College; and Mr Claassen, a student of St Patrick’s College, and his mother.

This evidence makes it implausible that Brother Nangle, as he told us, did not hear any rumours or allegations of child sexual abuse in relation to Dowlan until the mid-1990s.

We are satisfied that there was no effective response to any of those reports or complaints in order to manage the risk to children posed by Dowlan. Brother Nangle consistently and unreasonably declined to obtain the details of such reports and complaints.
Father Pell’s knowledge about Dowlan in the early 1970s

In the early 1970s, Cardinal Pell was told by one or two students, and one or two priests, about Dowlan’s infractions of a sexual nature with minors. We accept that Cardinal Pell concluded at the time that Dowlan must, at the very least, have been unwise and imprudent.

Cardinal Pell told the chaplain at St Patrick’s College, Father Brendan Davey, about the rumours he had heard about Dowlan. We accept that Father Davey told him there were problems and that the Christian Brothers were looking into it. It is not known what Father Davey did with the information that Cardinal Pell provided to him.

Cardinal Pell did not tell Brother Nangle or Bishop Mulkearns about what he had heard.

BWF’s alleged report to Father Pell about Dowlan

BWF gave evidence that after finding out what happened to BWG he went to the St Patrick’s presbytery to speak with Father Pell. He said he told Father Pell that Dowlan had beaten and molested BWG. BWF said Father Pell became angry, told him to go away and shut the door. Cardinal Pell denied BWF’s allegations and denies these events took place. He gave evidence about his working and living arrangements during this period.

We accept Cardinal Pell’s evidence about his working and living arrangements in Ballarat in 1973 and 1974 and that he was rarely at the St Patrick’s presbytery. There is no evidence to contradict what Cardinal Pell told us. Cardinal Pell’s living arrangements and duties in 1973 and 1974 make it unlikely that he was at St Patrick’s presbytery late in the afternoon on a weekday.

We are not satisfied that BWF spoke to Father Pell about Dowlan at St Patrick’s presbytery in late 1973 or 1974 as he alleged, as it is unlikely that Father Pell was there and Cardinal Pell has denied it.

We do not doubt that BWF went to the St Patrick’s presbytery and reported to a priest that BWG had been beaten and molested by Dowlan and that the priest responded generally as he alleged. However, while we accept that BWF genuinely believes he spoke to Father Pell, we are not satisfied he did. We do not know the identity of the priest he did speak to.

Mr Timothy Green’s alleged report to Father Pell about Dowlan

Mr Timothy Green started high school at St Patrick’s College in 1973. He told us he was taught by Dowlan, who sexually abused him on a number of occasions. He said it was common knowledge among the students in his year that Dowlan was abusing many boys at the school.
Mr Green gave evidence about an incident in late 1974, when he was 12 or 13 years old. He told us he was in the changing room at the Eureka Swimming Pool in Ballarat with two friends when Father Pell walked in. Mr Green stated:

Father Pell came in to the change room and said something like ‘G’day boys’ and went and stood behind us and started getting changed. Then I just said something like, ‘We’ve got to do something about what’s going on at St Pat’s’. Father Pell said, ‘Yes, what do you mean?’ I said, ‘Brother Dowlan is touching little boys’. Father Pell said, ‘Don’t be ridiculous’ and walked out.

BWD, one of the friends who Mr Green said was with him in the changing room, provided a statement to the Royal Commission. He did not recall ever being at the Eureka Swimming Pool with Mr Green, although he said it would not surprise him if he had been there with Mr Green and the other boy Mr Green referred to. That boy is deceased.

Cardinal Pell told us he had no recollection of the incident at all. He did not accept that Mr Green spoke to him in about 1974 about Dowlan. Cardinal Pell did not suggest Mr Green was being untruthful but, rather, that he had no recollection.

We accept that in late 1974, in the Eureka Swimming Pool changing room at Ballarat, Mr Green said to Father Pell, ‘We’ve got to do something about what’s going on at St Pat’s’. When Father Pell asked what he meant, Mr Green responded, ‘Brother Dowlan is touching little boys’. Father Pell said words to the effect of ‘Don’t be ridiculous’ and walked away.

**Dowlan after 1975**

Mr Rob McBride is a former student of St Leo’s College in Box Hill, Victoria. In late 1976, he and two friends made an offhand comment to Brother Kevin Sebastian Delaney, a teacher at the school, that years earlier, when Mr McBride attended St Thomas More primary school in Nunawading in 1972, Dowlan had put his hands down students’ pants and fondled them. Brother Delaney asked the boys to write a letter. The boys did this and gave the letter to Brother Delaney. It is not known what Brother Delaney did with this information.

By July 1985 the provincial, Brother Chappell, and at least one member of the provincial council, Brother Paul Noonan, had been informed by the superior and principal of Cathedral College East Melbourne that Dowlan was ‘overtly affectionate in expression with his boys’.

In October 1985, Mrs CCF’s 12-year-old son disclosed to her that Dowlan had touched his private parts and ‘that it was common knowledge at the school that the students believed Brother Dowlan had a problem with touching them’.
Mrs CCF said that she rang the college and spoke to a Miss Johnston. She asked if Miss Johnston was aware of ‘Dowlan’s problem’. On a later occasion, Mrs CCF spoke with the principal, Brother Anthony Dillon. Mrs CCF got the impression that Brother Dillon knew what was going on.

It is not known what, if any, action Brother Dillon took in response to what Mrs CCF raised.

In 1987 Dowlan was appointed to another teaching position at St Mary’s Technical College in Geelong, Victoria. In 1988, Brother John O’Halloran, the superior of the St Mary’s community, was informed that a year 7 boy from another school in the community, St Augustine’s, had disclosed during therapy that Dowlan had ‘related to him improperly in some way’.

We are satisfied that both the provincial, Brother Chappell, and a member of the provincial council knew of the allegation in 1988 that Dowlan had related improperly in some way to a young boy.

There is no evidence about what, if anything, Brother Chappell did with this information. Certainly, Dowlan was not removed from St Mary’s Technical College.

We find that, if there was no investigation or follow-up by the provincial in relation to the allegation Dowlan had related improperly in some way to a boy, that was completely inadequate and unsatisfactory. The failure by the provincial to immediately remove Dowlan from St Mary’s Technical College and his subsequent appointment to other schools was inexcusably wrong.

In 1988, the father of a student at St Mary’s Technical College, CCL, telephoned Ms Isabel Clingan, a lay teacher there, about something Dowlan had done to his son. A couple of days later Brother O’Halloran told her he had met with CCL’s father and that the complaint was a private matter for the Christian Brothers. He told her, ‘don’t worry about that, it’s all been fixed’. We accept Ms Clingan’s evidence.

By this time, Brother O’Halloran knew the content of the allegation about Dowlan relating improperly to a year 7 boy from St Augustine’s.

By the end of 1988, the Christian Brothers transferred Dowlan from St Mary’s Technical College to St Vincent’s Special School at South Melbourne in Victoria. Dowlan was appointed principal. St Vincent’s Special School catered to boys from 10 to 16 years of age who were in the care of the Department of Human Services and unable to live in family settings.

By this time, the provincial, Brother Chappell, and at least three of the four members of the provincial council – Brother Noonan, Brother Mark O’Loughlin and Brother Brian Brandon – suspected or knew of allegations of Dowlan’s sexual behaviour towards children. Given the suspicions that the provincial and some on the provincial council already held, Dowlan should never have been appointed to that position.
The conduct of the provincial, Brother Chappell, and the provincial council in appointing Dowlan not only to another school position but also to one in which he had access to the most vulnerable boys, with the knowledge of the risk he posed to children, was inexcusably wrong. For at least two years, Dowlan was the only adult living in a unit with a group of boys. He was in charge of the night-time care of those boys and directly responsible for their supervision and wellbeing.

In 1991 Dowlan was appointed as a classroom teacher to the Catholic Regional College in Geelong, Victoria. By this time Brother Noonan was the provincial.

Once again, Dowlan was given another role within a school environment, with access to children, in circumstances where Brother Noonan and members of the provincial council knew of allegations about Dowlan’s sexual misconduct with children dating from 1985.

Dowlan was only removed from his position as class teacher at the Catholic Regional College in Geelong towards the end of 1993 after the Christian Brothers received calls from the police.

In 1996 Dowlan was convicted of 18 counts of child sexual offences committed between 1971 and 1982. He was sentenced to nine years and eight months’ imprisonment. In 2015, Dowlan (who had by that stage changed his name to Ted Bales) was convicted of a further 34 counts of child sexual offences against 20 boys between 1971 and 1985.

In 2009, Brother Brandon wrote to Mr Joe Bucci at CCI that the first knowledge the provincial council had of allegations of sexual abuse made against Dowlan was in August 1993.

Brother Brandon’s comments in this email were misleading. It did not convey the true position that the provincial, Brother Chappell, and members of the provincial council had been aware of allegations, complaints and rumours of Dowlan’s sexual misbehaviour with children from at least July 1985.

In the mid-1990s, the Christian Brothers engaged a private investigator through the solicitors who acted for Dowlan on their behalf. Ms Glynis McNeight, the private investigator, investigated the complainants in criminal proceedings against Dowlan. Ms McNeight visited at least two victims and reported back to her instructors about them.

Brother Brandon acknowledged in his evidence that the strategy which was adopted put victims under stress and was potentially injurious to victims and others in the community. He apologised that such a strategy was adopted and that victims were subjected to undue stress as a consequence. We agree with Brother Brandon that the strategy was potentially injurious to victims and subjected them to undue stress.
2.6 Peter Toomey

Peter Toomey was given the pseudonym ‘CCJ’ so as not to prejudice then current criminal proceedings against him for child sexual offences. That pseudonym direction was vacated following the completion of the criminal proceedings.

Toomey was born in 1949. He entered the Christian Brothers juniorate in 1966 and the novitiate in 1968. His first appointment was in 1971, when he taught at St Joseph’s College in Geelong.

Trinity Regional College Brunswick

In 1973, Toomey was moved from St Joseph’s to Brunswick in Melbourne, where he taught at Trinity Regional College. Brother Naughtin was the provincial of St Patrick’s Province at the time. Brother Len Francis was the superior of the Brunswick community and principal of Trinity Regional College.

In July 1973, a visitation report prepared by Brother Ronald Stewart records that Toomey found the first term at Trinity Regional College very difficult and that ‘During this unsettled period there was an indiscretion with a boy of which he realises the seriousness, and it would seem that a repetition is unlikely’. While the specific conduct is not known, the plain inference from the wording of the report is that the indiscretion related to sexual misconduct and Toomey admitted the conduct.

There is no evidence that any action was taken in relation to Toomey’s conduct. Toomey was not removed from the school or from contact with children – he remained at Brunswick for a further 18 months, until the end of 1975. During this time, further allegations emerged.

We find that the absence of any investigation or follow-up by the provincial on receiving this information was completely inadequate and unsatisfactory. The failure to remove Toomey from Trinity Regional College was inexcusably wrong.

In 2006, BWT, a student at Trinity Regional College in 1973, contacted the Christian Brothers and reported an incident which occurred in 1973. According to BWT, in 1973 he told his parents that he had been sexually abused by Toomey. They reported this to Brother Francis. The specifics of the allegation that BWT said he reported to Brother Francis in 1973 are not known. In 2006, Brother Brandon asked Brother Francis about the incident. Brother Francis could not recall BWT or the meeting; however, he did not deny the incident.

Sometime between 1973 and mid-1975, Brother Francis recorded in a handwritten note that on two or three occasions earlier in the year Toomey had been ‘too familiar in his touching of the boys’.
Brother Francis reported this behaviour to the provincial, Brother Naughtin.

**The Christian Brothers appoint Toomey to further teaching positions**

Toomey was removed from Trinity Regional College at the end of 1975 and was given another appointment at a school. He commenced at Parkville in January 1976. After only six months at Parkville, Toomey was transferred to another teaching position at Forest Hill. He was moved again in 1977, when he was appointed to the teaching staff at Cathedral College in East Melbourne.

It was inexcusably wrong for Toomey to be appointed to further school roles, having regard to what the Christian Brothers knew about his conduct at Trinity Regional College.

In 1978, Brother Naughtin was informed that Toomey was organising the choir, altar boys and the school’s ‘Sexuality Programme’. In 1979, Brother Naughtin was informed that Toomey was conducting ‘progressive’ sex education classes at the school. In 1981, he was informed that Toomey ‘spends a considerable amount of time counselling the boys’.

Brother Naughtin knew that only a few years earlier, in 1973, Toomey had been involved in an ‘indiscretion’ with a boy at Trinity Regional College. He also knew about Toomey’s speaking freely of sex and being too familiar in his touching of boys in 1975.

It was obvious, in light of the information Brother Naughtin received in 1978, 1979 and 1981 about Toomey conducting sex education classes, organising the choir and altar boys and spending considerable time counselling the boys, that Toomey had ongoing access to children. It was also obvious that Toomey was not an appropriate person to be involved in sex education classes. There is no evidence that, when Brother Naughtin received these reports, he took any steps to prevent Toomey from continuing to organise sex education classes or otherwise restrict his access to children. Toomey remained at Cathedral College for a further two years, until the end of 1981.

Because no action was taken, we are satisfied that more children were placed at risk of sexual abuse by Toomey. The reputation of the Christian Brothers was prioritised over the welfare of children to whom Toomey had access, and this was inexcusably wrong.

Despite knowledge of the matters set out above, Brother Naughtin appointed Toomey to St Patrick’s College in Ballarat in 1982. Toomey was appointed as a boarding master and teacher.

Mr Andrew Collins told us that he was sexually abused by Toomey at St Patrick’s College in 1983. The day after the sexual abuse, Mr Collins spoke to his home room teacher, Brother Shane Lavery. He told Brother Lavery what had happened with Toomey, and Brother Lavery told him to stay away from Toomey ‘because he’s a pervert’.
In an email to Brother Brandon in 2014, Brother Lavery said he did not remember Mr Collins ever reporting the incident to him. He also said that ‘while I might well have advised him to stay away from Brother [Toomey], I doubt I would have called Brother [Toomey] a pervert’.

We consider it important that, while Brother Lavery did not remember the report from Mr Collins, he had sufficient recall that he ‘might well have advised him to stay away from Brother [Toomey]’. We are satisfied that Brother Lavery advised Mr Collins to stay away from Brother Toomey. It is likely that that advice was given in the circumstances that Mr Collins described.

Toomey remained in Ballarat until 1986, when he was transferred to St Joseph’s College in Geelong. By 1988, he was the superior of that community.

**Holy Spirit Province, Western Australia**

In 1990, Toomey was given an appointment as teacher and deputy headmaster at Kearney College at Bindoon in Western Australia.

In late July 1994, the principal of Kearney College, Brother Laurie Negus, provided a report to the provincial, Brother Faulkner, about an ‘indiscretion with a boy’ involving and admitted to by Toomey.

There is no evidence to suggest that Brother Faulkner took any other action in relation to the concerns raised by Brother Negus. The absence of any investigation or follow-up by Brother Faulkner in relation to the information in Brother Negus’ report was completely inadequate and unsatisfactory.

From 1997 until 2000, Toomey assisted as a teacher and engaged in ‘art therapy’ at three schools.

For Toomey to be appointed to positions within these schools, despite the matters that Brother Negus raised and documented in 1994, was inexcusably wrong. It placed students at those schools at risk of sexual abuse by Toomey.

In August 2000, while Toomey was still teaching part-time at various schools in Western Australia, the principal of St Joseph’s College in Geelong received a complaint from BWR that dated back to Toomey’s first teaching appointment there between 1971 and 1973. Toomey made partial admissions in a meeting in September 2000 with Brother Kevin P Ryan from the Holy Spirit Province. This was reported to the province leadership team (formerly the provincial council).

Despite the allegations that BWR raised, which Toomey had in part admitted, the Christian Brothers did not immediately remove Toomey from his teaching positions in Western Australia. He continued to teach until the end of 2000.
It was inexcusably wrong for the Christian Brothers authorities in the Holy Spirit Province to allow Toomey to continue to teach children in spite of their knowledge of BWR’s allegations, Toomey’s admissions and Brother Negus’ earlier report of improper conduct in 1994.

Toomey saw out the 2000 teaching year. In 2001 Toomey was sent to a treatment facility established by the Australian Catholic Bishops Conference to treat clergy and religious, Encompass Australasia, for treatment. He completed a six-month treatment program in October 2001. Encompass recommended to the Christian Brothers that Toomey not engage in any relationships with children, adolescents or vulnerable adults.

By August 2002, Toomey was being investigated by the police. In November 2005 he was convicted of 10 charges of indecent assault against a number of students at Trinity College in Brunswick in the 1970s and was sentenced to 27 months’ imprisonment, 21 of which were suspended.

2.7 The Diocese of Ballarat

Our inquiry considered four priests in the Diocese who have been convicted, or have been the subject of, allegations of child sexual abuse:

- Monsignor John Day
- Gerald Ridsdale
- Paul David Ryan
- Robert Claffey.

The focus of our inquiry was the knowledge of the diocesan bishop, principally Bishop Mulkearns, and the diocesan consultors of allegations and complaints about these four priests and their response. The period under consideration spanned almost 30 years, from the late 1960s to the early 1990s.

Structure and governance

The Diocese was established in April 1874 and covers a geographic area of about 58,000 square kilometres – about half the State of Victoria. It extends to the South Australian border in the west, the Murray River at the New South Wales border in the north and the Southern Ocean in the south. The main population centres are the city of Ballarat, which lies close to the eastern boundary of the Diocese, Warrnambool and Mildura. The Diocese currently has 51 parishes, served by 34 priests.
James O’Collins was Bishop of Ballarat from 1942 until 1971, when he retired. Ronald Mulkearns came to Ballarat in 1968 as a co-adjutor bishop – effectively the bishop-in-waiting. He took over as Bishop of Ballarat in May 1971.

The College of Consultors is a group of priests appointed by the bishop to assist him in his governance of the Diocese in various matters. Under both the 1917 and 1983 Codes of Canon Law, the consultants do not have the authority to appoint, remove or transfer a priest – that authority rests with the bishop.

### 2.8 Monsignor John Day

Monsignor Day was born in 1904 and ordained a priest in the Diocese in 1930. He was assistant priest in a number of parishes until January 1951, when he was appointed parish priest of Apollo Bay. He held that position until July 1956, when he was appointed parish priest of Mildura. He remained in Mildura for almost 16 years.

Monsignor Day died in 1978. At the time, he was the parish priest of Timboon. He was never charged with child sexual offences.

#### Allegations emerge about Monsignor Day’s conduct at Mildura

In 1970, Mr John Howden was a teacher at St Joseph’s College – a Catholic secondary school connected with Mildura parish. Mr Howden told us in December 1970 a man approached him at a Christmas party and told him that Monsignor Day had been sexually abusing ‘kids’.

In 1971, the mother of a female student at St Joseph’s College came to see Mr Howden. She told him Monsignor Day had been harassing her daughter, BPI, and her daughter’s friend, BPZ, and that he had molested them in the car.

Mr Denis Ryan is a former detective senior constable with Victoria Police. At that time, Detective Ryan was stationed in Mildura. He reported to Detective Sergeant Jim Barritt.

After the mother had told Mr Howden about Monsignor Day, Mr Howden asked Detective Ryan to come to the college. He told Detective Ryan not to tell Detective Sergeant Barritt, because Mr Howden knew Detective Sergeant Barritt was close to Monsignor Day.

Shortly after, Detective Ryan met with Mr Howden and Sister Pancratius – a teaching principal at St Joseph’s College. Mr Howden told the meeting that the mother of a student complained that Monsignor Day had indecently assaulted her daughter on a number of occasions. According to Mr Howden and Mr Ryan, Sister Pancratius said, ‘I’ve known about Monsignor Day’s behaviour for some time now. It runs contrary to my vows of silence to say this to you, and I will never repeat what I have said from this moment forward’.
Mr Howden made an appointment for Detective Ryan to visit the girl, BPI, and her mother, Mrs BPY, the following day.

**Detective Ryan’s investigation**

Detective Ryan’s meeting with BPI in September 1971 led to his obtaining five statements from children. Statements were obtained from two girls (BPI and BPZ) and three boys (BUA, BUU and BUE). All of the children alleged they had been sexually abused by Monsignor Day.

In October 1971, the most senior officer in the district was Superintendent Jack McPartland. Detective Ryan approached him and told him he had five statements from ‘victims alleging that Monsignor Day has committed numerous acts of sexual assault, gross indecency and attempted buggery’. Superintendent McPartland told Detective Ryan to give the statements to Inspector Alby Irwin immediately and to cease any further inquiries.

About a month later, in November 1971, Inspector Irwin told Detective Ryan he and Detective Sergeant Barritt would be interviewing Monsignor Day about the allegations. When Inspector Irwin and Detective Sergeant Barritt interviewed Monsignor Day in November 1971, he denied all of the allegations.

Detective Ryan informed Superintendent McPartland and Inspector Irwin that Detective Sergeant Barritt was Monsignor Day’s ‘best friend’. It was highly inappropriate that Detective Sergeant Barritt was involved in the investigations of allegations of child sexual abuse by Monsignor Day. Detective Sergeant Barritt should not have been one of two officers who interviewed Monsignor Day in relation to those allegations.

On 19 November 1971, Inspector Irwin wrote a report to Superintendent McPartland. He recommended that no further police action be taken in the matter.

On 30 November 1971, Superintendent McPartland sent Inspector Irwin’s report recommending no further action to Chief Commissioner Reginald Jackson. Superintendent McPartland told the chief commissioner that he agreed with Inspector Irwin’s conclusions. He recommended that the brief be considered by a ‘competent legal authority’ to determine what action, if any, should be taken.

Despite having been instructed to cease further inquiries, in early December 1971 Detective Ryan obtained two further statements from BUI and BUH, who each stated they had been sexually abused by Monsignor Day.

On 8 December 1971, Detective Ryan met Mr Howden at St Joseph’s College. Detective Ryan told Mr Howden that he had been ordered off the case and suggested that they write to Bishop Mulkears. They did so that day.
They wrote to Bishop Mulkearns that, as a result of a complaint by a parent, investigations had revealed ‘widespread moral misconduct over a period of thirteen years’. They set out briefly the allegations of the children and attached the statements of BUH and BUI. They noted that Monsignor Day had been interviewed by police but the results of this interview were unknown.

Bishop Mulkearns replied to Detective Ryan and Mr Howden that he had been assured that police ‘have satisfied themselves that there is no substance to these charges’.

Bishop Mulkearns told police that Mr Joe Kearney, the clerk of Mildura Magistrates’ Court, accompanied Monsignor Day to Ballarat to answer the allegations made by Detective Ryan and Mr Howden.

Mr Kearney was not a member of Victoria Police and was not a direct source of information about the status of the police investigation. Given the gravity of the allegations, Bishop Mulkearns should have made his own enquiries with the police.

Bishop Mulkearns’ response to Detective Ryan and Mr Howden was consistent with an utter disregard for the safety and wellbeing of children in Mildura. It was consistent with a concern to protect the reputation of Monsignor Day and the Church and avoid scandal.

During December 1971 Detective Ryan obtained a number of further statements in relation to Monsignor Day. The statements, from BUO, BUJ and BUQ, contained serious allegations of sexual abuse of children by Monsignor Day.

Detective Ryan also obtained a statement from the proprietor of the motel at Halls Gap where BUI alleged he had stayed overnight with Monsignor Day. The proprietor said that a Mr J Day stayed a night in the motel with two boys aged about 14 and 16. He stated that he heard scuffling in the room, used his master key to enter and warned Monsignor Day about horseplay in the room.

In 1972, Chief Superintendent John O’Connor worked in the chief commissioner’s Special Investigation Office as the chief commissioner’s special investigator. In mid-January 1972, he and Detective Chief Inspector Harvey Child ‘were tasked to personally investigate the reported misconduct by Monsignor John Day ... who was the subject of inquiries by the Mildura CIB’.

We are satisfied that in January 1972 Superintendent O’Connor effectively offered Detective Ryan a promotion if he discontinued his investigations of Monsignor Day. We are also satisfied that Superintendent O’Connor deliberately prevented Detective Ryan from being involved in or continuing his investigation of the allegations against Monsignor Day.
What clergy in Mildura knew of allegations against Monsignor Day

Father Peter Taffe was an assistant priest at Mildura from May 1968 until May 1972.

In early December 1971, Detective Ryan was at the police station in Mildura when he was told someone in a car outside wanted to speak to him. When he went outside, he saw Father Taffe. Mr Ryan gave evidence that Father Taffe said to him, ‘Drop the inquiry into Monsignor Day or you’ll be out of a job’, and then drove off. We accept this evidence.

In early 1972, Monsignor Day came to stay with Mrs BPA’s family in Melbourne. After Monsignor Day left, Mrs BPA and her husband asked their son if Monsignor Day had been abusing him. He broke down and said, ‘It’s just been awful. It’s true, Dad’.

Mrs BPA’s husband rang the Mildura presbytery and spoke to Father Taffe, who said, ‘I thought he was over all this’. Father Taffe then said he had to call the bishop, and he told Mr BPA to expect a call from the bishop. When Bishop Mulkearns called, he spoke to Mr BPA and asked if he would be going to the police. Mr BPA told Bishop Mulkearns he would not put his child through that. Many years later, Mrs BPA’s younger son told her he had also been sexually abused by Monsignor Day in Mildura when he was seven years old.

Mr Daniel Torpy is a former priest of the Diocese and a psychologist. He was Monsignor Day’s assistant priest at Mildura from January 1971 until February 1975.

Mr Torpy told us that at Mildura he was aware that a group of parents had complained about Monsignor Day to the bishop at the time, who he believed was Bishop O’Collins. He broadly understood these complaints related to the conduct of Monsignor Day in relation to adolescent boys, and he ‘intuited’ it involved sexual misconduct.

Mr Torpy also gave evidence that in 1971 or 1972 a parishioner informed him that his child had been in a situation of sexual activity with Monsignor Day.

Mr Torpy told us he telephoned the vicar general at the time, Father Madden. He informed Father Madden that there were parishioners who had complained of the activities of Monsignor Day and that the character of the behaviour was sexual transgression with children. Father Madden said he would look into it.

Father Madden told us he did not remember Father Torpy having told him that parishioners had complained of Monsignor Day’s sexual activity with children. Father Madden said the first time he heard of any such allegations about Monsignor Day was from the bishop immediately after two policemen had been to see the bishop and reported the allegations to him. Father Madden accepted that Father Torpy could have told him about the parishioner’s report but said that if that did occur it must have been after the bishop had told him about Monsignor Day.
In the absence of any other relevant evidence, we can only be satisfied that Father Torpy conveyed the information to Father Madden in 1971 or 1972.

Father Gerald Baldock told us that in 1964 or 1965 he started to hear pub talk about Monsignor Day’s wealthy lifestyle and his flamboyance. In about 1967 or 1968, he heard ‘innuendo’ about Monsignor Day from Mildura parishioners – that Monsignor Day had a love for young boys and that he would take them on trips. He did not pass on this information to anyone or tell the bishop.

Shortly after Easter in 1971, Father Pell returned to the Diocese after a period of time overseas. Cardinal Pell was asked whether, when he returned to Australia and went to Swan Hill, he heard any rumour, gossip or innuendo about Monsignor Day. He said he ‘probably heard some discussion and gossip’. When asked about the subject matter of the discussion and gossip, Cardinal Pell said he could not, ‘except to say he was accused of some sort of paedophilia activity’.

In 1971, Paul David Ryan was a teacher at St Joseph’s College in Mildura. Father Baldock told us that in the summer of 1971 Paul David Ryan spoke to him about Monsignor Day. Paul David Ryan told Father Baldock that Monsignor Day had been involved in paedophilia with altar servers and expressed concern. Father Baldock recalled that Paul David Ryan was in the process of reporting this to the bishop.

Paul David Ryan confirmed in evidence to us that when he was a teacher’s aide at St Joseph’s College in Mildura he knew that Monsignor Day was ‘involved in inappropriate or sexual behaviour with adolescents’, and some of the teachers wrote a report to the bishop about Monsignor Day’s behaviour.

We are satisfied that by January 1972 Fathers Taffe and Torpy, Bishop Mulkearns, the vicar general Father Madden, and at least some teachers at Catholic schools in Mildura had received complaints or were aware of allegations that Monsignor Day sexually abused children.

In addition, Father Baldock, Paul David Ryan and Father Pell had heard gossip about Monsignor Day’s sexual activity with children.

**Monsignor Day resigns from Mildura**

Police records show that, after making inquiries in Mildura, Superintendent O’Connor and Detective Chief Inspector Child visited Bishop Mulkearns in Ballarat on 27 January 1972. The officers ‘acquainted the Bishop as to the further allegations [against Day] unknown to him and in consequence the Monsignor attended at Ballarat the following day’.
Father Madden told us that two policemen walked through his office as they went to see the bishop. When they had gone, the bishop told Father Madden ‘the burden of their message’ – namely, that allegations had been made that Monsignor Day had sexually abused children.

The same day, Bishop Mulkearns met with Father Taffe, the more senior of Monsignor Day’s two assistant priests. Bishop Mulkearns met with Monsignor Day the following day, on 28 January 1972. Two days after he met with Bishop Mulkearns, Monsignor Day resigned.

We are satisfied that the Monsignor Day was asked or told to resign as parish priest of Mildura as a result of the police informing Bishop Mulkearns of allegations of sexual abuse of children by Monsignor Day.

Mr Torpy gave evidence that the bishop instructed Fathers Torpy and Taffe not to disclose to the parish the true reason for Monsignor Day’s resignation. Mr Torpy could not remember exactly what they told the parishioners, but he thought it ‘would have been that through ill health Monsignor Day has resigned his position as parish priest of Mildura’. We accept that evidence.

The most probable reason to conceal the truth was to protect the reputation of Monsignor Day and to protect the Church from scandal. It was unacceptable for Bishop Mulkearns to give such an instruction. The Church parties acknowledged this was unacceptable.

On 14 March 1972, the diocesan council (which became the College of Consultors) met. The minutes of the meeting record:

> His Lordship outlined the circumstances which have led to the resignation of Msgr. J. Day from the parish of Mildura. The Council decided that Msgr. Day be granted 12 months leave of absence from the diocese on the guaranteed minimum salary.

The minutes are clear. Bishop Mulkearns told the consultors the circumstances which led to the resignation of Monsignor Day. Bishop Mulkearns knew those circumstances. They were that Monsignor Day was asked or told to resign as parish priest of Mildura as a result of the police informing Bishop Mulkearns of allegations of sexual abuse of children by Monsignor Day. The minutes also record that the decision to grant Monsignor Day leave was a decision of the council.

None of the consultors who gave evidence recalled the particular meeting. No witness gave evidence that Bishop Mulkearns did not tell them what we set out above.

Father William Melican told us that Monsignor Day’s misconduct was common knowledge among priests by this time. This common knowledge makes it less likely that Bishop Mulkearns would conceal the reasons for Monsignor Day’s resignation.
We find that Bishop Mulkearns told the consultors that Monsignor Day was asked or told to resign as parish priest of Mildura as a result of the police informing Bishop Mulkearns of allegations of sexual abuse of children by Monsignor Day.

**Victoria Police respond to Monsignor Day’s resignation**

After his resignation from Mildura parish, Monsignor Day was interviewed by Detective Chief Inspector Child and Superintendent O’Connor in relation to the allegations in the multiple statements obtained by Detective Ryan. Monsignor Day denied the allegations.

In early March 1972, Detective Ryan told us he met with the state Member for Midlands, Mr Les Shilton MLA. He told Mr Shilton everything he knew about Monsignor Day. Shortly afterwards Mr Shilton asked a question without notice in the Legislative Assembly about ‘the result of the investigation conducted quite recently by two senior police officers into the police administration in Mildura’.

Two days after Mr Shilton’s question without notice, Superintendent O’Connor wrote a report to the deputy commissioner about his investigation with Detective Chief Inspector Child. Superintendent O’Connor reported that he and Detective Chief Inspector Child had interviewed a number of persons, including BUI, but no corroborative evidence was obtained.

Mr Ryan told us that, in his experience, when a senior officer takes over an investigation, they reinterview those people the original investigator interviewed to make sure they had not missed anything. Mr Ryan told us that many years later he spoke to seven of the people who had made statements and all but one told him they had not been approached by the police at all.

We accept Mr Ryan’s evidence. We are satisfied that Superintendent O’Connor’s report to the chief commissioner that he and Detective Chief Inspector Child had interviewed a number of persons was untrue insofar as it referred to the persons who made statements to Detective Ryan.

We are also satisfied that Superintendent O’Connor and Detective Inspector Child’s investigations of the allegations of child sexual abuse against Monsignor Day were minimal.

In response to a request by the deputy commissioner, Legal Assistant Grace provided the following advice in April 1972:

> Despite the large body of evidence against Day which gives rise to strong suspicion, it must be remembered that each allegation is to be examined independently and without reference to the others, since, if prosecutions were launched, Day would be entitled to a separate trial in respect of each complaint. In no particular case is the evidence such as to warrant the taking of proceedings.
The deputy commissioner subsequently obtained advice from the Victorian Solicitor-General, Mr Basil Murray. Mr Murray agreed with the ‘opinions expressed that the evidence is insufficient to warrant launching prosecutions’. However, he concluded his advice with the following observation:

    I trust that the authorities in the Church will realise that the decision not to prosecute does not arise from any conviction that the allegations are unfounded. Having regard to the similarities of the various accounts, there would appear to be little room for doubt that Day misconducted himself. With some reluctance, therefore, I agree that no prosecutions should be launched.

In May 1972, Superintendent O’Connor wrote a report to the deputy commissioner in relation to the Solicitor-General’s advice. The report stated that Superintendent O’Connor had the previous day advised Bishop Mulkearns of the Solicitor-General’s comments concerning Monsignor Day. He recorded in the report that Bishop Mulkearns ‘expressed his appreciation of the notification’.

Acting Chief Commissioner Carmichael, with the concurrence of the chief commissioner, decided that both Detective Ryan and Detective Sergeant Barritt would be transferred from Mildura with effect from June 1972. A number of reasons were recorded as the basis for Detective Ryan’s transfer, including that no officer should remain in a country station for longer than eight years and that the decision was ‘in the interests of the maintenance of the efficiency of the Force’.

Detective Ryan appealed the decision that he be transferred from Mildura. By early May 1972, Detective Sergeant Barritt had applied for, and been appointed to, Echuca Criminal Investigation Branch (CIB).

On 16 May 1972, Detective Ryan submitted his resignation. He wrote in his resignation letter:

    I can only hope that any member of the Police Force who in the future performs a similar type of enquiry that I performed in relation to the Monsignor does not suffer the same fate that I have suffered.

Mr Ryan told us he knew that if he resigned he would lose his pension, which was significant, and all of his benefits. He would also lose a job that had previously been his life. However, he said that, if he resigned and stayed in Mildura, his voice would still be heard. Mr Ryan told us he was forced out of the police force – being a police officer was his life, and he would never have left otherwise.

We accept Mr Ryan’s evidence. We do not doubt that Victoria Police transferred Detective Ryan from Mildura for investigating allegations that Monsignor Day had sexually abused children in Mildura and for refusing to cease those investigations despite being instructed to do so.
Mr Mick Miller was Chief Commissioner of Victoria Police from June 1977 until November 1987. He had previously served five years as Assistant Commissioner (Operations).

While he was assistant commissioner in 1972, Mr Miller told us he read newspaper reports of discord between the detective sergeant in charge of Mildura and one of his detectives. After reading these articles, Mr Miller asked his immediate superior, Deputy Commissioner Carmichael, what was happening in the Mildura CIB. Deputy Commissioner Carmichael told Mr Miller, ‘You keep out of it. Reg [Chief Commissioner Reginald Jackson] is going to fix it in his own way’.

In 2014 Mr Miller read Unholy trinity: The hunt for the paedophile priest Monsignor John Day by Mr Ryan and Mr Peter Hoystead. Based on this, his conversation with Deputy Commissioner Carmichael and his knowledge of the structure of Victoria Police at the time, Mr Miller’s opinion is that Chief Commissioner Jackson was the ‘architect of Victoria Police’s response to Denis Ryan’s investigations into Monsignor Day. It couldn’t have operated in the manner it did without his knowledge and consent’.

The Diocese of Ballarat’s handling of Monsignor Day after his resignation

At a meeting of the diocesan council on 15 June 1972, while Monsignor Day was on leave of absence, Bishop Mulkearns suggested he ask the Bishop of Geraldton in Western Australia to invite Monsignor Day to work in his diocese.

We are satisfied that the consultors at this meeting knew that Monsignor Day had resigned from Mildura less than five months earlier as a result of police informing Bishop Mulkearns of allegations of sexual abuse of children. By this time, Bishop Mulkearns also knew of the Solicitor-General’s view that, although there was insufficient evidence to prosecute Monsignor Day, he thought there was little room for doubt that he committed the offences.

Despite this knowledge, Bishop Mulkearns considered sending Monsignor Day to the Diocese of Geraldton in Western Australia.

Monsignor Day ultimately did not go to work in the Diocese of Geraldton. However, the most likely reason for Bishop Mulkearns’ suggestion was to move Monsignor Day far from the Diocese of Ballarat, where allegations of sexual misconduct were known by sections of the Mildura community, including priests.

Shortly after Detective Ryan resigned from Victoria Police, an article appeared in the Melbourne Observer about the events in Mildura. The article set out an allegation that a senior detective in Mildura had suppressed criminal charges against certain people if they made payments to the local Catholic Church, and ‘It also is alleged that a priest who received
the payments had indecently assaulted boys and girls over a 14-year-period’. The article stated, ‘The Roman Catholic Bishop of Ballarat, whose diocese includes Mildura, is understood to have been told about the alleged activities of the priest’.

A number of priests in the Diocese read or heard about the *Melbourne Observer* article.

We are satisfied that it stands to reason that serious allegations about a Catholic priest published in a metropolitan newspaper would be the subject of widespread gossip and discussion. It was a great scandal.

The month after publication of the *Melbourne Observer* article, on 19 September 1972, the diocesan council met.

The consultors at this meeting all knew that Monsignor Day had resigned from the Parish of Mildura because he was being investigated for child sexual abuse. Given the plain words of the minute, as the Church parties accepted, all consultors present would have been aware of the contents of the article.

Less than a year after his resignation from Mildura, Monsignor Day was appointed parish priest at Timboon, Victoria. Bishop Mulkearns made this appointment despite knowing of the allegations that Monsignor Day had sexually abused multiple children at Mildura and that the Solicitor-General had little doubt that Monsignor Day had misconducted himself.

When the consultors met on 12 January 1973, Monsignor James McInerney moved that Monsignor Day be appointed parish priest of Timboon. The motion was seconded by Monsignor Leo Fiscalini.

Bishop Mulkearns referred to this meeting in a letter written to BPI over 20 years later. He wrote:

> You asked why Monsignor Day was given another appointment. When the Parish of Timboon became vacant in 1973, he applied for it and insisted on his right to a pastoral appointment and pointed to the fact that the Police had not taken any action against him despite the complaints which had been made. The Diocesan Consultors of the time who were advising me felt that there was no alternative but to give the appointment which he sought. Accordingly, I appointed him to Timboon in January 1973.

The consultors at this meeting all knew that Monsignor Day had resigned from Mildura parish because he was being investigated for sexual abuse against children. All of them had attended the diocesan council meeting in March 1972. We have found that at that meeting in March 1972 Bishop Mulkearns told the attendees the circumstances which led to Monsignor Day’s resignation from Mildura.
With the exception of Father Melican, they also attended the meeting at which the *Melbourne Observer* article was discussed, and the consultors were aware of the contents of the article.

Although Father Madden did not remember Monsignor Day being appointed to Timboon, he accepted that he was at the meeting and that he did not say anything about Monsignor Day’s history or challenge the decision.

Father Melican also could not remember what was reported or discussed at the meeting regarding Monsignor Day’s appointment to Timboon. He agreed he did not speak up and oppose the appointment or give the bishop advice against making the appointment, and he could not remember anyone else doing so. Though he could not recall what advice the consultors gave, Father Melican accepted that, because the bishop said in the letter to BPI that the consultors gave the advice, ‘presumably we did’.

We are satisfied that the circumstances in which Monsignor Day was returning to parish work after a period of absence would more likely than not have led to some discussion at the meeting.

As the Church parties acknowledged, for Bishop Mulkearns to appoint Monsignor Day to the parish of Timboon despite his awareness of the allegations which had been made against him, and in circumstances where he had not received any form of treatment, was unacceptable.

As the Church parties also conceded, it was also unacceptable for the consultors to raise no objection to the appointment, despite the knowledge they had of the allegations against him.

The appointment was to a parish as geographically far from Mildura as possible. It put a priest who was the subject of serious sexual allegations against children back into a parish, where he would have ongoing access to children. We are satisfied that the conduct of Bishop Mulkearns and the consultors prioritised protecting the reputation of the Catholic Church over the safety of children at Timboon.

### 2.9 Gerald Ridsdale

Ridsdale was born in 1934. He was ordained a priest in the Diocese, by Bishop O’Collins, in 1961. He held 16 different appointments over a period of 29 years as a priest. His appointments were typically short, with an average of about 1.8 years per appointment, after which he was transferred to a new role or location.

Ridsdale’s appointments were discussed at no less than 18 meetings of the College of Consultants. The frequency with which he was moved from appointment to appointment was unusual. Cardinal Pell told us the practice with assistant priests in those days was to give them a variety of experiences over a three-year period; however, he acknowledged
that Ridsdale’s frequent transfers were somewhat unusual and he presumed the pattern of movements would give rise to discussion. What was discussed in relation to Ridsdale’s specific appointments is considered throughout this report.

By at least December 1992, Victoria Police were investigating Ridsdale in relation to child sexual offences. Ridsdale has been convicted of child sexual offences occurring in parishes including Ballarat East, Swan Hill, Warrnambool, Apollo Bay, Inglewood, Edenhope and Mortlake.

**Bishop O’Collins’ early knowledge of complaints about Ridsdale**

Bishop O’Collins received a complaint that Ridsdale sexually abused a boy during Ridsdale’s first appointment as assistant priest at Ballarat North. Bishop O’Collins’ response was to confront Ridsdale and threaten his removal from the priesthood.

In 1964, Ridsdale was transferred to Mildura as an assistant priest under Monsignor Day. He lived in the presbytery with Monsignor Day and another assistant priest, Father Daniel Arundell. Father Arundell told us that during the two years he lived in the presbytery with Ridsdale at Mildura he did not hear of any complaints or rumours about Ridsdale offending against children.

Bishop O’Collins did not place any condition, restriction or supervision on him at Mildura. Ridsdale sexually abused a number of boys at Mildura.

There was a letter from psychiatrist Dr Eric Seal to Bishop O’Collins about Ridsdale, which Bishop Mulkearns removed from Ridsdale’s file and destroyed.

**Warrnambool parish**

After two years at Mildura parish, Ridsdale held a brief appointment as assistant priest at Swan Hill. There Ridsdale sexually abused a number children in relation to whom he was subsequently convicted.

In January 1970, Ridsdale was appointed assistant priest at Warrnambool, where allegations about his conduct emerged.

In 1971, Monsignor Fiscalini was the parish priest at Warrnambool and Bishop Mulkearns was the new bishop of the Diocese. Ridsdale was still an assistant priest at Warrnambool, as was Father Paul Bongiorno. They lived together in the presbytery. Father Bongiorno was the chaplain of Christian Brothers College Warrnambool until 1972. In 1972, Ridsdale was replaced by Father Tom Brophy.
BPL gave evidence that he was sexually abused by Ridsdale when he was an altar server in Warrnambool from 1970 until 1971. He stated that he told Father Bongiorno about his sexual abuse at a camp at Crossley. Father Bongiorno left the priesthood shortly after the camp.

Mr Bongiorno denied the conversation with BPL.

On the material available to us, we are unable to resolve the differing accounts of BPL and Mr Bongiorno.

BPL also gave evidence of two separate reports he made to Monsignor Fiscalini about Ridsdale. He said he spoke to Monsignor Fiscalini later in 1971 and told him what Ridsdale had done to him. Monsignor Fiscalini told him that the Church was dealing with it and he was not to talk to anyone about it.

Monsignor Fiscalini is deceased. However, in a 1993 interview with CCI, he said there were no incidents or complaints about Ridsdale’s behaviour with children while he was with him at Warrnambool.

We accept evidence that BPL spoke to a priest. However, we cannot be satisfied that it was Monsignor Fiscalini.

BWA was an altar boy and student at Christian Brothers College Warrnambool. He gave evidence that he complained to Father Brophy in 1972 that Ridsdale had sexually abused him. Father Brophy assured him he would put a stop to it and that he and Monsignor Fiscalini would go to Bishop Mulkearns in Ballarat. Father Brophy never raised it with BWA again. Father Brophy died in 1974.

We are satisfied that BWA complained to Father Brophy in 1972 that Ridsdale had sexually abused him. There is no evidence as to what, if anything, Father Brophy did with that information, including whether he informed Monsignor Fiscalini or Bishop Mulkearns.

BWA also gave evidence that sometime after 1989 he contacted Father Brian Finnigan in Ballarat and told him he wanted to talk to someone about forgiveness. Father Finnigan put him in touch with clinical psychologist Father Torpy.

BWA said he continued to have conversations with Father Finnigan over the years. On one occasion Father Finnigan told BWA that, within days of his initial disclosure to Father Brophy, Father Brophy went to Ballarat and told Bishop Mulkearns. Bishop Finnigan told us he had no recollection of saying to BWA that Father Brophy had gone to Bishop Mulkearns. He said that Bishop Mulkearns never discussed the issue with him.

We accept BWA’s evidence. Bishop Finnigan did not deny, in 1993 or in his evidence to us, that BWA had spoken to him. However, the evidence is insufficient for us to conclude that Father Brophy did inform Bishop Mulkearns about BWA’s complaint in 1972.
What Father Pell knew about Ridsdale taking boys on trips in 1973

Ridsdale was appointed assistant priest at Ballarat East in 1972. In January 1973, Father Pell was appointed assistant priest at Ballarat East. He lived in the Ballarat East presbytery with Ridsdale for nine or 10 months in that year.

While at Ballarat East, Father Pell heard that Ridsdale had taken groups of boys away on camps, including overnight trips. Cardinal Pell accepted that, because of the Monsignor Day scandal, child sexual abuse was at least on his radar. In submissions, he also accepted it was clear that ‘momentary thought’ was given to the matter of Ridsdale taking boys away on camping trips.

We are satisfied that in 1973 Father Pell turned his mind to the prudence of Ridsdale taking boys on overnight camps. The most likely reason for this, as Cardinal Pell acknowledged, was the possibility that if priests were one-on-one with a child then they could sexually abuse a child or at least provoke gossip about such a prospect. By this time, child sexual abuse was on his radar, in relation to not only Monsignor Day but also Ridsdale. We are also satisfied that by 1973 Cardinal Pell was not only conscious of child sexual abuse by clergy but that he also had considered measures of avoiding situations which might provoke gossip about it.

Apollo Bay parish

After two years at Ballarat East parish, Ridsdale was moved in 1974 to Apollo Bay parish, in the far south of the Diocese. He was appointed parish priest and he lived alone in the presbytery without an assistant priest.

Ridsdale was at Apollo Bay for only a year. He requested a transfer out of the parish when it came to his attention that there was gossip in the community about his conduct.

Inglewood parish

In early 1975, after requesting the transfer from Apollo Bay, Ridsdale was appointed parish priest at Inglewood parish. The town of Inglewood is in the far east of the Diocese near Bendigo.

Undated minutes of a meeting at the College of Consultors record Ridsdale’s appointment to Inglewood. It is likely this meeting took place in early 1975, as Ridsdale was parish priest of Inglewood from February 1975 – a little over a year after he was appointed parish priest of Apollo Bay.
Most of the consultors at this meeting had attended two or more of the consultors’ meetings at which Monsignor Day’s resignation and subsequent appointment had been discussed. We found earlier that Bishop Mulkearns told the meeting the circumstances which led to Monsignor Day’s resignation from Mildura – that is, because the police had informed Bishop Mulkearns of allegations of sexual abuse of children by Monsignor Day.

It is clear that Ridsdale’s appointment to Inglewood after only a year at Apollo Bay was unusual.

We accept Father Melican’s evidence that Ridsdale’s move would have come up very quickly and unexpectedly and as a result would have needed explanation. We accept his evidence that the consultors must have known about the circumstances of the move and that it would have been explained to them. We are satisfied from his evidence that ‘in the normal course of things’ the consultors would have had the circumstances explained to them.

Ridsdale described himself as being ‘out of control’ during his time at Inglewood. He had a pool table and acknowledged it was ‘the trap’ for young boys. He did not have an assistant priest and lived alone in the presbytery.

One day after mass a woman told Ridsdale that there was talk around town that he had been interfering with the boys and the police were making inquiries. According to Ridsdale, he panicked, packed up his things and left Inglewood late in the evening. The next day, he went to see Bishop Mulkearns.

Bishop Mulkearns met with Ridsdale and Mr Mooney, a police officer from Bendigo CIB, in separate meetings on the same day in mid-January 1976. According to Bishop Mulkearns, Ridsdale came to him before Mr Mooney did and warned him that a policeman was coming to see him.

Not surprisingly, there was gossip in the Inglewood community about the allegations against Ridsdale. A retired Inglewood policeman said many years later that after the detectives came up from Bendigo ‘everyone around the town knew what was going on after it hit the fan’.

We are satisfied that in late 1975 and early 1976 there was talk around the Catholic congregation and community in Inglewood that Ridsdale had been interfering with boys and that the police were making enquiries.

We are also satisfied that by late 1975 Ridsdale had admitted to Bishop Mulkearns that he had offended against children and that Bishop Mulkearns knew that Ridsdale’s conduct was known to the police in Bendigo and it is likely he knew of the general talk in the community about Ridsdale.
There were now two communities – Apollo Bay and Inglewood – where there was talk about Ridsdale sexually offending against children.

In 1975, Ridsdale attended counselling with Father Peter Evans.

We are satisfied that Bishop Mulkearns did not take any notes of the 1975 complaint of child sexual abuse against Ridsdale or his subsequent treatment with Father Evans. We infer that he did so in order for there not to be a record of Ridsdale’s history of sexual abuse of children.

On 16 January 1976, three days after Bishop Mulkearns had met with Ridsdale and the police officer from Bendigo, Ridsdale was appointed parish priest of Bungaree – a parish on the outskirts of the city of Ballarat. That appointment was a temporary appointment until the end of February.

Many years later, in an interview with CCI, Bishop Mulkearns said he only appointed Ridsdale after he ‘was given assurance that he was ready to be appointed again’. This is at odds with Ridsdale being appointed three days after the police visited Bishop Mulkearns.

Dr Evans’ evidence was that he had no communication with Bishop Mulkearns at all. Ridsdale also gave evidence that he did not recall telling Bishop Mulkearns that Dr Evans said he could be returned to a parish.

We accept Dr Evans’ evidence. Dr Evans was not asked by Bishop Mulkearns or anyone else to express a view on Ridsdale’s suitability to return to a parish, and Dr Evans did not proffer any such view. Ridsdale was not given clearance from a psychologist or psychiatrist before being put back into ministry. It follows that the account Bishop Mulkearns gave to CCI was false and no doubt designed to protect him from criticism in relation to his protection of Ridsdale and to protect the reputation of the Church.

It follows that Bishop Mulkearns, knowing that Ridsdale had offended against children, knowing that his conduct was known to the police in Bendigo and, more likely than not, knowing of the general talk in the community about Ridsdale, placed Ridsdale in another parish situation.

It was inexcusably wrong for Bishop Mulkearns to have done so. It was an extraordinary failure for Bishop Mulkearns to appoint Ridsdale parish priest, even temporarily, accepting Ridsdale’s assurance that he was ready to be appointed again. It showed complete disregard for the safety and welfare of children in the Parish of Bungaree.

Three days after Bishop Mulkearns met with Ridsdale and the policeman about the Inglewood allegations, on 16 January 1976 a meeting of the College of Consultors was held. Ridsdale’s temporary appointment to the Parish of Bungaree was a subject of discussion.
The minutes of the meeting record:

After stressing again the confidentiality of all matters dealt with in Consultors Meetings, Bishop Mulkearns announced that some matters had arisen in the diocese which might make it advisable to delay making many appointments. At this stage, moves should be kept to a minimum.

The minutes then record a number of new appointments in the Diocese, including Ridsdale’s appointment as temporary parish priest of Bungaree.

Apart from Father Patrick Culligan and Father Arundell, the consultants at this meeting had attended previous meetings of the diocesan council in 1972. We have found that Bishop Mulkearns told those meetings the circumstances which led to Monsignor Day’s resignation from Mildura – that is, because the police had informed Bishop Mulkearns of allegations of sexual abuse of children by Monsignor Day – and the contents of the Melbourne Observer article were known and discussed.

Father Madden was administrator at Inglewood for three or four months later in the year that Ridsdale left Inglewood. Even though there was talk around the Catholic congregation and community in Inglewood in late 1975 and early 1976 about Ridsdale interfering with boys, Father Madden told us that he did not know about the circumstances of Ridsdale leaving Inglewood and no one talked to him about Ridsdale’s time at Inglewood.

Father Melican gave evidence that it was unusual that matters had arisen which meant that it would be best to delay making appointments, and he accepted the problem that led to delayed appointments was plainly Ridsdale. He said he did not know at the time about the trouble Ridsdale had got into at Inglewood.

We are satisfied that there is no doubt as to Bishop Mulkearns’ reason for moving Ridsdale from Inglewood. He had just received a serious complaint of sexual interference which Ridsdale had admitted. His conduct was common knowledge in Inglewood and, as a result, Bishop Mulkearns needed to get him out of Inglewood. The minutes record Bishop Mulkearns referring to the need for confidentiality. We do not doubt this was the information that the bishop would want the consultants to keep confidential.

All of the consultants at this January 1976 meeting where Ridsdale’s move from Inglewood was discussed were present at the early 1975 meeting at which Ridsdale’s move to Inglewood was raised.

We are satisfied that at this meeting Bishop Mulkearns told the consultants that the ‘matters [which] had arisen in the dioceses’ related to sexual transgressions by Ridsdale.

The Church parties acknowledged that it was inexcusably wrong for Bishop Mulkearns to have made this appointment. That is clearly so.
Edenhope parish

Ridsdale was appointed temporary parish priest of Edenhope just over two months after he was removed from Inglewood parish following a complaint of child sexual abuse, without Bishop Mulkearns having received any assurance from the psychiatrist he had been sent to that it was suitable for Ridsdale to be put back into ministry. Bishop Mulkearns did not place any restrictions or conditions on how Ridsdale should operate in Edenhope.

Contrary to Bishop Mulkearns’ assertion in a 1993 CCI interview, we are satisfied that Ridsdale was not receiving professional counselling while he was in Edenhope parish.

Returning Ridsdale to a parish without any restrictions or conditions, and without ongoing professional counselling, showed complete disregard for the safety and welfare of the children of Edenhope parish.

The Church parties acknowledged that it was inexcusably wrong for Bishop Mulkearns to have appointed Ridsdale to another parish after he became aware of Ridsdale’s offending at Inglewood. Again, that is clearly the case.

When the College of Consultors met on 18 March 1976, Ridsdale’s temporary appointment to Edenhope was recorded. The minutes record, ‘Edenhope – G. Ridsdale – pro tem’ (‘pro tem’ meaning ‘for the time being’).

Bishop Mulkearns presided at the meeting. The same consultors and bishop’s secretary attended this meeting as had attended the meeting on 16 January 1976, when Ridsdale was appointed to Bungaree.

Father McInerney, the bishop’s secretary at the time, agreed he would expect that Bishop Mulkearns would have explained the reasons for Ridsdale’s move to Edenhope and it was temporary. However, he could not recall what Bishop Mulkearns said. We accept this evidence.

All of the consultors at this March 1976 meeting where Ridsdale’s move from Inglewood was discussed were present at the early 1975 and January 1976 meetings at which Ridsdale’s moves to and from Inglewood were raised.

Fathers Madden, Melican and McInerney said that they did not recall what was said at this meeting.

We have no reason not to believe that the usual practice of explaining the circumstances of a move to the consultors, referred to by Father Melican, was not followed at this meeting, particularly as those present were already aware of Ridsdale’s sexual transgressions.

Over a year later, Ridsdale was given a permanent appointment at Edenhope as parish priest.
The appointment was recorded at a meeting of the College of Consultors on 19 July 1977.

Bishop Mulkearns and four of the consultors at this meeting – Monsignor Fiscalini and Fathers Madden, McKenzie and K Arundell – attended the January 1976 meeting. Father McInerney was at this and the January 1976 meeting as the bishop’s secretary, and he took the minutes. The same individuals were at the 18 March 1976 meeting, where Ridsdale was appointed pro tem to Edenhope. The remaining two consultors at the 19 July 1977 meeting, Fathers Pell and Torpy, were new and had not attended the earlier meeting.

The Church parties submitted that there is no evidence that, either before or at this meeting, any of the attendees other than Bishop Mulkearns knew of actual or suspected offending by Ridsdale.

Cardinal Pell provided a variety of possibilities of what he expected may have been said at this meeting. His evidence was more emphatic as to what was not said. He gave evidence that he would be surprised if Bishop Mulkearns deceived him.

We share that surprise. It does not logically follow that a bishop would deceive his appointed consultors, particularly given that it would be likely that they would find out elsewhere.

Furthermore, given that Cardinal Pell would have been surprised if Bishop Mulkearns had deceived him, it is likely that he knew of Ridsdale’s sexual transgressions.

We are satisfied that, by this time, the consultors who had attended previous meetings, including Father Madden and Father McInerney, had been told of Ridsdale’s sexual transgressions. It is inconceivable that these consultors did not know by this time, given the usual practice and the general knowledge in the community.

Ridsdale remained at Edenhope parish for three years, until September 1979. During that time, there was evidence of talk in the community and among clergy about Ridsdale’s conduct.

Sister Kathleen McGrath was a teacher at St Malachy’s Primary School in Edenhope. She said, ‘Ridsdale was then parish priest at Edenhope, and in this role I had regular dealings with him’.

Sister McGrath recalled observing children staying in the presbytery at Edenhope, although she was not aware of any concerns that he was molesting students and it did not occur to her this was a possibility.

In 1981, Father Torpy was studying in Rome. In a letter to Bishop Mulkearns in January 1981, a year after Ridsdale had left Edenhope, he wrote:

Hope you haven’t run out of steam yet. Have heard a few whispers on the Edenhope situation. Very nasty but H. Nolan will stand no nonsense. Murph was here for a few days.
The 1981 letter was consistent with Mr Torpy’s oral hearing evidence. We are satisfied that Mr Torpy knew of allegations against Ridsdale in 1981.

**National Pastoral Institute, Elsternwick**

In September 1979, Ridsdale resigned as parish priest of Edenhope. He was granted a year of study leave at the National Pastoral Institute (NPI) in Elsternwick, Victoria, for the following year.

Mr David Ridsdale, Gerald Ridsdale’s nephew, told us he was sexually abused by his uncle during the period he was at the NPI. He said that he and other boys stayed with Ridsdale at the NPI.

The minutes of a meeting of the College of Consultors on 18 January 1980 record that Ridsdale ‘will be attending the N.P.I. in 1980’ and under ‘Staffing’ it was recorded ‘N.P.I.: Rev G Ridsdale’. Bishop Mulkearns presided over this meeting. The consultors who were present at this meeting had also been at the September 1979 meeting, with the addition of Fathers Madden and Downes.

Father Madden said that he did not recall anything about the meeting. Bishop Finnigan said that he had no recollection of any discussion with regard to Ridsdale attending NPI. Father Melican did not recall the reasons for Ridsdale’s appointment to the NPI, but he accepted that it stands to reason that it was to get him out of parish work and to keep him away from children. Father Melican also accepted that the consultors knew at that time that the reason for Ridsdale to go to NPI was to get him out of parish work and to keep him away from children.

We accept that there is nothing unusual of itself in a priest applying for a year of study leave, and the circumstances where Ridsdale was voluntarily moving out of a parish environment may not have generated much discussion. However, we accept Father Melican’s evidence that the consultors knew at the time that the reason was to get Ridsdale out of parish work and away from children.

**Mortlake parish**

Although he knew of the admissions Ridsdale made at Inglewood parish, after Ridsdale completed his study year Bishop Mulkearns appointed Ridsdale as parish priest at Mortlake in January 1981.
Mortlake is in southern Victoria, approximately 120 kilometres south-west of Ballarat. There were no other priests appointed to Mortlake while Ridsdale was there. According to Ridsdale, Bishop Mulkearns did not impose any conditions on how he should conduct himself at Mortlake parish.

Ridsdale’s appointment to Mortlake parish was recorded at a meeting of the College of Consultants on 16 January 1981. Bishop Mulkearns presided at the meeting.

Of the three consultors at this meeting who gave evidence – Fathers Madden and Melican and Bishop Finnigan – none could recall what was discussed at the meeting.

We find that it is inconceivable that this appointment did not invite discussion.

It is clear that Bishop Mulkearns should not have appointed Ridsdale parish priest of Mortlake, given his knowledge of the priest’s history.

During his time at Mortlake parish, Ridsdale sexually abused a large number of children, including Mr David Ridsdale, BPS, BPT, BPW, BPU, BPX, BPR and Mr Paul Levey. Many years later, Ridsdale himself described his behaviour at Mortlake as ‘out of control’.

Bishop Mulkearns and other senior priests in the Diocese received numerous reports of Ridsdale sexually offending against children. The Church parties acknowledged that in 1981 and 1982 Bishop Mulkearns either received or learned of numerous reports or complaints about Ridsdale at Mortlake. They also acknowledged that, at least by August 1982, reports or allegations about Ridsdale in Mortlake had been made to Monsignor Fiscalini, Sister McGrath, Father Finnigan and Father Nolan.

Allegations emerge at Mortlake

Not long after Ridsdale was appointed to Mortlake, probably in early 1981, Mrs BAI’s son, BPS, came home from the presbytery and told her Ridsdale had grabbed him, but he would not elaborate.

Mrs BAI and her husband decided to approach Bishop Mulkearns. They telephoned the bishop’s office the following day and spoke to Father Finnigan, who was the bishop’s secretary at that time. They asked him if they needed to be concerned about the welfare of their children in relation to Ridsdale. Mrs BAI’s evidence was that Father Finnigan told them there had been no reports of improper behaviour by Ridsdale and there was no need for concern. Mrs BAI did not speak further with anyone from the Church until about 18 months later.

Bishop Finnigan had no memory of the telephone call from Mrs BAI, and he did not deny it occurred. We accept Mrs BAI’s evidence.
In 1993, Father Finnigan told CCI investigators that, when Ridsdale was in Mortlake, three or four people came to him and were ‘disturbed by [Ridsdale’s] behaviour’. Father Finnigan said he ‘confronted’ Ridsdale. Bishop Finnigan told us he had nothing specific to confront Ridsdale with, and he passed on to Ridsdale the fact these people were concerned and unhappy.

The timeline is not clear, and it is possible that Mrs BAI’s complaint came before Bishop Finnigan received the complaints of the three or four people in Mortlake. If that was the case, Father Finnigan’s response to Mrs BAI would not have been dishonest.

Mr and Mrs BAI were entitled to expect that, as bishop’s secretary, Father Finnigan either would know of any previous complaints or, if he did not, would take steps to find out and answer their query honestly.

Bishop Finnigan may have had the thought that the parents would follow up; if he did, it was not reasonably held. His response to Mr and Mrs BAI, as they described it to us, was in our view clearly intended to reassure them and to discourage further action.

Regardless of whether he passed the information on to Bishop Mulkearns, he clearly did not satisfy himself that there was no cause for concern before offering that reassurance to Mr and Mrs BAI. This was reckless as to the safety of Mr and Mrs BAI’s son. Father Finnigan’s failure to report Mrs BAI’s complaint to Bishop Mulkearns was unsatisfactory and unacceptable.

Mrs BAI gave evidence that later the same day, around 5 pm, Ridsdale visited their house unannounced. He said, ‘there must be some misunderstanding’ in relation to the previous night at the presbytery. Mrs BAI’s son, BPS, replied, ‘I think we’ll agree to disagree, Father Gerry’, and left the room. Mrs BAI said that after this event they had little contact with Ridsdale outside of the Church.

Bishop Finnigan said that he did not get in touch with Ridsdale in response to the telephone call from Mrs BAI, although he accepted that someone must have done so. On Bishop Finnigan’s own evidence, he did not inform anyone else about this conversation. Mrs BAI’s evidence is that she did not speak to anyone from the Church about it until some 18 months later.

It is probable that Bishop Finnigan spoke to Ridsdale following the telephone call from the BAI s. That is more likely than Mr and Mrs BAI having spoken to someone else from the Church as well – which conversation they since forgot about – who then spoke to Ridsdale.

In his private hearing, Bishop Finnigan accepted that the concern of the people who came to see him was that Ridsdale was behaving inappropriately with their children. Bishop Finnigan’s evidence was that he ‘was blind and stupid and naïve’ not to realise that parents coming to complain about the behaviour of a priest with their children were concerned about what that priest might do to the children.
We reject the submission that Father Finnigan did not recognise what lay behind the concern that Ridsdale was ‘over-friendly’ with children. We do not accept Bishop Finnigan’s evidence that he did not recognise the nature of the complaints. Given the questions he asked of the parents, and the need to ‘confront’ Ridsdale, we are satisfied that he understood the complaints to be serious matters concerning an improper relationship that Ridsdale was having with the children.

Mrs BPF had two sons, who stayed overnight in the presbytery with Ridsdale in November 1981. Afterwards, she sensed something was wrong and asked one of her sons if Ridsdale had touched him. The boy hung his head and would not make eye contact.

The same day, Mrs BPF and her husband drove to neighbouring Terang parish, where Monsignor Fiscalini was the parish priest. At the time, Monsignor Fiscalini was the vicar general for the Diocese. She said to him, ‘we’ve got a problem in Mortlake’. He said, ‘I will deal with it’, and dismissed them without asking any questions.

Not long after this confrontation, Mrs BPF’s son came home with a letter from Ridsdale apologising, although he did not admit to anything. Mrs BPF destroyed the letter.

Monsignor Fiscalini reported the allegation of ‘sexual molestation’ to Bishop Mulkearns.

Ridsdale could not recall either Bishop Mulkearns or Monsignor Fiscalini telling him about a complaint received by Monsignor Fiscalini. However, to have prompted Ridsdale’s letter of apology to Mrs BPF’s son, one of them probably did.

In November 1981, Monsignor Fiscalini and Bishop Mulkearns knew of a complaint that Ridsdale had sexually molested a boy in Mortlake. Despite this, Ridsdale remained in the parish for another nine months, until September 1982. This was wrong, and it permitted Ridsdale to continue to access boys at Mortlake parish.

Mr Levey was 12 years old when he first met Ridsdale on a camping trip to White Cliffs. Ridsdale was studying at the NPI at the time. Ridsdale sexually abused Mr Levey at this camp.

In March 1980, Mr Levey’s parents separated. One day his father rang his mother and said Ridsdale had offered to take him to live in the presbytery and Mr Levey would attend the Catholic Regional College.

At around Easter 1982, when he was 14 years old, Mr Levey went to live in the Mortlake presbytery with Ridsdale. He remained living there until about October 1982. While Mr Levey had his own bedroom, he told us he always slept in Ridsdale’s bedroom. Mr Levey told the Royal Commission he was sexually abused ‘all the time, just about every day’ while he lived with Ridsdale. He told us that it was common knowledge in Mortlake that he lived at the presbytery. He said on one occasion Bishop Mulkearns visited the presbytery while he was there. We accept Mr Levey’s evidence.
Ridsdale gave evidence that anyone who came visiting could have seen the living arrangements and that he did not hide it. Ridsdale pleaded guilty in the early 1990s to a number of charges relating to Mr Levey.

Mrs Beverley Levey told us that, not long after Paul was moved to live with Ridsdale, she telephoned Bishop Mulkearns and told him she wanted Paul taken out of the presbytery. Bishop Mulkearns told her there was nothing he could do, as the arrangement had Paul’s father’s approval. Mrs Levey had at least two similar conversations with Bishop Mulkearns, but each time she was ignored.

We are satisfied that, by about April 1982, Bishop Mulkearns knew that Mr Levey was living with Ridsdale in the presbytery at Mortlake. He knew that the boy’s mother was concerned about the situation and sought his assistance, but he ignored her.

By this time, Bishop Mulkearns knew of Ridsdale’s admission of offending against boys. It is inconceivable that it would not have occurred to him that Ridsdale should not have had a boy living with him and that the boy was, at least, at risk of sexual abuse by Ridsdale. Bishop Mulkearns’ response to Mr Levey living with Ridsdale in the Mortlake presbytery demonstrated a total absence of concern for the welfare of that boy. Bishop Mulkearns deliberately left Mr Levey in danger. The Church parties properly conceded the possibility that Ridsdale was abusing Mr Levey should have occurred to Bishop Mulkearns and, given the knowledge he already had about Ridsdale by this time, he should have insisted that the boy be removed from the presbytery immediately.

This was an extraordinary and inexcusable failure by Bishop Mulkearns, and his failure to act subjected Mr Levey to ongoing sexual abuse by Ridsdale. Bishop Mulkearns’ conduct was appalling.

Father O’Toole was also aware in 1982 that a boy was living in the presbytery at Mortlake with Ridsdale. Although Father O’Toole said he ‘naïvely’ thought perhaps Ridsdale was trying to be a father figure to the child, he nevertheless thought the situation was unusual and strange. Despite this, he did not do anything with this knowledge. Father O’Toole should have spoken to the bishop and told him the situation was unusual and strange.

**Mortlake parents report the sexual abuse of their children to Bishop Mulkearns**

About 18 months after she first spoke to Father Finnigan about Ridsdale, Mrs BAI’s sons again disclosed to her that Ridsdale had touched them. Mrs BPF told Mrs BAI that her two sons had also been ‘affected’.
Mrs BAI also met with Sister McGrath and told her Ridsdale had been ‘molesting half the boys in the school’. Sister McGrath was horrified and immediately told Sister Patricia Vagg, the Parish Pastoral Associate at St Colman’s. Sister Vagg rang Bishop Mulkearns about it. She also went to see Ridsdale and told him what people were saying.

On 12 August 1982, Mrs BAI, Mrs BPF and their husbands travelled to the bishop’s office.

We are satisfied that in August 1992 Bishop Mulkearns received reports from Mrs BAI, Mrs BPF and Sister Vagg that Ridsdale had sexually abused multiple boys in Mortlake parish. He responded dismissively to these reports. This was grossly inadequate. His response to Mrs BPF that he could not take the word of a child over that of a priest was particularly wrong in light of his knowledge of Ridsdale’s admission to him of offending against children. Bishop Mulkearns failed in his duty to the children about whom he received reports. His failure allowed Ridsdale to continue to offend.

Monsignor Henry Nolan was appointed vicar general of the Diocese in July 1982. Immediately before this, he was the parish priest at Edenhope.

Shortly after Sister Vagg informed Bishop Mulkearns of the allegations against Ridsdale, Monsignor Nolan travelled to Mortlake to speak with Ridsdale. Ridsdale said Monsignor Nolan told him there were rumours, and people were going to the bishop.

Monsignor Nolan then met with the Sisters at the convent. Sister McGrath told Monsignor Nolan what Mrs BAI had said about Ridsdale molesting children. Monsignor Nolan replied that he had spoken to Ridsdale about the matter, he could not stay in Mortlake and he would be moving.

Mr BPE was the president of the school council at St Colman’s in Mortlake in the early 1980s and father of three boys at the school. Sister McGrath told him that there were problems with Ridsdale. When asked, two of his sons disclosed to him sexual abuse and attempted sexual abuse by Ridsdale.

Mr BPE spoke with Monsignor Nolan twice.

In 1993, when interviewed by CCI, Monsignor Nolan gave a different account of his involvement in dealing with the Mortlake allegations. He said that in 1982 or 1983 he ‘just happened’ to visit Mortlake. He said the nuns ‘never said explicitly what was happening’, and he ‘never knew exactly at any stage then who was involved or what Ridsdale was supposed to have done’.

We reject the account Monsignor Nolan gave CCI. We are satisfied that in about mid-1982 Monsignor Nolan came to Mortlake to speak with Ridsdale about the allegations. We are also satisfied that, when he met with Ridsdale, Monsignor Nolan became aware of Mr Levey living in the presbytery and had him moved to short-term care with a local family.
We are satisfied that Monsignor Nolan was informed of Mrs BAI’s allegations by Sister McGrath, and he told Sister McGrath that Ridsdale would be moving from Mortlake. We are satisfied that Mr BPE twice reported to Monsignor Nolan allegations that Ridsdale had sexually abused children in Mortlake. On the second occasion, he told Monsignor Nolan the problem was widespread.

Monsignor Nolan’s responses to Mr BPE are consistent with an intention to reassure Mr BPE and therefore discourage any further action in relation to Ridsdale’s sexual abuse of children in Mortlake.

**Removal from Mortlake parish**

Between 1980 and around May 1982, Father Brian McDermott was a priest at Camperdown, about an hour south-west of Ballarat. Father McDermott told us in about 1981 or early 1982 he became aware of rumours that some parish priests around Mortlake met to discuss Ridsdale’s activities in Mortlake. He presumed it was sexual activity. He did not know what happened at the meeting. A Mortlake parishioner told him about it. He said that the locals of Mortlake would have all been talking and very concerned about what was happening and that it was a wider Catholic community concern.

Neither Father Arundell nor Father O’Toole, who was an assistant priest at the neighbouring parish of Warrnambool at the time, heard of the meeting that Father McDermott referred to.

Bishop Mulkearns met with Ridsdale in Terang on 15 August 1982. Bishop Mulkearns was there for a confirmation. According to Bishop Mulkearns, Ridsdale said, ‘If these complaints are made then it is better that I get out’.

Mrs BAI said that, within weeks of her meeting with the bishop, Ridsdale announced during mass that he was being transferred.

Ridsdale’s removal from Mortlake parish was discussed at the College of Consultants meeting on 14 September 1982. Bishop Mulkearns presided at the meeting. Also present at this meeting were Monsignor Fiscalini and Fathers Henry Nolan (vicar general), Pell, Martin, Daniel Arundell and Bryant. Father Finnigan attended the meeting as the bishop’s secretary.

The minutes of the meeting record, under the heading ‘Staffing’:

> The Bishop advised that it had become necessary for Fr. Gerald Ridsdale to move from the Parish of Mortlake. Negotiations are under way to have him work with the Catholic Enquiry Centre in Sydney. A new appointment to Mortlake will be necessary, to take effect after October 17th.
The Catholic Enquiry Centre was located in Maroubra in Sydney.

Of the consultors who attended that meeting and gave evidence about it, none had a clear and consistent memory of what occurred at the meeting. It happened 30-odd years earlier and was one of many consultors’ meetings each had attended.

It is clear from the minutes that the moving of Ridsdale was out of the ordinary and that there was some urgency to his being moved. It is also clear from the minutes that one or more events had caused that to become necessary. There is no doubt why Bishop Mulkearns wanted him out of the Diocese.

We are satisfied that he wanted to remove him from the Diocese and preferably from access to children to avoid further complaints and public scrutiny. It had the effect of protecting Ridsdale.

Cardinal Pell said that, because of Ridsdale’s unusual number of appointments, the meeting would have discussed why he was being moved yet again and the bishop would have given some reason. Father Eric Bryant said the consultors were told ‘there was a problem with homosexuality in the Diocese’ and the bishop then ‘referred to Ridsdale and what he’d done’. Bishop Finnigan did not recall that being said, and Cardinal Pell said it was entirely possible that was the reason given.

There is no reason not to accept the evidence of Father Bryant that Bishop Mulkearns said to the meeting that there was a problem with homosexuality in the Diocese and that this was the reason it had become necessary to move Ridsdale from Mortlake. Father Bryant’s testimony on this point was clear and straightforward, and it is not contradicted by the other witnesses who were present at the meeting.

Bishop Finnigan, the minute-taker, explained that, if the bishop had given child sexual abuse as the reason, it would not have been recorded in the minutes. That is convincing and is accepted. Bishop Finnigan was equivocal on whether he would have recorded homosexuality as the reason if that reason had been given. However, the absence of a recorded reason in the minutes is not inconsistent with the evidence that the bishop gave at least homosexuality as a reason and that he may have gone further and mentioned the problem as being one in relation to children.

We are satisfied Bishop Mulkearns gave reasons for it being necessary to move Ridsdale. We are satisfied that he referred to homosexuality at the meeting in the context of giving reasons for Ridsdale’s move. However, we are not satisfied that Bishop Mulkearns left the explanation there.

As Cardinal Pell said, there would have been a discussion.
We are satisfied that the belief was that the appointment to the Catholic Enquiry Centre would reduce Ridsdale’s access to children, whereas access to children was freely available in a parish. As Bishop Mulkearns acknowledged in his 1989 letter, the centre was ‘specifically chosen to ensure he had no contact with ordinary parish work’.

Cardinal Pell gave evidence that the bishop did not give the true reason for moving Ridsdale – namely, his sexual activity with children – and that the bishop lied in not giving the true reason to the consultors.

We do not accept that Bishop Mulkearns lied to his consultors. Monsignor Fiscalini, Father Nolan and Father Finnigan all knew of allegations or complaints about Ridsdale’s conduct with children before the meeting. They knew why it was necessary to move Ridsdale from Mortlake and take him out of the parish and Diocese to a position where access to children was restricted.

It is inconceivable in these circumstances that Bishop Mulkearns deceived his consultors by not telling them the true reason. There would be little utility in doing so. The secret was out in at least two parishes by 1978.

We are satisfied that Bishop Mulkearns’ overwhelming concern was to protect his Diocese and the Church from further scandal. Limiting the information about Ridsdale to those outside of the Church was necessary to protect the reputation of the Church. That concern did not apply to insiders, and Bishop Mulkearns had no reason to think his consultors would speak publicly about the reasons for moving Ridsdale. The minutes of these meetings were not made public. We are satisfied that Bishop Mulkearns did not deceive his consultors.

We accept the evidence of Bishop Finnigan that, as minute-taker, he would not have recorded that the reason was child sexual abuse if the bishop had given that reason. We infer that this was to safeguard the discussions inside the room with the consultors. All matters discussed were not recorded, and we would not expect them to be.

We are satisfied that Bishop Mulkearns told the consultors that it was necessary to move Ridsdale from the Diocese and from parish work because of complaints that he had sexually abused children. A contrary position is not tenable.

**The response to Mortlake parish**

Ridsdale remained in Mortlake parish for over a month after the Mortlake parents met with Bishop Mulkearns.

Ridsdale believed he was given a date to leave and was not pulled out straight away. He recalled a parish send-off when he was leaving.
In 1994, Bishop Mulkearns wrote to the Warrnambool Standard, ‘Ridsdale was removed from the Parish of Mortlake as soon as possible after complaints were made against him’. This was not the true position; it was dishonest or, at best, misleading.

Father Denis Dennehy replaced Ridsdale as parish priest at Mortlake. Within a short time of arriving at Mortlake, Father Dennehy learned from a number of sources that Ridsdale was alleged to have sexually abused a large number of children in the parish. Father Dennehy is recorded as saying that every male child between the ages of 10 and 16 years who was at the school in Mortlake was molested by Ridsdale.

On at least two occasions, Father Dennehy discussed the situation in Mortlake with Bishop Mulkearns. Bishop Mulkearns was aware that Father Dennehy had made counselling available, ‘having seen that there was some lasting effect’ of Ridsdale’s sexual abuse of children in the parish.

Bishop Mulkearns instructed Sister McGrath and Sister Vagg to ‘keep the matter very quiet’. Sister McGrath understood that she was not to discuss the matter with other staff or parents. Sister McGrath asked Bishop Mulkearns whether a public meeting could be held. He said there was to be no meeting.

Bishop Mulkearns told BPE that it would not be an appropriate at that time to let the community know that the Church was sorry the sexual abuse had taken place.

In October 1989, Bishop Mulkearns wrote to Ms Ann Ryan, a former schoolteacher at Mortlake, that ‘it is difficult to reach out to specific people when one hears only vague rumours of a very general kind’.

Bishop Mulkearns’ response to the people of Mortlake was completely inadequate. We are satisfied that his priority was to protect the reputation of the Church and to avoid scandal, rather than responding to the pastoral needs of the children Ridsdale had sexually abused and the wider community.


We are satisfied that Bishop Mulkearns made false statements in interviews with CCI in 1993, 1994 and 1995 of the extent of his knowledge of the events in Mortlake in order to limit his responsibility for his handling of Ridsdale at that time and subsequently.
Catholic Enquiry Centre in Sydney

Ridsdale received treatment from Father Augustine Watson monthly from about November 1982 until around the end of 1986, with some gaps between visits.

Ridsdale commenced at the Catholic Enquiry Centre in Sydney on 10 November 1982. The initial arrangement for Ridsdale’s appointment to the Catholic Enquiry Centre was made between Bishop Mulkearns and the Archbishop of Sydney, Cardinal James Freeman.

Cardinal Edward Clancy became Archbishop of Sydney in 1983. Bishop Mulkearns and Cardinal Clancy agreed to certain conditions of Ridsdale’s stay in the archdiocese – Ridsdale would work at the centre, he would not be in contact with children and he would continue with his counselling. These were the same conditions originally agreed between Bishop Mulkearns and Cardinal Freeman. The arrangements were informal and not documented. Ridsdale was granted faculties of the Archdiocese of Sydney for the duration of his stay.

Father James FitzPatrick, the director of the centre, told us that Bishop Mulkearns told him that Ridsdale ‘had been in a bit of personal trouble here and it could be serious, so I’d like to get him out of the place and away’. He was told the problems were with young people.

Ridsdale continued to sexually abuse children while he was at the centre.

The informal nature of the communications between Bishop Mulkearns and the cardinals, and Bishop Mulkearns and Father FitzPatrick, and the fact that Bishop Mulkearns was not personally imposing conditions on Ridsdale meant Ridsdale was unsupervised in relation to children. Further, Bishop Mulkearns did not report Ridsdale to the police and did not tell the parents to go to the police. Bishop Mulkearns again was derelict in his duty in failing to take any effective action to have Ridsdale referred to police and to restrict Ridsdale’s contact with children.

While he was at the Catholic Inquiry Centre, Ridsdale continued to have contact with children, including altar boys and school students.

At some point, Father FitzPatrick received a phone call from the principal of St Gregory’s in Campbelltown, who told him Ridsdale had called in a few times visiting some of the boarders there. Father FitzPatrick thought he spoke to Bishop Mulkearns about the matter.

After Ridsdale had been at the Catholic Enquiry Centre for about seven months, Father FitzPatrick requested his services for a further 12 months, until the end of 1984. Bishop Mulkearns responded that he would have to discuss the matters with his consultors.
Bishop Mulkearns wrote to Father FitzPatrick and said he was prepared to allow Ridsdale to continue with the centre for a further year in 1985. He referred to an unspecified ‘problem’ about which he and Father FitzPatrick had spoken. He said that Ridsdale had spoken to the Melbourne priest who was advising him and he hoped it was something that would not ‘crop up’ again. Father FitzPatrick thought the ‘problem’ mentioned by Bishop Mulkearns was presumably the phone call he received from the principal of St Gregory’s.

It must have been plain to Bishop Mulkearns that Ridsdale still had access to children while he was at the centre. Despite this, he permitted Ridsdale to remain there for a further year. We find that this was wrong.

Father FitzPatrick asked Ridsdale to leave the Catholic Enquiry Centre in early 1986, after he learned that a young boy or teenager had stayed overnight at the centre. Father FitzPatrick told us he immediately called Bishop Mulkearns and said, ‘Get him out of here, I don’t want him’.

There is no evidence Bishop Mulkearns informed Cardinal Clancy or anyone else in the hierarchy of the Archdiocese of Sydney that Ridsdale had been asked to leave the Catholic Enquiry Centre or the reasons for it. Also, there is no evidence that Bishop Mulkearns advised anyone to speak to the boy, the parents or the police.

After leaving the Catholic Enquiry Centre, Ridsdale was given temporary parish appointments at Woy Woy and Forestville in the Archdiocese of Sydney. After his Forestville appointment ended, Ridsdale wrote to Bishop Mulkearns that he would be spending the next six weeks at White Cliffs.

It was inexcusably wrong for Bishop Mulkearns to permit Ridsdale to take up these short-term appointments at Woy Woy and Forestville, with his knowledge of Ridsdale’s offending and numerous allegations in the Diocese and of the incidents at the Catholic Enquiry Centre.

Horsham parish

When Ridsdale returned to Ballarat in July 1986 Bishop Mulkearns appointed him assistant priest at Horsham in the western part of Victoria, approximately 190 kilometres from Ballarat. Father Madden, a former vicar general and former consultor, was the parish priest of Horsham parish.

In 1994 Bishop Mulkearns said that he made the appointment because Father Watson gave advice that it was responsible to put Ridsdale back into parish work, they did not know what had happened in Sydney and Ridsdale should be put with someone else to whom he could talk.
We are not satisfied that Father Watson gave this, or any, advice that it was responsible to place Ridsdale back in a parish. Bishop Mulkearns only mentioned the advice after Ridsdale’s offending became public knowledge. By the time Ridsdale took up the Horsham appointment in July 1986 Bishop Mulkearns knew that Ridsdale had a boy spend the night with him at the Catholic Enquiry Centre. He could not have been satisfied that Ridsdale was safe to be in any position with access to children. It was inexcusably wrong for Bishop Mulkearns to appoint Ridsdale to Horsham parish in 1986, knowing of Ridsdale’s offending and the numerous allegations in Ballarat, and the incident at the Catholic Enquiry Centre.

Father Madden gave evidence that Bishop Mulkearns did not explain to him why the appointment of Ridsdale as his assistant priest was being made. Bishop Mulkearns did tell him Ridsdale had received counselling. Father Madden deduced there must have been some difficulties or problems. However, Father Madden told us he was ‘very clear’ that he first came to know that Ridsdale had engaged in wrongful activity with boys in 1988, when he left Horsham.

It is appalling that Bishop Mulkearns, knowing of Ridsdale’s history of offending, did not report to the police or adequately inform Father Madden of the risks posed by Ridsdale. It is equally appalling that Bishop Mulkearns did not impose any conditions on Ridsdale at Horsham. Bishop Mulkearns was recklessly indifferent to the safety and wellbeing of the children in and around Horsham.

The College of Consultors met on 23 January 1986, while Ridsdale was still in Sydney. The minutes of the meeting record that Father Gerry Baldock was appointed assistant priest at Horsham parish until July 1986, following which Ridsdale would take up the appointment.

We are satisfied that the circumstances of this meeting, and Ridsdale’s return to the Diocese after several years in Sydney to take up a parish appointment, more likely than not would have prompted discussion among the consultors. That is particularly likely on this occasion because all but one of the attendees knew that Ridsdale had been sent to Sydney in 1982 because of complaints he had sexually abused children or that Ridsdale’s conduct at Mortlake had been of concern in that community.

We are satisfied that Bishop Mulkearns did not withhold information about Ridsdale’s past conduct at this meeting. All of the attendees, except Father Downes, already knew about it.

Between 1985 and 1988, Father Bryant was the parish priest at Hopetoun parish. On at least one occasion while he was at Hopetoun, Father Bryant recalled warning parents to keep their children away from Ridsdale. Father Bryant told us he felt quite powerless and he was sure at some stage he tried to talk to the bishop about it, only to be told it was being handled.

We accept that the events at Hopetoun occurred as Father Bryant stated, but we do not accept his evidence that this was the first time he learned of allegations about Ridsdale.
Father Bryant attended the consultors’ meeting on 14 September 1982 and subsequent meetings at which Ridsdale was discussed. We have found that the consultors were made aware at the meeting in September 1982 by Bishop Mulkearns that it was necessary to move Ridsdale from the Diocese and from parish work because of complaints that he had sexually abused children.

In 1988, Father O’Toole was the parish priest at Edenhope. Father O’Toole told us that in 1988 he was invited to see a man in his 30s at Edenhope hospital. The man disclosed he was sexually abused by Ridsdale as a schoolboy at Edenhope. Father O’Toole gave evidence that he did not report the disclosure to the bishop.

Father O’Toole conceded in hindsight that he should have at least reported the disclosure to Bishop Mulkearns. He accepted he had no cause to think Ridsdale was no longer a priest, and he must have appreciated Ridsdale could still be offending against children.

In 1987, Mrs BAE’s son, BAF, disclosed to her that he was molested by Ridsdale in 1978. In a police statement Mrs BAE said she met with Father McDermott in August 1987 at the Catholic Diocesan Centre in Melbourne. She stated, ‘That day was one of the worst days of my life, Father McDermott said it was our fault and inferred that it was BAF’s fault and that BAF had encouraged [Ridsdale]’.

Father McDermott gave evidence that he met with Mrs BAE in Melbourne at the request of the bishop. Father McDermott totally rejected responding as Mrs BAE alleged.

The evidence is not sufficient for us to find that Father McDermott blamed Mrs BAE or her son for Ridsdale’s conduct. Father McDermott gave sworn evidence. Mrs BAE’s account is derived from a police statement.

The following Friday, during a telephone call, Father McDermott told her he had passed on her concerns to the bishop and that Bishop Mulkearns had spoken to Ridsdale about his behaviour. A few days after the phone call, Mrs BAE wrote to Bishop Mulkearns. She wrote, ‘Thank you for your message that Father Gerry Ridsdale had been spoken to by you but I am not satisfied that anything has as yet been resolved’. She asked for a meeting with the bishop if he was not able to answer her question as to what could be done with Ridsdale.

Father McDermott told us he knew that Ridsdale continued in parish ministry after this complaint, and this troubled him. However, he did not raise the matter further with the bishop.

We accept Father McDermott’s evidence that he reported Mrs BAE’s concerns to the bishop and that he was troubled about Ridsdale remaining in a parish but did not raise it again with the bishop.
There is no evidence that Bishop Mulkearns informed Father Watson of this further report about Ridsdale’s conduct or reported to the police or told Mrs BAE to report to police. His lack of action was recklessly indifferent to the safety and wellbeing of children in and around Horsham parish. Not removing Ridsdale from Horsham or from ministry immediately upon learning of Mrs BAE’s allegations, given all the earlier knowledge Bishop Mulkearns already had, was inexcusably wrong.

In 1988, BAO disclosed to Mrs BAL and Ms Marika Gubacsi, who was the president of the local prayer community at Yarra Bay in Sydney, that he had been sexually abused by Ridsdale from the age of 10, over a period of about five years.

Mrs BAL and her husband wrote to Bishop Mulkearns in early 1988. They wrote that they believed their son was ‘scarred for life’ and that the police were investigating the matter. The BAL family also wrote at about the same time to the Archbishop of Sydney.

Within a month of Mrs BAL’s letter to Bishop Mulkearns, in April 1988, Ridsdale resigned from Horsham parish, confirming his ‘request to step down from parish work in this diocese so that I may be removed from the kind of work that has proved to be a temptation and a difficulty to me’.

We are satisfied that Bishop Mulkearns asked or required Ridsdale to resign from Horsham parish because of Mrs BAL’s complaint to him, to the Archbishop of Sydney and to the police. Eight months earlier, when Mrs BAE complained about Ridsdale and sought his removal from parish work, no such action was taken by Bishop Mulkearns.

The only difference in the action taken by Bishop Mulkearns was that this time the matter had been reported to police. Bishop Mulkearns’ primary concern in responding to Ridsdale’s sexual offending against children was the protection of the reputation of the Church, not the safety and welfare of those children.

About a month after Ridsdale’s resignation, Bishop Mulkearns wrote to the priests of the Diocese that Ridsdale has been granted ‘extended leave’ from parish work. The same day, he wrote to his vicar general, Monsignor Nolan, that it had become necessary to remove Ridsdale from his position, that he had little option but to implement the change and that it did not seem reasonable to ask the consultors to travel to a special meeting.

Over two months after Ridsdale’s resignation, on 21 June 1988, the College of Consultors met. The minutes of the meeting record, ‘Rev G Ridsdale. It was reported that it became necessary to move out of the parish ministry’.

By the time of this meeting, most if not all of the consultors present would have been aware that Ridsdale was being removed as assistant priest of Horsham due to complaints or allegations that he had sexually abused children.
We are satisfied that it was generally known in the Diocese why Ridsdale had been removed from ministry. It was generally known in the Diocese, and by the consultors, that there had been complaints against Ridsdale at various parishes and that it had become necessary to move Ridsdale because those complaints might become public. It would be surprising in those circumstances if the reason it was necessary to remove him from his position as assistant priest at Horsham was not discussed.

The evidence establishes that at least a number, perhaps most, of the consultors by this time had some awareness that Ridsdale had been offending against children or had some serious sexual problem. It was not the first time that most of them had acquired that knowledge.

**Withdrawal of faculties and treatment in Jemez Springs**

On 30 June 1988, Bishop Mulkearns withdrew Ridsdale’s faculties for a period of 12 months. He told Ridsdale that the future position could be discussed in light of developments at that time. By November, Ridsdale was living in his dugout in the small town of White Cliffs in far north-western New South Wales. Ridsdale remained at White Cliffs for over a year.

While Ridsdale was living in White Cliffs, Bishop Mulkearns and Father Watson communicated about Ridsdale’s situation. At that time, Bishops Mulkearns was the chair of the Special Issues Resource Group of the Australian Catholic Bishops Conference.

Between August and October 1989, Bishop Mulkearns corresponded with the Congregation of the Servants of the Paraclete about the possibility of Ridsdale receiving treatment at Villa Louis Martin at Jemez Springs in New Mexico, United States. By December 1989, Ridsdale commenced his assessment at Villa Louis Martin.

Between early and mid-1990, Bishop Mulkearns received at least five reports from Villa Louis Martin on Ridsdale’s treatment. Father Peter Lechner, the director, asked that Bishop Mulkearns either destroy the reports or return them when he had finished reading them. Bishop Mulkearns apparently followed that advice, as no reports were produced to us.

Bishop Mulkearns travelled to Jemez Springs in September 1990. ‘After Care Recommendations’ included stipulation that Ridsdale ‘will not engage in any ministry to minors and will not otherwise be in the company of minor unless accompanied by an adult’.

We heard evidence of gossip when Ridsdale went for treatment. We do not doubt that there was a deal of gossip at the time. However, we do not accept that that gossip began only when Ridsdale was sent away for treatment. As we have set out earlier, there was gossip about Ridsdale in Catholic communities since the mid-1970s.
On 27 May 1993, Ridsdale pleaded guilty to sexual assault charges in relation to eight young boys in Inglewood and Edenhope. He was sentenced to two years and three months’ imprisonment. He served a period of some three months. Ridsdale was convicted of further offences in 1994, 2006, 2014 and 2017.

In the first criminal proceedings in May 1993, a number of priests in the Diocese were asked to, and did, provide character references for Ridsdale. They included Fathers Davey, Madden and Adrian McInerney and Brother Patrick White of the St John of God Brothers.

In July 1995 Victoria Police commenced Operation Arcadia investigating Bishop Mulkearns’ handling of Ridsdale. The final report on Operation Arcadia found, ‘There is evidence that Mulkearns was aware that criminal offences were committed by Ridsdale; these offences were listed in the statutes as misdemeanours’.

In early 2017, Ridsdale was convicted of a further 28 charges in relation to 10 complainants. The offences occurred between 1961 and 1988. In August 2017, he was sentenced to a further 11 years in relation to those convictions.

**Dismissal from the priesthood**

In November 1993, almost a year after Victoria Police began investigating Ridsdale, he was dismissed from the priesthood.

Ridsdale had admitted offending against children to Bishop Mulkearns in 1976. Bishop Mulkearns did nothing effective to restrict Ridsdale’s access to children until over 20 years later. We do not know how many boys and girls were sexually abused by Ridsdale over that time. However, the lives of dozens of children and their families, likely to be more than a hundred, were devastated by his conduct.

**Specific allegations relating to then Father Pell’s knowledge of and response to Ridsdale’s sexual abuse of children**

**BWE’s allegation**

BWE told us that when he was an altar boy at St Patrick’s Cathedral in Ballarat in 1983 he participated in a funeral for an elderly lady from Bungaree. His recollection was that Father Pell officiated at the funeral and that Father Madden was present at the funeral, because he was the parish priest for the cathedral at the time.
BWE told us on the day of the funeral he overheard an exchange between Father Madden and Father Pell. Father Madden asked Father Pell, ‘How’s everything down your way?’ Father Pell responded, ‘Huh, huh, I think Gerry’s been rooting boys again’.

BWE was questioned by counsel for Cardinal Pell, who put to him that his evidence was false. BWE stood by his evidence. Cardinal Pell strongly denied BWE’s allegation and said every detail of the allegation was manifestly false.

The evidence leads us to conclude that the event as described by BWE is unlikely to have occurred. It is likely that he overheard the conversation; however, that conversation was not between the priests he nominated and was not in the context of that particular funeral.

**Mr David Ridsdale’s allegation**

Mr David Ridsdale is the nephew of Gerald Ridsdale. He was sexually abused as a child by his uncle over a number of years. Ridsdale was later convicted of sexually assaulting his nephew.

Mr Ridsdale said he called Bishop Pell on either 2 or 3 February 1993. He told him he had been sexually abused by Ridsdale. Mr Ridsdale said he was having difficulties and needed assistance, but he was concerned about his grandmother and was ‘seeking a private process’. Mr Ridsdale’s evidence about how the conversation concluded was as follows:

Me: Excuse me, George, what the fuck are you talking about?

George: I want to know what it will take to keep you quiet.

Me: Fuck you, George, and everything you stand for.

When questioned by counsel for Cardinal Pell, Mr Ridsdale was clear that precisely these three lines were spoken; he said they were ‘embedded’ in his head.

Cardinal Pell did not deny receiving the telephone call from Mr David Ridsdale and did not dispute that Mr Ridsdale sought assistance and asked for a ‘private process’ because of his grandmother. Cardinal Pell categorically denied that he said to Mr Ridsdale, ‘I want to know what it will take to keep you quiet’, or that Mr Ridsdale responded as he alleged.

We are satisfied that Bishop Pell knew that the police were investigating Ridsdale about his offending in Ballarat. He also knew, from his time as a consultor, that there were likely to be many allegations against Ridsdale. However, the fact that the police were already investigating Ridsdale does not preclude Bishop Pell wanting Mr Ridsdale to keep his allegation quiet. The more complaints against Ridsdale, including complaints arising from his conduct in Ballarat, the greater the scandal.
We consider Mr Ridsdale to be an honest witness. We accept that he genuinely believes that Bishop Pell said, ‘I want to know what it will take to keep you quiet’, in an effort to keep Mr Ridsdale’s allegation from becoming public. However, we are not satisfied that Bishop Pell said the words attributed to him or otherwise sought to obtain Mr Ridsdale’s silence. It is more likely that Mr Ridsdale misinterpreted an offer by Bishop Pell to assist as something more sinister. There is no compelling reason for the then bishop to make such a statement. Knowledge about Ridsdale’s offending was widespread in the community, as we have set out earlier in this report. Finally, Mr Ridsdale’s interpretation of the discussion is not consistent with him seeking a private process.

2.10 Paul David Ryan

Paul David Ryan first entered the seminary in Adelaide in 1969 and was asked to leave two years later. Subsequently, Bishop Mulkearns accepted Ryan as a candidate for priesthood in the Diocese.

Ryan attended Corpus Christi College seminary in Melbourne as a seminarian between 1972 and 1975. While there he engaged in sexual activity with three seminarians. He sought to reconcile his behaviour by going to confession. Ryan confessed to Father Ronald Pickering, a priest of the Archdiocese of Melbourne, whom he described as ‘a mentor’. Allegations about Father Pickering’s sexual conduct with young boys were considered by the Royal Commission in Case Study 35: Catholic Archdiocese of Melbourne.

Bishop Mulkearns receives a complaint about Ryan at Ballarat

Ryan gave evidence that when he was in Ballarat he ‘became involved with a chap’ he met through the parish choir. He ‘presumed’ that the boy was 18, but there was a chance that the boy was younger than 18. Ryan later confirmed the boy was BPM.

Mrs Mary Donoghue and her two sons, BPM and BPN, lived in Ballarat in 1975. Mrs Donoghue told us of an incident in which her sons told her that Ryan was ‘after us’ and ‘homosexual’. She said that at that time she thought BPM was about 16 or 17 years old and in year 11 or 12 and that BPN was in year 7 or 8. Mrs Donoghue then had a conversation with Ryan in which he ‘more or less admitted’ a ‘more than personal interest’ in her sons.

At a later time, BPM received a message to go to the presbytery. Ryan opened the door wearing a white G-string and produced pornographic magazines. He invited BPM in, but BPM ran away.
Mrs Donoghue then went to see Bishop Mulkearns. She wanted to stop Ryan’s ordination. Mrs Donoghue stated that Bishop Mulkearns was dismissive of her. Mrs Donoghue’s evidence is consistent with other evidence we heard of the bishop’s dismissive approach to parents who raised concerns or complaints about priests of the Diocese, and we accept it.

We are satisfied that Mrs Donoghue’s complaint conveyed to Bishop Mulkearns that her concern about Ryan’s conduct was of a sexual nature and it related to her children. The plain inference from Mrs Donoghue raising Ryan’s sexual behaviour (‘dirty pictures and things’) and her sons’ reaction to Ryan is that the two were connected. A mother raising concerns about her sons and their opinion of Ryan should have at least alerted Bishop Mulkearns to the likelihood that her sons were minors.

There is no evidence that Bishop Mulkearns took any steps to investigate Mrs Donoghue’s concerns about Ryan or treat them seriously. He should have done so.

At the end of Ryan’s period in Ballarat, the bishop agreed to Ryan’s ordination. Ryan was ordained on 28 May 1976.

In February 1977, Bishop Mulkearns sent Ryan to Washington DC, United States, for further treatment for homosexuality. Ryan studied at the same time.

In a letter written before Ryan’s arrival in the United States, Father John Harvey (Ryan’s spiritual director in the United States) asked Bishop Mulkearns ‘what kind of homosexual activity’ Ryan had been involved with and whether it was ‘only with adults’. A 2007 Professional Standards Risk Management Service Memo records ‘the reply described activity confined to fellow seminarians’.

If Bishop Mulkearns did inform Father Harvey that Ryan’s ‘activity’ related only to fellow seminarians, this was false. Bishop Mulkearns had by this time received the complaint from Mrs Donoghue regarding her sons. Regardless of whether or not Bishop Mulkearns understood Mrs Donoghue’s complaint to relate to minors, it clearly did not relate to fellow seminarians.

The College of Consultants met on 31 May 1977. The minutes of the meeting record that Bishop Mulkearns reported, ‘Ryan is at present in Washington D.C. and will be for at least two years’.

We cannot be satisfied that there was any discussion at that meeting about Ryan receiving treatment. The reference in the minutes is consistent with Ryan studying overseas and it was common in the Diocese for priests to study overseas.
Father Finnigan said that in about August or September 1977 Bishop Mulkearns told him that Ryan was in the United States receiving treatment related to homosexuality. Bishop Mulkearns shared the information on a confidential basis with Father Finnigan because he was going to become the bishop’s secretary.

‘Incidents’ in Ballarat

In 29 December 1977, Bishop Mulkearns wrote to Father Harvey that a parishioner in Ballarat remarked that if Ryan ever appeared in Ballarat again he would run him out of town. The bishop wrote, ‘It seems that there were more incidents during his time here … None of them surfaced prior to his Ordination and one wonders why’. We are satisfied that Bishop Mulkearns’ statement was inaccurate, as Mrs Donoghue raised concerns about Ryan with the bishop before Ryan’s ordination.

There is no evidence that Bishop Mulkearns made inquiries or investigated the parishioner’s complaint which led to the remark about running Ryan out of town if he returned. There is also no evidence that Bishop Mulkearns took steps to investigate the ‘incidents’ he assumed had occurred in Ballarat North. We are satisfied that Bishop Mulkearns took no steps to investigate the nature of the parishioner’s complaint and that he should have done so.

In that same letter Bishop Mulkearns referred to Ryan’s worry about ‘what the clergy in Ballarat are thinking about him’ and that ‘I suspect there is more to the silence than that and that the priests at least know there is a problem, even if they don’t know what the problem is’.

In May 1978, Bishop Mulkearns wrote to Ryan that he would prefer for him to return as a priest in the Diocese. However, a question had arisen while Ryan had been away: whether Ryan would be able to work in the Diocese because of talk of ‘incidents’ occurring in Ballarat while Ryan was there. Bishop Mulkearns wrote, ‘How widespread any knowledge of problems here is I do not really know, but it could be that such knowledge could put you under some pressure’.

Notwithstanding Bishop Mulkearns’ response, we are satisfied that Bishop Mulkearns was aware by this time of Ryan’s activities with children. The letter of 29 December 1977 bears no construction other than that the incidents referred to in this letter must have involved minors.

It is clear that, in determining Ryan’s suitability to work in the Diocese, Bishop Mulkearns’ primary concern was limiting scandal in the Diocese. This is consistent with the approach he took to Ridsdale in 1982.
According to a file note made by Bishop Mulkearns, in June 1978 Mr John Keane, a former religious Brother, told Bishop Mulkearns about a complaint that Mrs Donoghue made to him about Ryan in 1976 – the week after Ryan’s ordination. Mrs Donoghue had told Mr Keane that her son ‘had allegedly been involved’ with Ryan. The evidence is not sufficient to enable us to conclude Mrs Donoghue told Mr Keane her son was a minor at the time of his involvement with Ryan.

Bishop Mulkearns also wrote a list of people whom Mr Keane mentioned to him as potentially aware of Ryan’s ‘problem’. The list contains seven sets of names. It includes names of individuals, names of husbands and wives and names of particular families. The list does not enable us to conclude whether the ‘problem’ was with children.

However, there is no evidence that Bishop Mulkearns took any steps to further investigate Mrs Donoghue’s complaint or to make inquiries with the people Mr Keane listed as being aware of Ryan’s ‘problem’.

After Ryan completed his studies, Bishop Mulkearns granted Ryan permission to work at a parish in Virginia Beach in the Diocese of Richmond in the United States.

We are satisfied that Bishop Mulkearns was concerned about returning Ryan to the Diocese in light of the knowledge and talk of ‘incidents’ involving Ryan in Ballarat. As acknowledged by the Church parties, by allowing Ryan to remain in the United States, Bishop Mulkearns sought to minimise the risk of scandal in the Diocese by the ‘incidents’ and Ryan’s ‘problem’ being revealed.

In September 1978, Bishop Mulkearns wrote to the Bishop of Richmond granting permission for Ryan to remain at Virginia Beach until the new year. Bishop Mulkearns wrote that Ryan was in the United States to study and did not disclose that Ryan’s actual purpose for being in the United States was to receive treatment.

We are satisfied that, in omitting to advise the Bishop of Richmond that Ryan’s main purpose for being in the United States was to receive treatment, Bishop Mulkearns’ letter was misleading.

**Allegations emerge at Virginia Beach, United States**

Ryan returned to Australia briefly at the end of 1978. While in Australia, he applied to return to the United States to work. In a letter written in 1991, Bishop Mulkearns wrote that the reason Ryan asked to return to the United States was that Ryan ‘considered that he was not accepted by the other Priests of the Diocese on his return’.
The College of Consultants met on 18 April 1979 and discussed Ryan’s application. The minutes record the consultors’ agreement that Ryan be released from the Diocese to undertake pastoral work in the United States on loan ‘ad experimentum’.

Bishop Mulkearns wrote to Ryan that he had mentioned to the consultors that Ryan had asked to be allowed to return to the United States. He wrote, ‘I explained that the present suggestion is that you go back … and work there for a couple of years by way of experiment … The Consultants agreed with this proposal’.

We are satisfied that at the 18 April 1979 meeting the consultors discussed and agreed to Ryan’s application to return to the United States to undertake pastoral work on an experimental basis.

Ryan returned to Virginia Beach that month.

In about December 1979, the parish priest at Virginia Beach, Father Paul Gaughan, became aware of a number of allegations of child sexual abuse against Ryan at the parish. Father Gaughan asked Ryan to leave the parish rectory and then the area. Ryan left the United States and returned to Australia in about April 1980. There was evidence that the Bishop of Richmond was informed of the allegations about Ryan’s conduct around the time they arose.

There is no evidence that the Bishop of Richmond or Father Gaughan informed Bishop Mulkearns of the allegations at the time they were made. Correspondence from the Diocese of Richmond to Bishop Mulkearns many years later, in 1995, and correspondence from Bishop Mulkearns to Ryan suggests that Bishop Mulkearns was first informed of the allegations about Ryan’s conduct at Virginia Beach in about 1994 or 1995, after a man came forward to make a complaint.

**Warrnambool parish**

The College of Consultants met on 31 March 1980. The minutes record that Bishop Mulkearns reported that Ryan would return to Australia after Easter and that he would discuss Ryan’s future with him on his return.

With the exception of Fathers Madden, Pell and Keating, each of the attendees at this meeting had attended the meeting in June 1979 in which it was agreed that Ryan would be in the United States for a ‘couple of years’. Ryan was now indicating an intention to return to Australia within a year of that meeting. It would be surprising if the reason for Ryan’s return was not the subject of discussion. However, as stated above, there is no evidence that any person in March 1980 meeting, including Bishop Mulkearns, had any knowledge of the allegations made against Ryan in Virginia Beach and Father Gaughan’s request for Ryan to leave the area.
While Ryan was in Warrnambool, he was chaplain of the Christian Brothers College. Ryan told us that he engaged in sexual activity with a couple of young men he met through the college. He said that, while he met them at the school, they were not minors at the time of the sexual activity.

In addition to those men, Ryan gave evidence that a boy at the college confessed a same-sex attraction to him. Ryan then became attracted to him. He visited the boy at his home and tried to have sex with him, but the boy rejected him.

Ryan told us that the boy made a complaint, which was ‘probably that I tried to have sexual relations with him’. Ryan thought Bishop Mulkearns challenged him in relation to the complaint, but he could not recall when. We are satisfied that the boy, as a student at the college, was likely to have been a minor.

Ryan’s evidence in relation to when Bishop Mulkearns knew of his activities with adolescent boys was inconsistent and appeared confused. Ryan’s evidence that he did not inform Bishop Mulkearns of his attraction to boys before 1995 is certainly not correct. As we have previously found, the correspondence between Bishop Mulkearns and Father Harvey in December 1977 demonstrates that Bishop Mulkearns knew of Ryan’s activities with minors at that time.

Ryan also said that he ‘may have’ told Father Finnigan. However, he also said that his first conversation with Father Finnigan about adolescent boys was in 1995. Bishop Finnigan had no recollection at all of having spoken to Ryan about having a problem with adolescent boys before 1995. This is consistent with documents prepared in 1995. We are satisfied that he did not tell Bishop Finnigan before 1995.

Ryan told us that, at the time of his appointment to Terang parish in 1986, he thought that Monsignor Fiscalini knew of an allegation against him from his time at Warrnambool. Ryan thought Monsignor Fiscalini knew of the allegation either because he was parish priest at Warrnambool while Ryan was there or because of his role as vicar general. Monsignor Fiscalini is deceased. We accept Ryan’s evidence that he ‘thought’ Monsignor Fiscalini knew.

In 1985, Bishop Mulkearns granted Ryan a leave of absence. Ryan wrote to Bishop Mulkearns seeking leave for the ‘personal reasons we spoke of’. Ryan’s letter does not detail what the personal reasons were. Ryan told us that he requested leave after attempting to have sex with the boy in Warrnambool.

In a letter written to Ryan later that year, Bishop Mulkearns stated that his motivation for releasing Ryan was to enable him to ‘sort out [his] own position and to be free of any unnecessary strain’.

The generality of the language in that letter does not enable us to be satisfied that Bishop Mulkearns knew that the problems Ryan was having stemmed, at least in part, from what had occurred with the adolescent boy in Warrnambool. However, this would seem likely.
The College of Consultants met on 18 January 1985. The minutes record that the bishop advised the meeting that Ryan had applied for study leave in the United States for two to three years and that ‘[i]t was decided to grant the request’.

Given that we are unable to conclude that any member of the College of Consultants knew about Ryan’s activities with an adolescent boy in Warrnambool at that time, we cannot be satisfied those activities were discussed in the consultants’ meeting.

**Return to the Diocese**

Ryan studied and worked in a parish while in the United States. On 1 August 1985, Ryan wrote to Bishop Mulkearns indicating his willingness to return to Ballarat. This was the second occasion on which Ryan had been released from the Diocese to travel to the United States for a period of two to three years and where he would return to the Diocese much sooner.

Bishop Mulkearns wrote to Ryan that he ‘would be pleased to see [Ryan] come back to the diocese if other things are equal’.

The College of Consultants met on 24 September 1985. The minutes of the meeting record:

- Fr Ryan wrote to the Bishop on 1 Aug 85 offering his availability to return to parish work in February 1986.

- The consultants asked the Bishop to write to Fr Ryan indicating that he would be welcome back.

In the public hearing Father McDermott, who attended the meeting as the bishop’s secretary, said that he could not recall the matter recorded in the minutes. He said it was likely that Bishop Mulkearns said something about Ryan’s suitability to return to the Diocese.

In his private hearing, Father McDermott said he thought there was probably a report that had come from the place that had been treating Ryan and that it may well have been indicated in the meeting that Ryan was okay to work again. However, there is no documentary evidence that Ryan received treatment in the United States in 1985. Ryan gave evidence that he did not receive any treatment at that time. Father McDermott also gave evidence in the private hearing that there were conversations that something had happened in Ballarat North ‘perhaps about the time of [Ryan’s] ordination’. However, Father McDermott’s evidence in relation to when this conversation happened was inconsistent.

We are satisfied that, sometime after Ryan’s ordination and by the time of the 24 September 1985 meeting, Father McDermott had heard of an incident involving Ryan’s sexual activity with a teenage male around the time of his ordination.
The documentary evidence clearly indicates Bishop Mulkearns understood Ryan travelled to the United States because of difficulties he was having in the Diocese. It further indicates that these difficulties related to, or had the consequence of, Ryan not being accepted by other priests in the Diocese. It is likely that discussion of Ryan’s difficulties occurred in the 24 September 1985 meeting. The evidence is not sufficient to enable us to be satisfied that any discussion of Ryan’s difficulties that occurred in the meeting related to Ryan’s attraction to, or activities with, adolescent boys.

Ryan was appointed as an assistant priest in Terang at a meeting of the College of Consultors on 23 January 1986. Ryan gave evidence that he thought he was sent to Terang because he would be under the guidance of Monsignor Fiscalini, a senior priest of the Diocese.

Father McDermott gave evidence in his private hearing that he did not remember Ryan’s appointment being discussed at the meeting. However, he said he would have known that Monsignor Fiscalini was the parish priest at Terang and he may have thought that Ryan was being placed with Monsignor Fiscalini to keep a close eye on him. Father McDermott agreed that at that time he was conscious there was an issue with managing Ryan.

In December 1988, Ryan was appointed parish priest at Penshurst. A year later, in December 1989, Ryan wrote to Bishop Mulkearns with concerns about staying in Penshurst parish.

We are satisfied that Ryan was raising with Bishop Mulkearns concerns about remaining in Penshurst that related to his sexual problems. Bishop Mulkearns responded to Ryan that there were no other positions available for him and he would have to remain in Penshurst.

BWJ provided a statement to the Royal Commission that in 1991 her 12- or 13-year-old brother told her and her mother that Ryan had tried to have a bath with him. BWJ and her mother arranged a meeting with Monsignor Glynn Murphy (then Father Murphy) who was, at that time, the bishop’s secretary. They told Father Murphy that her brother had said he had been asked to have a bath with Ryan and that they thought this was highly inappropriate. BWJ and her mother told Father Murphy that they were worried similar things may have happened to other children.

They asked Father Murphy to remove Ryan from the parish and to never appoint him to a parish again. Father Murphy acknowledged their concerns and said he would address them. Ryan was removed from the parish within weeks. BWJ and her mother did not have any further contact with Father Murphy or the Church about the incident.

There is no contemporaneous record made by Monsignor Murphy of his meeting with BWJ and her mother. A contemporaneous record should have been made.

Monsignor Murphy told us that he did not recall the complaint being made to him, but he would have relayed it to Bishop Mulkearns. It is clear from the evidence that Bishop Mulkearns came to know of the complaint and it is likely that Monsignor Murphy told him of it.
Monsignor Murphy told us that he would have given canonical advice to the bishop about Ryan based on what he believed should be done, which was that Ryan should be removed immediately pending an investigation.

Ryan gave evidence that he was called to the bishop’s office about a complaint by the vicar general at the time, who he thought was Father Finnigan. The complaint is likely to have been about BWJ’s brother.

Ryan must have been mistaken as to the identity of the person who called him to the bishop’s office. Father Finnigan was not the vicar general and was overseas at the time on study leave. We are satisfied the person who arranged the meeting was Monsignor Murphy, who at the time was the bishop’s secretary.

Ryan told us he admitted the complaint to the bishop. He was told he would be removed from the parish within a number of weeks and sent to Ararat parish to work there for the time being.

About five months later, Bishop Mulkearns wrote about the complaint:

> The mother of the boy concerned was naturally quite disturbed, but was not anxious to make a public issue of the question, but was certainly anxious that Paul David [Ryan] not be left in that situation. It was agreed that he would remain there until after Easter when other Diocesan changes were made so that his change would not be seen as completely out of the ordinary. This was agreed because the incident which came to light had happened some time ago and there appeared to be no danger that it might be repeated in the meantime.

Insofar as the bishop’s letter implies that BWJ’s mother agreed to Ryan remaining in the parish for at least six weeks until after Easter, we are satisfied that was not the true position. To leave Ryan working in the parish for some time is inconsistent with BWJ’s evidence that she and her mother requested Ryan be removed and that he never again be appointed as a parish priest. It is more likely that Bishop Mulkearns alone wished to delay Ryan’s move so as not to raise questions. As Bishop Mulkearns agreed in his evidence, the point of leaving Ryan at Penshurst parish until after Easter 1991 was to avoid scandal from an early unscheduled move.

The letter demonstrates that Bishop Mulkearns was primarily concerned with not drawing attention to Ryan’s unscheduled move, thereby protecting the reputations of Ryan and the Church.

There is no evidence the bishop sought or received any advice on how to respond to the complaint, other than Monsignor Murphy’s advice to remove Ryan immediately pending an investigation. Bishop Mulkearns’ decision to leave Ryan in Penshurst parish until after Easter was contrary to that advice.
In leaving Ryan in Penshurst parish for at least six weeks until Easter 1991 and possibly longer, knowing Ryan admitted to attempting to sexually abuse a child, Bishop Mulkearns knowingly put children at risk. He did not place any conditions on Ryan’s work or access to children and he did not send Ryan for psychological treatment or assessment.

In relation to Bishop Mulkearns statement that ‘there appeared to be no danger that it might be repeated in the meantime’, we are satisfied that this could not have been a legitimate reason for allowing Ryan to remain in Penshurst until after Easter. There was no proper foundation for concluding that Ryan would not attempt to sexually abuse another child while he remained in Penshurst. Indeed, BWJ and her mother had told the Diocese they considered Ryan to be ‘a high risk’.

Bishop Mulkearns acted in total disregard for the safety of children in Penshurst parish and gave priority to the interests of Ryan and the reputation of the Church over the welfare of children. As acknowledged by the Church parties, it was inexcusably wrong for Bishop Mulkearns to do this.

The minutes of the consultors’ meeting on 19 March 1991 record:

_Penshurst Parish:_ will become vacant shortly after Easter. At present no-one appears as an obvious replacement priest.

The minutes record only that the parish will become vacant. They do not record a decision about Ryan’s future placement. It has to be likely that one or more of the consultors asked why the parish was vacant. However, we cannot be satisfied that, if they did, they were told what Bishop Mulkearns or Monsignor Murphy knew.

Ryan told us that sometime between December 1988 and Easter 1991, while he was at Penshurst parish, he engaged in sexual activity with two adolescent boys other than BWJ’s brother. He said he confessed these acts to Father Pickering as well as an anonymous confessor.

Father Bryant told us that he first heard of complaints about Ryan’s conduct with children in Penshurst parish when Ryan was at Ararat. He heard ‘on the grapevine’ that Ryan had ‘young people’ visit him at the Penshurst presbytery and one that stayed with him overnight on more than one occasion. He presumed ‘that things weren’t going well’.

We accept the Church parties’ submission that it is likely that Father Bryant learned of this between January and December 1992, when Ryan was in Ararat parish as an assistant priest.
In April 1991, Bishop Mulkearns wrote to Father Pickering stating that he could not recommend Ryan to any other bishop ‘even temporarily’ without a period of counselling first. Monsignor Murphy agreed that he would draw the conclusion from the letter that Bishop Mulkearns could not recommend Ryan to any other bishop because he considered him not safe for placement in a parish. We agree with Monsignor Murphy.


While in Ararat, Ryan did not seek any treatment. He was also under no formal supervision or monitoring, and there is no evidence that his access to children was restricted. We heard evidence from Mrs Helen Watson that, while in Ararat parish in 1991, Ryan sexually abused her 16-year-old son Peter Watson. Peter Watson died by suicide in 1999.

We are satisfied that, in sending Ryan to work in Ararat parish, Bishop Mulkearns acted in a way that was recklessly indifferent to the safety and wellbeing of children in Ararat parish. As acknowledged by the Church parties, for Bishop Mulkearns to do so was inexcusably wrong.

On 7 May 1991, a meeting of the College of Consultants was held. The minutes of the meeting record that Ryan had resigned from Penshurst and that Bishop Mulkearns had accepted his resignation.

The day before the College of Consultants meeting, Bishop Mulkearns wrote to Ryan that the consultants would have ‘initial discussions’ about Ryan’s eligibility for future appointments. There was no reason for Bishop Mulkearns to tell Ryan this would be discussed with the consultants if he did not intend to have that discussion. It is unlikely that there would have been a discussion about Ryan’s eligibility for appointments without Bishop Mulkearns telling the consultants the nature of the problem which put his eligibility in doubt. The nature of that problem was complaints of sexual abuse of children.

We are satisfied that the incident at Penshurst involving the 12- or 13-year-old boy was the subject of the ‘initial discussions’ Bishop Mulkearns had with his consultants about Ryan’s eligibility for future appointments on 7 May 1991.

**Treatment in the United States and Rome**

In August 1991, Ryan went to the United States to attend counselling with Father James Gill of The Institute of the Living in Connecticut, United States. When he got there, Father Gill was not available to treat Ryan and recommended he undertake a 30-day retreat with a priest in Rome.
Some years later, Bishop Mulkearns wrote that Ryan undertook a retreat in Rome under direction of a priest recommended by Father Gill. However, in 1994 Ryan told the Ballarat Special Issues Committee that, when he got to Rome, the priest was too busy to see him, so he spent six weeks in Rome in prayer and ‘doing a sort of private retreat’.

There is no reason to doubt the truth of what Ryan said to both the Royal Commission and the Special Issues Committee in this regard. It is difficult to see why Ryan would have told both the committee and the Royal Commission he did not receive treatment if he did receive it, particularly when Ryan disclosed other occasions on which he had received treatment.

The only evidence to indicate Ryan undertook any form of treatment or counselling is Bishop Mulkearns’ letter. That letter says no more than that Ryan attended a retreat under the direction of a priest. We accept Ryan’s evidence that the priest was too busy to see him. We are satisfied that Ryan did not receive treatment in the period between August 1991 and his return to Australia later that year.

We are satisfied that Bishop Mulkearns was not monitoring Ryan’s progress or ensuring he received the treatment for which he was sent to the United States. If he had have been, it would be expected that he would receive reports on Ryan’s treatment and its success or his suitability to return to ministry from Father Gill or any other treatment provider. There is no evidence of any such reports.

While Ryan was in the United States, in September 1991 Bishop Mulkearns received a further allegation that Ryan sexually abused a child while he was chaplain at St Joseph’s College in Warrnambool parish some years before.

Bishop Mulkearns wrote to Ryan in September stating ‘obviously there is some potential for some scandal if the statement to the police was made and the accusation was serious and is taken up in the course of a court case … I thought I should let you know of the development which may or may not be relevant to future plans, depending on the seriousness’.

We are satisfied that Bishop Mulkearns’ letter again demonstrates that his primary concern in considering Ryan’s suitability to work in the Diocese related to avoiding scandal and protecting the Church’s reputation rather than the welfare of children. This is particularly apparent in circumstances where Ryan received no treatment at all while overseas.
Appointment as assistant priest at Ararat parish

The minutes of the meeting of the College of Consultants on 19 December 1991 record Ryan had ‘returned to Australia and the Bishop reported that Fr. Ryan is available for a placement’.

Monsignor Murphy told us he presumed that the bishop reported to the consultants on the success or otherwise of any treatment that Ryan had received in the United States. Monsignor Murphy said that it would have been incumbent on the bishop to give reasons that he thought Ryan was suitable for ministry. We agree with Monsignor Murphy.

We accept Monsignor Murphy’s evidence. We are satisfied that the bishop reported that Ryan was available for a placement which would have indicated that the bishop decided Ryan was not a threat based on information from the treatment.

We are also satisfied that Ryan was demoted to an assistant priest at Ararat parish in order that he be supervised, although there is no evidence that any formal supervisory measures or restrictions on Ryan’s access to children were arranged.

It was wrong of Bishop Mulkearns to appoint Ryan to Ararat parish. We have found that Bishop Mulkearns was not monitoring Ryan’s progress or ensuring he received the treatment for which he was sent to the United States.

Ryan’s appointment in Ararat commenced on 19 January 1992. A little over a week later, Bishop Mulkearns wrote to Father Lechner inquiring about the feasibility of Ryan ministering in the United States. The impetus for Bishop Mulkearns’ letter was newspaper coverage of the trial of a childcare worker accused of paedophilia, which reported an allegation that the accused was sexually abused by his parish priest. Bishop Mulkearns concluded the matter clearly related to Ryan. Father Lechner responded that no ordinary (meaning archbishop or bishop) in the United States would be open to Ryan ministering without treatment.

Bishop Mulkearns’ letter to Father Lechner establishes that he no longer viewed Ryan as suitable to work as a priest in the Diocese because of the media coverage about Ryan’s offending. However, Bishop Mulkearns considered that Ryan could take an appointment overseas. As acknowledged by the Church parties, the only possible way to reconcile these two positions is that Bishop Mulkearns’ primary concern was that Ryan not remain in Ballarat in order to avoid publicity and scandal and to protect the reputation of the Church. No concern was shown for the safety and welfare of children in an overseas parish.

By the time Ryan was in Ararat at least some priests in the Diocese were aware of allegations or complaints in relation to Ryan sexually offending against children.
Treatment with Father Daniel Torpy

Bishop Mulkearns wrote to Father Torpy, a priest psychologist and member of the Ballarat Special Issues Committee, on 30 September 1991 seeking his advice in relation to Ryan. He enclosed a letter he had written the same day to CCI which outlined two complaints of child sexual abuse relating to Ryan. Neither the letter to Father Torpy nor the letter to CCI referred to Ryan by name. However, the letter to Father Torpy contained the statement ‘the priest concerned – whose identity I am sure will be clear enough to you’.

In relation to the issue of how many sessions Ryan had with Father Torpy, Bishop Mulkearns’ letter of 24 December 1992 stated that Ryan had been counselled by a priest psychologist over the period of a few months. There is no evidence that Ryan was counselled by any priest psychologist other than then Father Torpy. Ryan told the Special Issues Committee that he saw Father Torpy ‘for the year’. A 1995 letter from Bishop Mulkearns to the financial administrator of the Diocese and an undated file note written in approximately early 1995 indicates that Father Torpy saw Ryan for counselling on multiple occasions.

We are satisfied that Mr Torpy had at least four or five counselling sessions with Ryan.

In relation to the issue of what was discussed in the counselling sessions, Ryan told us that Mr Torpy counselled him in relation to his attraction to adolescent boys and his acting out that attraction. Bishop Mulkearns’ letter of 30 September 1991, and the accompanying enclosure which detailed allegations of Ryan’s sexual offending against children, clearly indicated to Father Torpy the nature of the concerns Bishop Mulkearns held in relation to Ryan and his functioning as a priest in the Diocese. Bishop Mulkearns’ 4 December 1992 letter demonstrates that Father Torpy and Bishop Mulkearns remained engaged in a discussion about what to do with Ryan going forward. The letter states that Father Torpy recommended to the bishop a facility in Maryland, United States – the St Luke Institute. Father Torpy acknowledged in his private hearing that the institute in Maryland referred to in that letter had a specialisation in treating priests who had been involved in child sexual abuse.

It is inconceivable that, in counselling sessions that had been arranged by Bishop Mulkearns and that had occurred in the intervening period between these letters, the topic of Ryan’s child sexual abuse issues did not arise.

It may well be that other mental health issues Ryan may have had were discussed in the sessions. However, we are satisfied that Father Torpy did counsel Ryan in relation to his child sexual abuse issues.

We reject Mr Torpy’s evidence. We are satisfied he counselled Ryan in relation to his offending against children and that he did so in his professional capacity as a psychologist.
Ryan leaves ministry

The College of Consultants met on 1 December 1992. The minutes record that ‘Bishop Mulkearns mentioned that Fr. Claffey and P.D. Ryan will not be involved in diocesan placements in 1993’.

Father McKinnon told us he expects that, if the bishop did not explain why Ryan was not available, the consultants would have asked him or at least wondered about it. Monsignor Murphy accepted that he would have known why Ryan was not involved in placements. He thought by this time all of the other consultants would have known, with the result that they would not have needed to discuss the issue.

We accept the evidence of Father McKinnon and Monsignor Murphy. By the time of this meeting all of the consultants would have known that Ryan’s unavailability related to allegations and complaints that he had sexually abused children.

BPD told us that in about 1993 he was considering joining the priesthood. He told Bishop Mulkearns in the meeting that he no longer wished to join the priesthood and that Ryan had sexually assaulted him when he was 17. He said Bishop Mulkearns did not seem surprised. BPD said Bishop Mulkearns told him the matter was in his hands and that there was ‘no need to go to the police, I’ll fix it and I’ll give you a ring’. We accept BPD’s evidence.

We are satisfied that it was wrong of Bishop Mulkearns to discourage BPD from reporting his sexual abuse by Ryan to the police. This is yet another example of Bishop Mulkearns seeking to minimise scandal and protect the reputation of the Church.

In June 1993, Bishop Mulkearns notified Ryan of ‘a complaint ... by the mother of a person who claims to have been molested by you in the past’. It seems unlikely that this was a reference to the report of BPD, because he reported his complaint directly to Bishop Mulkearns.

A short time later, on 8 June 1993, the College of Consultants met. According to the minutes, Bishop Mulkearns reported to the meeting:

> Fr. P.D. Ryan: has had all his faculties revoked, with the exception of being able to celebrate Mass privately without giving any appearance of having an ecclesiastical appointment or office. The Bishop explained to the Consultants the reasons for this course of action.

Father John McKinnon gave evidence that Bishop Mulkearns must have explained to the consultants the reasons for the removal of Ryan’s faculties, as the minutes record that he did. He agreed there would not be any doubt about what Bishop Mulkearns was talking about – that is, Ryan’s offending against children.
We agree with Father McKinnon. The words of the minutes are plain. There was no reason for Bishop Mulkearns to withhold from his consultors the true reason for the removal of Ryan’s faculties and we are satisfied he did not do so.

Ryan was interviewed by the Ballarat Special Issues Committee on 3 February 1994. The committee recommended to Bishop Mulkearns that Ryan be laicised.

In March 1995 Bishop Mulkearns was advised by the Diocese of Richmond in Virginia, United States, that during his time in Virginia Beach Ryan was accused of ‘having sexually molested one young man, BWB and perhaps two others’. Bishop Mulkearns wrote to Ryan later that month informing him that he had received the complaint and asked Ryan to ‘very seriously’ consider making an application for laicisation.

In July 1995 Bishop Mulkearns again wrote to Ryan informing him that he had received notification of another complaint that had been received by the Diocese of Richmond. Bishop Mulkearns reiterated his request that Ryan apply for laicisation.

In April 2006, Ryan was convicted and imprisoned for three child sexual abuse offences that occurred in February 1991. He was sentenced to 18 months’ imprisonment.

In November 2006, Bishop Peter Connors, who was then the Bishop of Ballarat, applied to the Congregation for the Doctrine of the Faith for Ryan to be laicised. The application was rejected. On 31 October 2015, and shortly before the commencement of the second public hearing of Case Study 28, Ryan was laicised by decree of the Pope.

Bishop Mulkearns actively protected Ryan and permitted him to work as a parish priest and assistant priest in circumstances where he had concerns from 1975 about his suitability to be a priest. He did not remove Ryan from diocesan work until 1993 and he did so then only because he was concerned about Ryan’s conduct becoming public. Bishop Mulkearns prioritised the reputation of the Church and the avoidance of scandal over the safety of children. His conduct was inexcusable.

2.11 Robert Claffey

Claffey was ordained in 1969. Following his ordination he was an assistant priest and parish priest at various parishes. Claffey was given the pseudonym ‘BPB’ so as not to prejudice then current criminal proceedings against him for child sexual abuse offences. That pseudonym direction was vacated following the completion of the criminal proceedings.
Wendouree parish

In 1989, Claffey was the parish priest at Wendouree. In July 1989, a parishioner reported to Bishop Mulkearns that Claffey made sexual advances to, and fondled, his son, BPG. Bishop Mulkearns recorded the incident in a file note in which he identified BPG as ‘c.13?’ years old. Bishop Mulkearns wrote that BPG’s father did not wish to go to the police but did not ‘want a situation where the matter could arise again’.

Bishop Mulkearns met with Claffey on the same day he received the report. He recorded in his file note that Claffey ‘admitted that there had been improper behaviour’. Claffey agreed to resign from his parish appointment immediately and ‘take counselling from Fr Dan Torpy’.

Bishop Mulkearns spoke with BPG’s father again and recorded that the father was ‘satisfied that action had been taken’. He wrote that he (the bishop) ‘would of course be advised by expert opinion as to if and when it would be prudent to re-appoint Fr. Claffey to a Parish’.

Monsignor Murphy had previously served as an assistant priest to Claffey at Wendouree parish. Monsignor Murphy gave evidence that, probably on the day Bishop Mulkearns spoke to Claffey, he visited Claffey, who told him that he was burnt out and that he had had a breakdown. Monsignor Murphy later mentioned the matter to Bishop Mulkearns, and the bishop gave no indication that the situation was not as Claffey presented it to Monsignor Murphy.

Bishop Finnigan told us that he first became aware of rumours or talk about Claffey interfering with children when Claffey was at Wendouree. He recalled hearing of an incident in which Claffey had his arm around a boy on a couch at the presbytery, and the boy’s father was upset and reported it to Bishop Mulkearns.

Father John Martin was a priest of the Diocese and a consultor in the late 1980s. He is deceased. Father McKinnon gave evidence that Father Martin told him that a woman in the neighbouring parish, where Claffey was, was uneasy about the priest’s behaviour. The woman said that Claffey would visit her home when her sons were there and go to the bedroom with them. Father McKinnon was unsure when Father Martin received this report about Claffey. Father McKinnon also told us that at the time of Claffey’s resignation from the parish he did not know the reason for his resignation.

Father Daniel Arundell gave evidence that at some time a fellow priest of the Diocese and consultor, Father Barry Ryan, spoke to him about Claffey. He said Father Ryan did not go into detail, but it was something to do with Claffey’s behaviour in front of young people which did not seem to be appropriate. Father Arundell did not give evidence about when he heard this from Father Ryan. He told us he could not recall when he first heard of any problem or complaint that Claffey had sexually offended against children.
On 11 July 1989, Bishop Mulkearns wrote to Claffey about his resignation. He wrote that ‘I am advising the Priests of the Diocese of your request to be relieved of the position of Parish Priest and that you will be taking leave for some weeks’. This letter demonstrated an intention by Bishop Mulkearns to conceal by design the true reason for Claffey’s resignation, including from other priests.

On 26 July 1989, Bishop Mulkearns presided at a meeting of the College of Consultants. The minutes of the meeting record that ‘The parish of Wendouree became vacant following the resignation of [Claffey]’.

In his private hearing Bishop Finnigan told us that he has no recollection that the bishop told the consultants why Claffey resigned, but it is likely that he did. In the public hearing Bishop Finnigan said that he has no memory of the meeting. We accept Bishop Finnigan’s private hearing evidence that it is likely that the bishop told the consultants. It is difficult to accept that Bishop Mulkearns did not tell his consultants what he knew about Claffey.

Father Gerald Baldock was appointed to replace Claffey as parish priest at Wendouree. Father Baldock’s evidence was that Bishop Mulkearns told him that he was being sent to the parish to resolve its financial and administrative problems. Bishop Mulkearns did not tell Father Baldock the true reason for Claffey’s resignation. Bishop Mulkearns should have done so.

A month after Father Baldock’s first mass, during which he told the parish Claffey had taken time out and wished that he be restored to full health, a parishioner told him that he was disappointed in what Father Baldock said. That parishioner did not ‘think Claffey’s been the best of priests’. Father Baldock heard that Claffey loved wrestling and tickling children and going to the school. He thought Claffey’s behavior was ‘ill-advised playfulness’.

We are satisfied that Claffey’s behaviour with children was cause for comment among parishioners of his former parish. We are satisfied that soon after Claffey’s resignation Father Baldock heard talk among parishioners about Claffey’s interactions with children that Father Baldock considered ill-advised.

**Claffey receives counselling from Father Torpy**

When Claffey resigned from Wendouree in July 1989, he agreed with Bishop Mulkearns to attend counselling with Father Torpy. At the time, Mr Torpy was a priest psychologist. Mr Torpy gave inconsistent evidence about his dealings with Claffey.

In his private hearing, Mr Torpy said that Bishop Mulkearns asked him to see Claffey because he was ‘worried about his mental health’. He said Bishop Mulkearns did not explain further. Mr Torpy said he saw Claffey for psychological counselling on about five occasions between
late 1989 and early 1990. During these sessions, he said Claffey disclosed to him there was a complaint against him for his sexual activities with adolescent boys and that the complaint was true.

In or around December 1993, after he had left the priesthood, Mr Torpy said he was asked to provide a court report in relation to Claffey for sentencing purposes. When asked whether he had sessions at that time with Claffey, he said, ‘in order to return my mind to the situation of 1989, I had that session’. Mr Torpy agreed that he had never given Claffey psychological treatment; rather, he had given him spiritual advice and spiritual guidance.

In his subsequent statement to the Royal Commission, Mr Torpy again said that Bishop Mulkearns asked him to see Claffey for mental health reasons and that the bishop did not provide him with any information or reasons for the referral. Mr Torpy said in his statement that from memory he saw Claffey four or five times in the late 1980s. He said that ‘Whilst Claffey was a priest he did not disclose to me in our sessions, any misconduct by him nor did he disclose any complaints made against him’.

Mr Torpy stated that several years after Mr Torpy had ceased ministry Claffey contacted him directly to see him professionally. According to Mr Torpy’s statement, it was during that session that Claffey said that some years previously he had ‘touched a boy down below’. Mr Torpy stated that he was shocked and immediately said he ‘would not continue the session as I did not work with sexual offenders’.

In an interview with the Ballarat Special Issues Committee on 9 June 1993, Claffey said that he had been seeing Father Torpy on a regular basis since 1989. Consistent with what Claffey told the Special Issues Committee, on 25 June 1993 and again on 7 July 1993 Bishop Mulkearns wrote to Claffey that he was happy for him to continue counselling with Father Torpy at the time.

On 10 April 1995 Bishop Mulkearns wrote the following to the financial administrator of the Diocese asking for a cheque made out to Dan Torpy to cover the costs of psychological counselling for Ryan from 1992 up to that date. He wrote that counselling would continue during 1995 and cease by the end of that year.

An undated file note written in approximately early 1995 records that the Diocese spent approximately $2,305 on Claffey between 1992 and 1995. There are 12 dates listed for 1992, 24 dates listed for 1993, 13 dates for 1994 and four dates for 1995. Dollar figures are also recorded. We are satisfied that this document records dates that Claffey received counselling and the costs of his treatment by Mr Torpy.

In relation to the issue of when Claffey admitted to Mr Torpy that he had sexually abused a child, we are satisfied that, consistent with his private hearing evidence, that admission was made during the sessions he had with Mr Torpy sometime in 1989 or early 1990.
In relation to the issue of the length of time Mr Torpy counselled Claffey, the documents – in particular, the letter to the financial administrator of the Diocese and the undated 1995 file note – record that numerous counselling sessions were held with Claffey between 1992 and 1995 and that payment for those sessions was to be made to Dan Torpy.

We are satisfied that Claffey made an admission of child sexual abuse to Mr Torpy and that Mr Torpy continued to counsel him after that disclosure. We are satisfied that Mr Torpy counselled Claffey for at least four or five sessions in between late 1989 and early 1990 and on numerous occasions between 1992 and early 1995.

On 14 August 1989 Father Torpy wrote to Bishop Mulkearns about Claffey. He wrote he had ‘concerns in my mind that demand caution’ about Claffey returning to work in a quiet parish in January, although he did not explain what those concerns were.

In his private hearing, Mr Torpy agreed that he told Bishop Mulkearns that it was responsible and prudent for Claffey to be placed in a parish and that the stresses upon him could be reduced by making him an assistant priest.

In an unsigned file note dated 8 June 1993, the author recorded he was contacted that day by Victoria Police about a child sexual abuse complaint against Claffey. A part of that note reads that Father Torpy provided expert advice ‘to BP. R.M.’ and that ‘BP. Acted on that expert advice’.

In a May 1994 letter to the Pope in support of Claffey’s laicisation application, Bishop Mulkearns wrote that after ‘some time in counselling, Father Torpy gave his opinion that it would be responsible and prudent to place Father [Claffey] in a parish situation, but that it would be preferable for him to be an Assistant Priest’.

We are satisfied that, knowing that Claffey had sexually abused a child, Mr Torpy advised Bishop Mulkearns that Claffey could be appointed to a parish as an assistant priest.

We accept that it was not unreasonable for Bishop Mulkearns to take into account Mr Torpy’s advice that Claffey could prudently be put back in a parish. However, as we state later, Bishop Mulkearns should have told the priest of the parish to which Claffey was to be assistant priest what he knew of Claffey’s conduct and the opinion of Mr Torpy. Because the parish priest was not told, he could do nothing to adequately deal with the risk to children that Claffey posed. By not telling the parish priest, Bishop Mulkearns was putting at risk children in that parish.
Portland parish

The College of Consultors met on 20 March 1990. The minutes of the meeting record that Claffey was appointed to Portland parish with effect from 31 March but do not record any further detail.

We are satisfied that Bishop Mulkearns appointed Claffey assistant priest to Portland, despite knowing that he had admitted to sexually abusing a child. We are satisfied that of the consultors present at the meeting on 20 March 1990 – Father Finnigan – was aware that there had been a complaint against Claffey involving a boy.

Monsignor Murphy said that at this stage he did not know or suspect that Claffey had offended against children. It may be that Bishop Mulkearns did not disclose Claffey’s history at this meeting. It would be troubling if he did not and, in any event, he should have.

In March 1990, at the time of Claffey’s appointment, Father Bryant was the parish priest at Portland and no longer a consultor. Father Bryant’s evidence was that Bishop Mulkearns told him Claffey had ‘been having a few problems’ and asked him to take Claffey as an assistant priest and care for him. When Father Bryant asked Bishop Mulkearns what the situation was, he said the bishop reiterated only that Claffey had some problems. Father Bryant told us he assumed Claffey had had a nervous breakdown. There is no evidence that Bishop Mulkearns took any steps to ensure Claffey’s access to children was supervised or restricted.

It was unacceptable for Bishop Mulkearns not to inform Father Bryant that Claffey resigned from his previous parish after admitting to child sexual abuse. By failing to do so, Bishop Mulkearns failed to protect children in the new parish and prevented any proper supervision of Claffey.

Father Bryant told us that at some time while Claffey was at Portland a teacher at the parish school told other people in the parish that Claffey ‘had a problem with young people’. Father Bryant told us that it was not said how serious it was or just what the problem was but that he took it to be ‘something untoward’ and he took it seriously.

Father Bryant gave evidence that he had a meeting with the staff of the parish school and told them of the rumours about Claffey and that he believed them. He said he and the school principal instituted policies to the effect that if Claffey went to the school he would not be allowed into the school on his own, there would always be adults present with him and that he would never be alone with children. Father Bryant also told Claffey that he was becoming aware of why Claffey was there, that he did not like it and that he did not want to hear of him ever being anywhere near children or alone with children.

Father Bryant told us that at different times he ‘sort of asked the Bishop something’ but he ‘didn’t get a great reply’ and felt he was ‘stuck in the middle of something and [couldn’t] do anything about it’.
We accept the evidence of Father Bryant. There is no evidence that any action was taken by Bishop Mulkearns while Claffey was in the parish to respond to Father Bryant’s concerns.

We are satisfied that, despite knowing of Claffey’s previous admission, Bishop Mulkearns did not take any action in response to the concerns Father Bryant had raised with him about Claffey. In not taking any action, Bishop Mulkearns failed to act in the best interests of the welfare of the children in the parish.

At some time in 1992, Father Bryant received a complaint about Claffey’s ‘undue interest in children’ at the parish’s public swimming pool. Father Bryant told us that he approached Claffey and challenged him about the situation. Father Bryant said that at the time he challenged Claffey about the complaint he told him ‘to get his act together and think about moving on’. A couple of days later, Claffey went to see the bishop. On the following day, he left the parish.

We accept Father Bryant’s evidence. It is consistent with a letter Bishop Mulkearns wrote to the Holy See in 1994 about Claffey’s removal from Portland in 1992.

The College of Consultors met on 15 September 1992. The minutes record that the ‘position of Assistant Priest’ in Portland ‘is now vacant – and this needs to be addressed’.

By this stage, there had been some discussion and concern about Claffey’s conduct with children by a number of priests, parishioners and a teacher in two parishes: Wendouree and Portland. Father Bryant had sufficient concern to put in place protective measures with the school principal that restricted Claffey’s access to children.

It would be surprising if Claffey’s conduct had not been the subject to talk among priests given the knowledge of concerns we have set out above. Again, if Bishop Mulkearns did not disclose what he knew about Claffey, he should have.

Three months later, the College of Consultors met again. The minutes of the meeting record that Claffey would not be involved in diocesan placements in 1993.

Given the seriousness and significance of the announcement by Bishop Mulkearns that Claffey would not be involved in diocesan placements, it is inconceivable that there would not have been discussion about why that decision had been reached. Equally, it is inconceivable that the true reason was not given, as anything short of that reason would be unlikely to justify such a serious decision.

Shortly after the meeting, in December 1992, Bishop Mulkearns and Claffey met to discuss Claffey’s ‘immediate and long-term future options’. 
Monsignor Murphy arranged the meeting. He told us that Bishop Mulkearns still did not inform him of Claffey’s offending and that the bishop did not say anything to him contrary to his understanding that Claffey had suffered some sort of breakdown. We cannot accept this evidence.

**Removal from ministry**

By June 1993, Victoria Police were investigating Claffey in relation to the alleged assault of a child 12 to 18 months earlier. At the time, Claffey was living in the Archdiocese of Melbourne.

Shortly after contact from Victoria Police, Claffey was advised he would not have an official position in the Church for the foreseeable future. Bishop Mulkearns notified him of the revocation of his priestly faculties, that he had no appointment in the Diocese and that this was unlikely to change in the future.

We are satisfied that steps were not taken to remove Claffey’s priestly faculties until after Victoria Police informed the Diocese that they were investigating allegations of child sexual abuse against him.

On 25 May 1994, Bishop Mulkearns submitted a petition by Claffey for his laicisation. On 25 November 1994 Bishop Mulkearns notified Claffey that his petition was granted.

Some years later Claffey was convicted of child sexual abuse offences, to which he pleaded guilty.
3 The Congregation of Christian Brothers

In this section we discuss the knowledge of and response to allegations of child sexual abuse by Christian Brothers in St Patrick’s Province, specifically in institutions within the Catholic Diocese of Ballarat (the Diocese). This was examined in Part Three of the public hearing.

The Congregation of Christian Brothers (Christian Brothers) is a Catholic male religious order founded in Ireland in 1802 by Edmund Rice. The Christian Brothers was established primarily to provide academic education, vocational training and care for poor boys.49

The Christian Brothers operated or provided staff for six primary and secondary schools in Ballarat and Warrnambool in Victoria.50 St Alipius Boys’ School (St Alipius), a primary school in Ballarat East, and St Patrick’s College, a secondary school in Ballarat, were the principal focus of our inquiry.

Six brothers who taught at one or more of these schools were considered in this case study:

• Brother Gerald Leo Fitzgerald
• Brother BWX
• Stephen Farrell
• Edward Dowlan
• Peter Toomey
• Robert Best.

We heard evidence from 10 men that they were sexually abused at St Alipius. We also heard from seven men that they were sexually abused at St Patrick’s College. Most of the allegations related to sexual abuse by Dowlan, who taught at St Alipius for a year in 1971 and at St Patrick’s College from 1973 to 1975.

Between 1968 and 1974, a large proportion of the teaching staff at St Alipius were Christian Brothers who have subsequently been the subject of allegations of, or have been convicted of, child sexual abuse.

In 1968, 1969, 1970 and 1972, Brother Fitzgerald and Best (the headmaster) were two of the four teachers at St Alipius.53

In 1971, Dowlan joined Brother Fitzgerald and Best at St Alipius.54

By 1973, the teaching staff at St Alipius included three Christian Brothers who have subsequently been the subject of allegations, or have been convicted of, child sexual abuse: Brother Fitzgerald, Best and Farrell.

In addition, Gerald Ridsdale was the school’s chaplain in 1973 and he has also been convicted of many offences against children in the Diocese.
3.1 The Christian Brothers in Australia

Formation

The process for becoming a professed member of the Christian Brothers is known as formation. Formation is the personal and spiritual preparation of someone to undertake the life of a Christian Brother. It goes beyond academic preparation.

The initial stage of formation involves becoming a novice. A novice officially becomes a Brother once they have taken vows. A Brother continues to take vows year by year for at least six years. This is known as temporary profession. Once a Brother has reached the age of 25, a Brother can take vows for life. This is known as perpetual profession.55

Organisational structure

Worldwide, the Christian Brothers is divided into areas known as ‘provinces’. Between 1885 and 1953, there was one Australia-wide province.56

In 1953, the Australian province was divided in two to form St Patrick’s Province (Victoria, Tasmania, South Australia and Western Australia) and St Mary’s Province (New South Wales, Queensland, New Zealand and Papua New Guinea).57

In 1967, the two provinces divided into four to become:58

- Holy Spirit Province, based in Perth, which covered Western Australia and South Australia
- St Patrick’s Province, based in Melbourne, which covered Victoria and Tasmania
- St Mary’s Province, based in Sydney, which covered New South Wales and Papua New Guinea
- St Francis Xavier’s Province, based in Brisbane, which covered Queensland and the Northern Territory.

In 2007, the four provinces joined together to become the Province of Oceania.59

The events the subject of this report principally occurred in St Patrick’s Province and the Holy Spirit Province. The Holy Spirit Province was also examined in Case Study 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent’s Orphanage Clontarf, St Mary’s Agricultural School Tardun and Bindoon Farm School.60 In that case study, we examined the experiences of a number of men who were
resident at one or more residences operated by the Christian Brothers in Western Australia, including Castledare Junior Orphanage, St Vincent’s Orphanage Clontarf, St Mary’s Agricultural School Tardun and Bindoon Farm School. We examined the response of the Christian Brothers in Western Australia and South Australia to complaints made about Christian Brothers in those institutions and the conduct of claims for redress by former residents of those institutions.

**Provincial**

The leader of each province was known as the ‘provincial’ (now known as the province leader). A provincial or province leader serves for one or more fixed terms, following which he is succeeded by another Christian Brother.61

In this case study, we examined the knowledge and response of the provincial at relevant times to allegations and complaints about sexual abuse of children by Christian Brothers.

In particular, we examined the knowledge and response of St Patrick’s provincials Brother Chanel Naughtin (1972–1984) and Brother Francis Chappell (1984–1990), and Holy Spirit provincial Brother Gerard Faulkner (1984–1996).62

**Provincial council**

Each province also had a provincial council – or province leadership team, as it later became known. In St Patrick’s Province, the provincial council generally consisted of four Brothers and the provincial.63

Brother Brian Brandon was a member of the provincial council from 1984 until 1996, and he described it to us as essentially a full-time position.64 He explained the responsibilities of the provincial council:

> The Provincial Council existed to provide advice, as sought, by the Provincial.... The Provincial Council was a council appointed to support the Provincial in his role. The councillors were there to form that council and to provide support; they didn’t have any executive role, they were called on by the Provincial for advice, they met with the Provincial in regular meetings, called Provincial Council meetings, there were records kept of those meetings. The Provincial himself generated the agenda for those meetings.65

Meetings of the provincial council were often held once a week.66 Executive decisions were implemented by the provincial, but the provincial council provided guidance to the provincial in relation to those decisions.67 Issues would be discussed by the provincial council and, in virtually every case, there would be a consensus reached as to the best resolution of the issue.
Ultimately, however, it was a matter for the provincial to implement the decision.\textsuperscript{68}

In this case study, we examined the knowledge and response of the provincial council to allegations and complaints about sexually inappropriate conduct towards children by Christian Brothers.

**Christian Brothers communities**

Within each province, the Christian Brothers are organised into ‘communities’. In the 1960s, 1970s and 1980s, there were around 25 to 30 Christian Brothers communities in Victoria.\textsuperscript{69}

**Superior of the community**

Each Christian Brothers community is led and supervised by the superior of that community.\textsuperscript{70}

The role of the superior is primarily pastoral, in relation to the spiritual welfare of the Brothers in that community. This includes ensuring that the Brothers maintain religious observance, such as attending to the prescribed prayers and making regular retreats, and managing the day-to-day running of the Brothers’ residence.\textsuperscript{71}

Brother Paul Nangle was the superior of St Patrick’s community in Ballarat between January 1973 and July 1978.\textsuperscript{72} He told us that he would not have seen his role as superior as including supervision of Brothers to ensure they were behaving appropriately.\textsuperscript{73} However, he accepted that his role as superior was a leadership role within the community and that, in the broader community of Ballarat, he was perceived as someone in charge of the Brothers.\textsuperscript{74}

**Visitations and visitation reports**

Supervision of each province took the form of annual visits to communities by a member of the provincial council. The visitor would stay with the community for a number of days, during which time he would speak to and observe the Brothers as well as others who were in contact with the community.

The visitor would then write a ‘visitation report’, which was sent to the provincial.\textsuperscript{75} The visitation report was typically also provided to members of the provincial council.\textsuperscript{76}

The visitor reported on issues of observance, the financial and spiritual state of the community and any other issues that were raised in the course of the visitation.\textsuperscript{77} The visitation process was a way for the provincial to exercise his governance responsibility,\textsuperscript{78} and supervision of the Brothers was incidental to the visitation process.\textsuperscript{79} The visitor also attended schools within the community.\textsuperscript{80}
Generally, the visitor had a private meeting with each member of a community, including the superior. The superior was not privy to what transpired in the meetings, but he would be invited to raise with the visitor any concerns he may have observed in the community and the behaviour of the Brothers.

Following a visitation, the superior typically received a letter from the provincial commenting on the visitor’s findings. However, the superior did not ordinarily receive the visitation report.

Christian Brothers schools in St Patrick’s community, Ballarat

St Patrick’s community is the Christian Brothers community in Ballarat.

In the 1970s, St Patrick’s community was one of the largest Christian Brothers communities in Australia. It included Brothers teaching at four different schools in Ballarat: two secondary schools, St Patrick’s College and St Paul’s Technical School; and two primary schools, St Alipius and St Patrick’s Drummond Street.

The Christian Brothers who taught at those four schools lived together on the grounds of St Patrick’s College.

Brother Nangle was superior of St Patrick’s community and headmaster of St Patrick’s College from January 1973 until July 1978.

The two schools which were the principal focus of our inquiry – St Alipius and St Patrick’s College – were primarily staffed by Christian Brothers from St Patrick’s community.

St Alipius was established by the Christian Brothers in 1888. It catered for boys from grades 3 to 6. It closed in 1976.

St Patrick’s College, a boys’ secondary school, was established by the Christian Brothers in 1893. The school remains open today.

Relationship with the Diocese of Ballarat

Although located within the geographical boundaries of the Diocese, St Patrick’s community was not subject to the authority of the Bishop of Ballarat. The Brothers who taught in parish schools such as St Alipius, or diocesan schools such as St Paul’s Technical School, remained subject to the overall authority of the Christian Brothers. However, in relation to the management of the particular school, they were also responsible to the relevant parish priest or the bishop.
St Alipius and St Patrick’s College also had a chaplain, appointed by the Bishop of Ballarat. The St Patrick’s College chaplain performed duties attached to the St Patrick’s Cathedral parish. The chaplain was independent of the Christian Brothers but very involved in the life of the school.90

3.2 Knowledge of allegations about Christian Brothers in St Patrick’s community, Ballarat

Allegations of sexual abuse at St Alipius and St Patrick’s College

Many children, mainly boys, have said they were sexually abused at St Alipius and/or St Patrick’s College.

Data produced to the Royal Commission by Catholic Church authorities reveals that 56 people have made a claim or substantiated complaint of child sexual abuse against one or more Christian Brothers in relation to a Ballarat Christian Brothers school. About two-thirds concerned St Alipius and one-third concerned St Patrick’s College. Some were about both institutions. In this part of the report we consider what was known to the Christian Brothers and Catholic clergy in the Diocese about complaints against:

• Brother Fitzgerald
• Brother BWX
• Stephen Farrell
• Edward Dowlan
• Peter Toomey.

Allegations of sexual abuse by Robert Best

In accordance with the Royal Commission’s Terms of Reference and Practice Guideline 1, during the public hearings of Case Study 28, Robert Best was given the pseudonym ‘CCK’ so as not to prejudice then current criminal proceedings against him for child sexual offences. Following the completion of those criminal proceedings, the pseudonym direction of the Royal Commission was vacated.

Best was appointed to teach at St Alipius in 1968, eight years after he had first taken annual vows and two years after he had taken perpetual vows.91 He remained at St Alipius until 1973.92
We heard from a number of survivors that they were sexually abused by Best. However, we did not hear evidence that anyone in authority in the Christian Brothers or the Diocese knew of complaints about Best’s conduct at the time. For that reason, knowledge about Best’s conduct is not considered in this report.

Mr Paul Auchettl gave evidence that he was sexually abused by Best at St Alipius when he was 11 years old in grade 6. Best was the principal at the time. He told us that he and another boy were called to the principal’s office. In the principal’s office, both boys were naked. Best hit Mr Auchettl until he cried and then he cuddled him and molested him. Mr Auchettl said:

His pattern was to be violent until you cried and then he would comfort us and the sex abuse would commence. It became a pattern of isolation, violence, and then the sex, mixed with tenderness. Whenever I was alone with Bestie, I went into this disengaged mode. He taught me that.93

‘Common knowledge’ among students

A number of former students of St Alipius and St Patrick’s College told us that the sexual misconduct of Christian Brothers towards students was common knowledge around the schools.

In about 1968, Mr Auchettl and other boys were told by another teaching Brother at St Alipius about ‘queens’ and how they behaved and that the boys should stick together.94

BAC was told by other children at St Alipius in 1972 to ‘steer clear’ of Best, ‘to go nowhere near him and never let him get you alone’.95 He was also careful around Brother Fitzgerald and said the children were scared of the two Brothers.96

Mr Timothy Green told us that in 1973 it was ‘common knowledge’ among the students at St Patrick’s College that Dowlan was abusing many of the boys at the school.97 Mr Green also said it was ‘blatantly obvious’, and every boy in the class knew his turn would come. He found it ‘inconceivable’ that none of the Brothers, lay teachers, the nurse or parents knew of the child sexual abuse by Dowlan.98

Mr Timothy Barlow gave evidence that in 1973 there were rumours among the students at St Patrick’s College that the Brothers were sexually abusing some of the kids and were touching the boys in the dormitories. He too said it was common knowledge and a topic of routine conversation:
There were rumours amongst students at the school that the Brothers at St Pat’s were sexually abusing some of the kids. In particular, I remember rumours that some of the Brothers were touching the boys in the dormitories. I would describe it as common knowledge because it was a topic of routine conversation among students that this was going on.\textsuperscript{99}

Mr Peter Blenkiron said a boy from his class told him many years later that he had seen Dowlan abusing him at the back of the classroom in 1974.\textsuperscript{100}

Mr JE O’Connor, a loss adjustor working for Catholic Church Insurance Ltd (CCI), interviewed a teacher at St Patrick’s, Mr Gerard Ryan, in April 1994. Mr O’Connor’s notes of that interview record:

Gerard Ryan said he was a student at St. Patrick’s from 1974 to 1979 and he was taught French by Brother Dowlan. He said that Brother Dowlan had a reputation amongst the boys for being overly affectionate. He said that he had also heard mention of Brother Dowlan putting his hand down boys’ trousers; the inference being that he was handling their genitals, but Ryan did not say that.\textsuperscript{101}

BWD said that while he was a student at St Patrick’s College in the 1970s students talked about the Christian Brothers, and there was innuendo that something not right was going on between them and some of the boys.\textsuperscript{102}

While BWF was a student at St Patrick’s College in the 1970s, he heard ‘many stories of sexual abuse’ and saw some incidents firsthand. He recalled Christian Brothers watching students in the shower, saying smutty things and talking about their penises.\textsuperscript{103} He said Dowlan’s sexual offending in particular was common knowledge and the subject of ‘a lot of talk in the school ground’.\textsuperscript{104}

Mr David Ridsdale gave evidence that while he was a student at St Patrick’s College there were rumours from the boarders about some of the teachers, particularly a music teacher who was said to flick boys on the penis with his baton and then ask if the boy wanted it massaged.\textsuperscript{105}

BWE told us that while he was a student at St Patrick’s College during the 1980s he was sexually abused by a member of the clergy there.\textsuperscript{106} He said his four older brothers who attended the school before him warned him of which Brothers to avoid.\textsuperscript{107}

We have no reason not to accept this evidence, which was not challenged in any way. It was powerful and compelling. Accordingly, we accept that in the early to mid-1970s there were widespread rumours about the Christian Brothers’ sexual misconduct around boys and those rumours were known by many, if not most, of the students at St Alipius and St Patrick’s College.
3.3 Brother Gerald Leo (‘Leo’) Fitzgerald

In this part of the report, we consider the knowledge of the Christian Brothers and clergy in the Diocese of allegations and complaints about Brother Fitzgerald in schools and institutions in St Patrick’s Province and how they responded.

Brother Fitzgerald was born in 1902 and was admitted as a Christian Brother in September 1919. He made his final profession in 1927 and worked in various places in Victoria from 1921, including Ballarat in 1925 and Warrnambool in 1932.

Brother Fitzgerald was never charged with any child sexual abuse offences. He died in 1987. He has been posthumously the subject of allegations of sexual abuse.

The response to allegations against Brother Fitzgerald in the 1950s

Brother Fitzgerald spent many years working in orphanages and with delinquent boys in the 1930s, 1940s and 1950s.

In 1931, while working at St Augustine’s Orphanage in Geelong, Victoria, the visitor to the community described Brother Fitzgerald as a ‘nerve case’ who ‘requires special handling’. The visitor suggested ‘a change to a large community at Xmas and keep him away from branch schools’. Brother Fitzgerald was moved to Warrnambool, in the south of the Diocese, the following year.

In 1943, Brother Fitzgerald was made a probation officer for Catholic Delinquent Boys and was moved to live at St Vincent’s Orphanage in South Melbourne.

By 1950, the provincial was aware of specific concerns about Brother Fitzgerald’s conduct around boys.

The April 1950 visitation report records that Brother Fitzgerald was to have nothing to do with the boys and in no circumstances was he to take on any form of supervision, and he was to consider this a direction from the provincial.

Despite the direction, the following night Brother Fitzgerald was discovered in the dormitory looking after the boys. The visitor reported this to the provincial in his visitation report and the provincial, Brother JL Mackey, reprimanded Brother Fitzgerald. The provincial wrote to Brother Fitzgerald censuring him ‘as strongly as possible’ for a number of matters that had been brought to his notice, which ‘from the evidence I am fully satisfied of your guilt’. These included:
In defiance of the command given you by the Br. Consultor, you continued to have dealings with the boys.

You have allowed one or more boys to enter your room, and you have kissed a boy.\textsuperscript{119}

Despite this knowledge, the provincial allowed Brother Fitzgerald to remain at St Vincent’s Orphanage until the following year, when he was moved to Albert Park in Victoria. However, his transfer to Albert Park did not address the problem – he continued to work there as a probationary officer\textsuperscript{120} with access to children.

Brother Fitzgerald was moved to Albert Park in 1951.\textsuperscript{121} He was moved again the following year and again in 1954.\textsuperscript{122} The 1957 visitation report of Middle Park records that Brother Fitzgerald’s ‘work in the courts and with delinquent boys is steadily growing as more and more “boys from the Bros’ schools” fall into mischief.’\textsuperscript{123}

As the Church parties acknowledged, it was wrong and unacceptable for the provincial, Brother Mackey, to allow Brother Fitzgerald to remain as a probationary officer at St Vincent’s Orphanage for a further year after first becoming aware of the incidents there.\textsuperscript{124} It was also wrong and unacceptable for the provincial to move Brother Fitzgerald to other appointments where he continued in his role as a probation officer, giving him ongoing access to children.

The Church parties added the caveat that the conduct was wrong and unacceptable by any modern standard.\textsuperscript{125} We do not agree. In 1950, Brother MacKay was of the view that Brother Fitzgerald warranted a reprimand for having boys in his room and kissing a boy. He believed that that conduct should not occur and therefore he directed that Brother Fitzgerald was to have nothing to do with the boys. It is clear he was imposing the standard he believed to apply in 1950.

We are satisfied that permitting Brother Fitzgerald to remain in his position and moving him to other appointments where he had ongoing access to children was wrong and unacceptable by the standard imposed by the provincial of the day.

Brother Fitzgerald should have been removed immediately from St Vincent’s Orphanage and should not have been given any future role which gave him access to children.

**Brother Fitzgerald is appointed to St Alipius Boys’ School**

Despite the concerns about his conduct towards children in the 1950s, in June 1962 Brother Fitzgerald was appointed to a teaching position at St Alipius. He held the position for 13 years until 1975.
The Church parties acknowledged that Brother Fitzgerald's appointment to a teaching position should not have occurred and that a system under which that could happen was completely inadequate and unsatisfactory.\textsuperscript{126} It plainly was.

**Brother Nangle is not informed of Brother Fitzgerald’s past problems**

Brother Nangle was superior of the Ballarat community from January 1973 to July 1978. He told us it was never brought to his attention that Brother Fitzgerald was censured in the 1950s for allowing boys to enter his room and kissing a boy.\textsuperscript{127} We accept his evidence.

We are satisfied that Brother Nangle should have been informed of the complaints about Brother Fitzgerald’s conduct for which he was censured in 1950. Brother Nangle was the superior of the community, and he should have been told of Brother Fitzgerald’s past problems. As the Church parties acknowledged, a system under which that information was not passed on to Brother Nangle was inadequate and unacceptable.\textsuperscript{128}

**Evidence given to the Royal Commission about sexual abuse of children by Brother Fitzgerald at St Alipius**

The Royal Commission heard from several survivors that they were sexually abused by Brother Fitzgerald while they were students at St Alipius.

The common theme was that boys were made to sit on his knee and were kissed and fondled. This occurred in the 1960s and 1970s, and the boys were around eight or nine. It happened mainly in the classroom. We were told that many boys saw Brother Fitzgerald abusing other children in the same manner.

For example, BAB told us that in around 1973, when he was about eight years old, Brother Fitzgerald asked him to stay in the classroom with him at play time. He said Brother Fitzgerald asked him to take off his pants to ‘air’ himself, and he felt something enter his anus three times. He also saw Brother Fitzgerald abusing other children during class. He said Brother Fitzgerald would choose kids from the class to sit on his knee, and he saw Brother Fitzgerald ‘kissing and fondling’ them.\textsuperscript{129}

BAP told us Brother Fitzgerald made the boys swim naked at a school picnic while he watched.\textsuperscript{130} We deal with this issue later in this section.

Mr David Ridsdale gave evidence that Brother Fitzgerald was his grade 3 teacher in 1974. He said that at the end of school every Friday Brother Fitzgerald would line up his students and kiss them goodbye. He kissed some with his tongue.\textsuperscript{131}
BAA said that when he was about eight, in 1970, Brother Fitzgerald made him sit on his knee and kissed, rubbed and stroked him in the classroom. He said that on one occasion Brother Fitzgerald tried to kiss him on his genitals after making the boys undress to go swimming.\(^{132}\)

BAQ gave evidence that in 1971, when he was about eight years old, Brother Fitzgerald sat him on his knee in the classroom, kissed and cuddled him, and ‘fondled [his] genitals’. He said Brother Fitzgerald did this to other boys, and he chose a different boy every day. BAQ also recalled Brother Fitzgerald taking the class swimming, and he made the boys swim naked. Brother Fitzgerald also swam in the nude. He said it seemed to him to be common knowledge at the school that this was a tradition.\(^{133}\)

**Brother Nangle receives a report about Brother Fitzgerald ‘kissing boys’**

Brother Nangle was appointed headmaster of St Patrick’s College and superior of St Patrick’s community in January 1973 – positions he held until July 1978.\(^{134}\) Brother Nangle gave evidence that the previous superior, Brother Ronald Stewart, gave him a briefing of sorts about the community, but to his recollection this did not include discussing the Brothers individually.\(^{135}\) Brother Nangle had no recollection of Brother Stewart telling him about any Brothers within the community that were of particular concern.\(^{136}\) Brother Nangle told us he received only one complaint in relation to Brother Fitzgerald’s conduct with children, just before he retired in 1975.\(^{137}\)

Brother Nangle gave evidence that a father of one of the students at St Alipius, whom he thought was a policeman, came to see him at the Brothers’ residence and told him that Brother Fitzgerald was kissing students as they were going home from school and that he did not want his son to be kissed.\(^{138}\) He continued:

> While he [the policeman father] did not provide any details, the impression he left with me was that Fitzgerald was kissing each of the students as they filed out of the classroom to go home for the day. At the time, this struck me as an eccentric and inappropriate action from an old man. It did not register with me then, in 1975, as possibly having a sexual connotation.

> The father said he wanted the conduct to stop. I told him that I would attend to it. I immediately rang the Provincial, who was then Br Naughtin, and passed the complaint on to him. He said that he would send one of his Council to inform Fitzgerald that he was to be withdrawn from teaching.\(^{139}\)

This description of Brother Fitzgerald’s conduct is consistent with Mr David Ridsdale’s account of similar conduct.
Brother Nangle’s response to the complaint

Brother Nangle told us that after receiving the complaint he immediately informed the provincial, Brother Naughtin. He said Brother Naughtin told him he would send one of his provincial councillors to inform Brother Fitzgerald that he was to be withdrawn from teaching.\textsuperscript{140} In his statement, Brother Nangle said he did not regard the conduct as serious – he assumed it was a ‘perfunctory thing’ as the boys left class, and it did not register with him as having a sexual connotation.\textsuperscript{141}

Brother Nangle gave evidence that he took this complaint to the provincial ‘[b]ecause of the nature of his behaviour, the unacceptable behaviour of the Brother towards the student was what motivated me to go to the Provincial’.\textsuperscript{142} When asked whether it was the sexual element of the conduct that made it unacceptable, Brother Nangle said, ‘That’s what – yes, that’s what I would have thought’.\textsuperscript{143} However, Brother Nangle also said, ‘At the time that it occurred, I didn’t regard it as of such a serious nature. I understood it to be an expression of an eccentric old man’.\textsuperscript{144}

The Church parties submitted that Brother Nangle’s evidence on the whole makes it clear that, at the time, Brother Nangle did not register the kissing of boys as sexualised behaviour.\textsuperscript{145} We do not accept that submission.

Brother Nangle regarded the conduct as sufficiently serious and ‘unacceptable’ to warrant reporting it to the provincial and doing so immediately. He was examined about his statement, and his evidence was that he would have thought there was a sexual element to the complaint which made it unacceptable. We accept that evidence. We are satisfied that Brother Nangle understood there was a sexual element to the behaviour of Brother Fitzgerald.

The provincial asks Brother Fitzgerald to retire from teaching

Brother Nangle told us that, soon after passing the complaint on to the provincial, a member of the provincial council, probably Brother David Carey,\textsuperscript{146} came to the Brothers’ residence and interviewed Brother Fitzgerald.\textsuperscript{147} Not long after this visit, another two provincial council members came to the Brothers’ residence and spoke to Brother Fitzgerald.\textsuperscript{148}

In March 1975, Brother Naughtin conveyed his decision to Brother Fitzgerald that he was to retire from full-time teaching at the end of the term and referred to the ‘complications that have arisen in recent times’.\textsuperscript{149} Brother Naughtin is deceased. We do not doubt that the ‘complications’ referred to the conduct that the police officer complained of.
Reasons given by Brother Nangle for Brother Fitzgerald’s retirement

Many years later, in 2014, Brother Nangle was interviewed by solicitor Mr Howard Harrison, who represented the interests of the Christian Brothers.\textsuperscript{150} The questions asked of Brother Nangle in that interview were directed to understanding what Brother Nangle and the Christian Brothers knew about complaints of child sexual abuse in the order.

Brother Nangle told Mr Harrison that Brother Fitzgerald’s retirement was due to a concern about him cycling on the road from the Brothers’ residence to St Alipius. He also told Mr Harrison that in his time there was never any suggestion of improper conduct by Brother Fitzgerald.\textsuperscript{151} That was not true. Brother Nangle had received a complaint of improper conduct in 1975 and told the provincial immediately.

Brother Nangle conceded in his evidence that he could not reconcile his statement to Mr Harrison with his acknowledgement that he regarded Brother Fitzgerald’s conduct in kissing boys to be improper.\textsuperscript{152} The Church parties also conceded that Brother Nangle’s statement to Mr Harrison, if considered in isolation, was inaccurate.\textsuperscript{153}

However, the Church parties submitted there is no basis to find that Brother Nangle intended to be misleading. They submitted that Brother Nangle thought Mr Harrison was conscious of previous interviews in 1996 and 1998 which Brother Nangle had held with Mr Paul Gamble of CCI, the Church insurers, in which he had spoken of Brother Fitzgerald kissing children inappropriately. Accordingly, the statement to Mr Harrison was only misleading if considered ‘in isolation’ and there is no evidence that Mr Harrison was in fact misled.\textsuperscript{154}

Whether Mr Harrison was in fact misled is irrelevant. Brother Nangle’s statement to Mr Harrison was not the truth. We infer his statement was designed to protect the Christian Brothers.

Brother Fitzgerald’s access to children in retirement

Brother Fitzgerald continued to live in retirement at the Brothers’ residence on the grounds of St Patrick’s College.\textsuperscript{155}

Brother Nangle was the headmaster at St Patrick’s College at the time. He told us no restrictions or conditions were placed on Brother Fitzgerald being around children after his retirement,\textsuperscript{156} and no one asked him to watch Brother Fitzgerald.\textsuperscript{157}

In July 1976, a year or so after Brother Fitzgerald’s retirement, the visitor to the St Patrick’s community noted in the visitation report, in respect of Brother Fitzgerald:
His difficulties of last year may well have been caused by his having reached that stage of life when for some men control of emotional impulses becomes lessened. He should be watch [sic] against the possibility of future incidents, and if there any indications of such, I would recommend that he be removed from Ballarat where the boarding situation presents occasions not found else-where.\textsuperscript{158}

It is likely that the report was provided to the provincial and the provincial council.

We infer that the references in this report to a lessened ‘control of emotional impulses’, the ‘occasions’ presented by the boarding situation at Ballarat and the ‘difficulties of last year’ were related to Brother Fitzgerald’s sexual behaviour towards boys.

Despite the warning in the report, neither the provincial, Brother Naughtin, nor the provincial council took steps to impose any restrictions on Brother Fitzgerald’s access to children, including in the dormitories. The Church parties conceded that for the provincial to permit Brother Fitzgerald to remain in a community without placing any restrictions on his access to children or removing him from a community whose residence was at a school was unacceptable by any modern standard. We agree, but we again do not accept the caveat of a modern standard.\textsuperscript{159}

That report indicates that in 1976 the visitor knew of the reason for Brother Fitzgerald’s retirement and knew that his proximity to boarding schools presented a risk of the same conduct arising. He should have been moved to a location or role where that risk was minimised or removed.

Two years later, in June 1978, a visitation report records that:\textsuperscript{160}

[Brother Fitzgerald] used to visit the Junior Dormitory and play with the boys, but this caused some confusion and the Superior told the Community that the Brothers should not visit dormitories without permission. Leo [Brother Fitzgerald] has not sought permission, but he does not speak to Paul [Nangle] except to ask permissions etc., nor to Br. Tony Dillon who is in charge of the Dormitory.\textsuperscript{161}

Brother Nangle recalled that Brother Fitzgerald was upsetting the calmness of the dormitory at the time the dormitory master was attempting to quieten the children by ‘stimulating them, energising them and making his task that much more difficult’.\textsuperscript{162} Brother Nangle gave evidence that this was directed particularly to Brother Fitzgerald, although it was couched as a ‘general principle’.\textsuperscript{163}

Brother Nangle told us he spoke to Brother Fitzgerald and told him that he was not to go to the dormitories.\textsuperscript{164} He said that, at the time, it did not enter his mind that there were any sexual connotations in his conduct.\textsuperscript{165} Brother Nangle did not accept that he must have been conscious that Brother Fitzgerald had some propensity to show a sexualised interest in children.\textsuperscript{166}
Again, it is likely that this visitation report was provided to Brother Naughtin and the provincial council. There is no evidence that Brother Nangle received the visitation report.

The Church parties submitted that Brother Nangle’s evidence confirms it was not in his mind that Brother Fitzgerald’s access to dormitories was dangerous to children, although it may have been in the mind of the visitor. They submitted there is nothing in the terms of the June 1978 visitation report which indicates any such concern on the part of its author.\[167\]

We do not accept that submission or Brother Nangle’s evidence to that effect. We have found that he understood there was a sexual element to the complaint in 1975 for the reasons given earlier. His actions in 1978 are consistent with that understanding.

We are satisfied that by June 1978 the provincial, Brother Naughtin, the provincial council and Brother Nangle knew that Brother Fitzgerald had access to children at St Patrick’s College, particularly in the dormitories, and that there was a risk of sexual contact with the students. Despite this, limited steps were taken to impose conditions or restrictions on his contact with children: Brother Nangle told him not to go to the dormitories, but the provincial did not remove him from a community whose residence was located on school grounds. He should have been removed.

What diocesan clergy knew about Brother Fitzgerald’s conduct with children

Each year, Brother Fitzgerald took grade 3 boys swimming naked at an annual St Alipius camp. We heard evidence that the practice was notorious among students at St Alipius and St Patrick’s College.

BAQ gave evidence about the annual excursion to the lake in grade 3 at St Alipius, which involved the boys swimming naked with Brother Fitzgerald. He said he thought the ‘tradition’ was common knowledge at the school. He said:

> Before we went, I remember Grade 4 boys had warned us that Brother Fitzgerald would take the Grade 3 boys to a separate location and make us swim in the nude. It seemed to me that it was common knowledge at the school and that this was the tradition, and that the Grade 3 boys did this each year.\[168\]

He said that, when he moved on to high school at St Patrick’s College, many of the boys there knew about Brother Fitzgerald’s trips to the lake, which he had been doing for many years and which were notorious.\[169\]
What Father O’Toole knew

Father Lawrence O’Toole, who was an assistant priest at Ballarat East in 1973, also knew about the annual trip to the lake.

He gave evidence that he was informed by parents that Brother Fitzgerald would take boys swimming and the boys would be naked. He thought the parents ‘were accepting of it’.170

Father O’Toole said he was shocked at this practice,172 because he has a ‘respect for modesty’ and thought it was ‘different’.173 He agreed that, despite being shocked by the ‘sexualised conduct’, he did not do anything with his shock.174 He did not tell the parish priest, Monsignor William McMahon,175 about what he was hearing or take it any further.176 Father O’Toole told us he thought the Brothers were ‘at a distance’ from his responsibility and under the authority of the Christian Brothers.177

The Church parties submitted that there should be no adverse finding in respect of Father O’Toole that he attempted to justify taking no action by distancing himself from having any responsibility, because he understood that the parents knew and were ‘accepting’ of the naked swimming.178 We do not accept that submission. Even if Father O’Toole thought the parents were unconcerned, he told us he was shocked when he heard about the conduct.

We are satisfied that the most likely reason for his shock was the ‘sexualised’ nature of that activity.

Regardless of whether the parents were accepting of the activity, priests and clergy had a responsibility to ensure that they, and their fellow brothers and fellow clergy, acted protectively towards children in their care. It may have not been unreasonable for him to believe it was not for him to raise the conduct of Brother Fitzgerald with the provincial. However, it is troubling that nothing was done even though he was shocked by the conduct and believed that there was a sexual element to it.

What Father Pell knew

Father George Pell was a priest at Ballarat East in 1973 and lived with Father O’Toole in the Ballarat East presbytery from 1973. They were good friends.179

Father Pell also heard about students swimming naked with Brother Fitzgerald180 from parish friends, some of whom were parents of children at the school.181 Cardinal Pell gave evidence that this was ‘quite common knowledge’ and that, although it was most unusual at the time, ‘no improprieties were ever alleged’ to him.182 However, he agreed that he certainly would have considered it somewhat imprudent of a Brother to do this at the time.183 Cardinal Pell gave the following evidence:
Q. Father O’Toole said that those rumours, he thought, came from parents who were his parishioners at Ballarat East. Now, did parishioners at Ballarat East tell you about problems with Brothers?

A. No, apart from mentioning Fitzgerald, I don’t believe they did.

Q. Now –

A. By way of explanation, I might say I was a full-time academic, I was rarely in the parish during the days, I had Saturday off, and I said three masses in the parish on Sunday, so it wasn’t as though I was regularly around the parish and available for parents to talk to me.184

Father Pell also heard talk about the ‘eccentricity’ of Brother Fitzgerald. He explained:

A. But there were no specific accusations.

Q. What was it about the Brother that showed him to be eccentric?

A. I think he used to – it’s alleged he’d – when some of the boys were leaving he’d give them a kiss. He was very strange, old-fashioned, but a good teacher; there were things like that.185

He said that at the time he did not see Brother Fitzgerald’s kissing of children as sexualised behaviour; he said it was ‘common knowledge, and the general conviction was, it was harmless enough’.186 He said that, while it was certainly unusual,187 ‘people were aware of it and they weren’t insisting that anything be done’.188

Cardinal Pell gave evidence that he could have mentioned it to the principal or the parish priest, but he said he had no jurisdiction ‘in any sense’ over the Christian Brothers.189

Later in his evidence, Cardinal Pell gave the following evidence about the responsibility of priests for the protection of children:

Q. Well, isn’t it the case, Cardinal, that every adult in the church is responsible for ensuring the safety of children going forward? It’s not a question of structural responsibility; it’s a question of being an adult and being responsible, isn’t it, Cardinal?

A. Well, an individual can only do what it is possible to do and everybody has a responsibility to try to preserve the moral health of the community in ways that are real and practical.
Q. But it’s the case, isn’t it, within the church that every priest or ordained person is responsible for ensuring the safety of children who are taken in by the church to be looked after?

A. No, that’s much too general a statement.

...

Q. So if it was the case that a parish priest heard of events dangerous to children happening in a neighbouring parish or a parish distant from them, based on what you have said they have no responsibility in relation to the children who are in danger; is that right?

A. Well, very obviously I said nothing of the sort. I said that a person from a neighbouring parish or a distant parish has less responsibility for the care of children in those distant parishes than he does in his own. I’m not suggesting for a minute, especially in a neighbouring parish, that a neighbouring parish priest would have no responsibility at all. I never suggested that.

THE CHAIR: Q. Cardinal, should we understand you to be saying that every member of the church has a responsibility to do what they can to protect children?

A. I think I would agree with that.\textsuperscript{190}

We accept Cardinal Pell’s evidence that he heard about Brother Fitzgerald and boys swimming naked in around 1973 and that this was common knowledge. We also accept his evidence that he heard about Brother Fitzgerald kissing students. His evidence is consistent with other evidence that we have set out earlier.

Cardinal Pell submitted that no accusations beyond Brother Fitzgerald giving some boys a kiss as they left school, and the annual trip in which the boys swam naked, were ever communicated to him.\textsuperscript{191} He submitted that there was evidence these matters were widely known in the Ballarat community, and there was evidence of a widely held view at the time that the conduct was ‘harmless enough’.\textsuperscript{192} He argued in those circumstances it was ‘extraordinary’ that Counsel Assisting submitted that a finding should be made that Father Pell did not inform the Christian Brothers authorities or the Bishop of Ballarat, Ronald Mulkerns, of the conduct and sought to justify taking no action by distancing himself from having any responsibility for the risks posed by Christian Brothers in Ballarat.\textsuperscript{193}

Cardinal Pell submitted that Brother Fitzgerald was ‘from a different time’, and swimming naked with children after school and a ‘perfunctory kiss after school’ would not have set off alarm bells. He submitted that in the 1970s the community reaction to Brother Fitzgerald’s conduct was to consider it eccentric and not a warning sign of sexual harm to children and that there is a danger in imposing contemporary attitudes to events over 40 years ago.\textsuperscript{194}
As we have said in relation to Father O’Toole, regardless of whether the parents or others were accepting of the activity, priests and clergy have a responsibility to ensure that they and their Brothers and fellow clergy act protectively towards children in their care. A specific request or accusation should not be required for the Church to act protectively towards children in its care. The conduct was occurring while the children were under the direct care and supervision of the Church.

Cardinal Pell submitted that there is a danger in imposing contemporary attitudes to events over 40 years ago. We agree that the standards at the time should prevail. However, we reject the submission that Brother Fitzgerald’s conduct was only wrong by contemporary standards.

The responsibility we refer to is not recent in origin; it has been the Church’s teaching for centuries. As we have found earlier, the Christian Brothers provincial in 1950 understood that it was wrong for Brother Fitzgerald to kiss a boy and the provincial two decades later had Brother Fitzgerald retire for the same conduct. Further, a local police officer thought that conduct warranted going to Brother Nangle in 1950.

In relation to Brother Fitzgerald’s conduct in the early 1970s, the attitude at that time was also that the conduct was of concern. Father O’Toole gave evidence he was shocked at the conduct. Father Pell thought it imprudent. We are satisfied that the likely and rational reason for those responses was that there was a risk of sexual contact posed by swimming and that kissing boys was sexualised behaviour.

In any event, we accept that it was not unreasonable for Father Pell, as a diocesan priest, to believe it was not for him to raise the conduct of Brother Fitzgerald with the provincial.

**What other clergy knew**

BAB told the Royal Commission that he was sexually abused by Brother Fitzgerald in 1973, when he was in grade 3. About three months later, he told a visiting priest to St Alipius during confession that Brother Fitzgerald had ‘done things’ to him:

> During the confession the priest asked me, ‘and what are your sins?’ The first thing I said was, ‘Well, Brother Fitzgerald has done things to me.’ I remember there was silence for about 30 seconds and then the priest said, ‘That didn’t happen’. When he said that, I realised that was going to be the position and there was no point in me telling anyone else. I felt disappointed and sad that nothing was going to happen about it, and that those other boys would still be taken out by Brother Fitzgerald.195

BAB did not recall the name of the priest.
We accept BAB’s evidence. The response of the priest was inexcusably wrong and contributed to Brother Fitzgerald continuing to have access to children. It shows how the response of the institution can inhibit children from complaining.

3.4 Brother BWX

In this part of the report, we consider the knowledge of the Christian Brothers and clergy in the Diocese, and their response to, allegations and complaints about Brother BWX sexually abusing children in schools in St Patrick’s Province, Victoria, and the Holy Spirit Province, Western Australia.

Brother BWX has never been charged with an offence relating to the sexual abuse of children. However, in accordance with the Royal Commission’s Terms of Reference and Practice Guideline 1, during the public hearings of Case Study 28 he was given the pseudonym ‘BWX’ so as not to prejudice then current criminal investigations about child sexual offences.

What the Christian Brothers knew about Brother BWX’s conduct in the 1960s

Brother BWX was born in 1939 and entered the novitiate in January 1956.196 His first appointment was to a teaching position at Christian Brothers College, St George’s Terrace, Perth, in February 1958.197

Brother BWX admits to sexually abusing students in Western Australia and is moved to Victoria

In 1960, Brother BWX was teaching English at Christian Brothers College, St George’s Terrace, Perth. At that time, Western Australia was part of St Patrick’s Province198 and Brother Thomas Garvey was the provincial.199

A complaint was made about Brother BWX in Perth in August 1960.200 A Christian Brother in Perth wrote to a ‘Brother Consultor’ about his meeting with the auxiliary bishop of Perth that day and wrote that ‘His Lordship … wanted to discuss a “delicate” matter’. The letter then records a complaint made to the auxiliary bishop by one of his priests.

The complaint was that Brother BWX had called a student to the sacristy, where he was made to undress, and Brother BWX asked the boy about ‘immoral acts’.201 The complaint was reported in a letter by an unnamed Christian Brother to an unnamed ‘Brother Consultor’.202 The reference to a ‘Brother Consultor’ suggests a member of the provincial council.
The ‘Brother Consultor’ was also informed that Brother BWX was confronted with the allegation and admitted to touching the genitals of eight boys over the past year. Brother BWX revealed he had taken the boys to the visitors’ room at the Brothers’ house, got them to undress, spoken to them about the functions of the genital organs and touched their genitals in the process.\textsuperscript{203}

The author of the letter recommended to the ‘Brother Consultor’ that Brother BWX be removed from the Christian Brothers College in Perth at which he was teaching, immediately, before school resumed on 6 September 1960. The reason given was ‘a transfer during the term break would not be so noticeable and would more easily smooth out embarrassment’.\textsuperscript{204}

A short time later, Brother BWX was transferred to Brunswick in Victoria, where he was appointed to another teaching position.\textsuperscript{205}

In a 2016 report, the national claims manager of CCI wrote:

Given that Br BWX was not only moved from Christian Brothers College, Perth but that he was also transferred to another State, we have inferred that the Provincial and/or Provincial Council would have been aware of the reasons for such a transfer. This would also be consistent with the letter being located within the Provincial Council Correspondence.\textsuperscript{206}

The observation that a ‘transfer during the term break would not be so noticeable and would more easily smooth out embarrassment’ is indicative of a concern to conceal the reason for Brother BWX’s transfer – namely, complaints of child sexual abuse – from the school at which he taught. It is also consistent with a desire to protect the reputation of the Christian Brothers and avoid scandal and embarrassment.

Brother BWX was not subject to any special restrictions or safeguards in St Patrick’s Province to seek to deal with the threat that he would engage in further sexual abuse of children in that province. The actions of the Christian Brothers in transferring Brother BWX from Western Australia to Victoria, despite his admitted sexual abuse of multiple boys, showed a total disregard for the safety and welfare of children in Christian Brothers schools.

The Church parties conceded that the letter to the ‘Brother Consultor’ reached the provincial council at some stage. They acknowledged that the provincial and/or the provincial council were aware that Brother BWX was removed from Perth and sent to Victoria following an admission of sexual misconduct with a child.\textsuperscript{207} The Church parties further acknowledged that the reasons for Brother BWX’s move to Victoria were related at least in part to a concern to conceal the real reason for his having left the school in Perth and to a desire to protect the reputation of the Christian Brothers.\textsuperscript{208}
We are satisfied that Brother BWX was moved to Victoria at a time which would conceal the true reason for his having left Perth and to protect the reputation of the Christian Brothers.

We agree with the Church parties’ submission that, for Brother BWX to have been moved to Brunswick in 1960 and appointed to another teaching position in these circumstances, and later to other teaching positions where he sexually abused more children, was inexcusably wrong. There is no evidence to suggest that Brother BWX was sent for treatment either before or immediately after his transfer to Brunswick or that he was subject to any special restrictions or safeguards to address the threat that he would engage in further sexual abuse of children.

We also agree with the Church parties’ submission that the systems and procedures in place which allowed this to happen were completely inadequate and unsatisfactory.

**Brother BWX is moved to Warrnambool**

Brother BWX spent only six months in Brunswick before being transferred to Devonport in Tasmania in January 1961. The reason for this transfer is not known. Two years later, in January 1963, he returned to Victoria and was appointed to a teaching position at Christian Brothers College at Warrnambool.

Father Francis Madden was chaplain to the Christian Brothers College in Warrnambool in Victoria from 1964 until 1968.

**BWU’s alleged report to Father Francis Madden in 1964**

BWU was a student at Christian Brothers College at Warrnambool in the early 1960s. BWU did not make a statement to the Royal Commission or give oral evidence. His account of events was made in 2003 and is recorded in a 2003 professional standards report.

BWU said that Brother BWX, who was his class teacher, sexually abused him on seven or eight occasions in about 1963. He also alleged that Father Madden became aware of Brother BWX sexually interfering with children in 1964.

BWU said that in 1964 he attended a retreat in Koroit parish for students of the Christian Brothers College at Warrnambool. He alleged that during the retreat Father Madden read out a note from one of the boys in class which said Brother BWX was interfering with kids. Father Madden asked whether it had happened to anyone and a number of boys raised their hands. Father Madden then left the class, and BWU could not recall seeing Brother BWX again.
Brother BWX’s personnel document records that in January 1967 he was transferred from Warrnambool to North Melbourne.218

Father Madden’s response to BWU’s allegation

In a statement to us, Father Madden219 said he was not the priest at the retreat in 1964 in Koroit parish when allegations about Brother BWX were raised.220

In circumstances where we have no direct evidence from BWU, Father Madden has denied that he was the priest referred to in BWU’s allegation and there is no other evidence available to us, we cannot be satisfied that Father Madden was the priest referred to in BWU’s allegation.

Father Madden overhears students and reports to Brother Williams

In his statement, Father Madden described an incident involving allegations about Brother BWX at Warrnambool. He said while he was chaplain at the school, between 1964 and 1968, he overheard conversation among students in the vein of ‘be careful if Brother BWX offers to give you a massage’221 or ‘don’t let Brother BWX get you behind the shelter shed’.222

Father Madden stated that he did not think it would have occurred to him then that Brother BWX was actually engaging in some sort of sexual misconduct with boys, but he passed on what he had overheard to the principal of the college, Brother HL Williams, because he was ‘concerned that the boys were using the sort of language, even in a joking kind of way, which could be interpreted as referring to some such thing’.223 He stated:

As best I can now recall, I did so mainly because of my concern about the boys making such comments about a Brother, even assuming there was no basis for them. I do not recall what Br Williams said in response, but I had the impression that he understood what I meant. I do not know whether Br Williams did anything following our conversation.224

He was clearly right to report to the principal of the school. His response is consistent with our earlier findings that in the late 1960s such comments were a cause for concern. It is clear that these concerns are not only based on contemporary standards.

By the early 1970s, Father Madden was a priest at St Patrick’s Cathedral in Ballarat. At that time Father Brendan Davey was the chaplain at St Patrick’s College.225 Father Davey did not give evidence to the Royal Commission. He died in 2016.
In his statement to us, Father Madden said that, in the early 1970s at Ballarat, Father Davey mentioned to him that Brother BWX was a member of staff at St Patrick’s College. Father Madden told Father Davey what he had overheard the students at Warrnambool saying about Brother BWX several years earlier in the mid-1960s – that is, something like ‘be careful if Brother BWX offers to give you a massage’. Father Madden could not recall Father Davey’s reaction and did not know if Father Davey passed on to anyone what he had said. He did not recall hearing anything more about Brother BWX until 2003.

We accept Father Madden’s account of what he told Father Davey. As Brother BWX was at St Patrick’s College between January 1971 and July 1973, the conversation must have occurred in that period.

Father Madden did not give evidence and was not asked about his statement in relation to Brother BWX. He did not explain in his statement why he reported what he had heard about Brother BWX several years earlier to Father Davey. However, Father Madden gave an earlier account of the incident to professional standards assessors in 2003. According to the assessors, Father Madden said he was ‘concerned enough to advise [Father Davey] of what had occurred’ at Warrnambool when he learned that Brother BWX was at Ballarat.

The Church parties submitted there is no evidence Father Madden had any knowledge or reason to suspect in the early 1970s that Brother BWX was actually engaging in abusive behaviour.

We are satisfied that there was an obvious sexual aspect to what was said by the boys and overheard by Father Madden. While we accept that it did not occur to him that Brother BWX was actually engaging in some sort of sexual misconduct with boys, if Father Madden believed it was benign, it is unlikely that he would have reported it and unlikely that he would have recalled it some years later and told the chaplain of the school where Brother BWX was teaching. However, we make no finding as to Father Madden’s actual knowledge.

**Brother Williams speaks to BWX about ‘going one to one’ with boys in 1966**

Brother BWX was interviewed by professional standards assessors in 2003. The assessors’ report records that Brother BWX initially denied BWU’s allegation about a retreat at Koroit, in which he said Father Madden read out a note from one of the boys in class which said Brother BWX was interfering with children.

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However, Brother BWX subsequently agreed that in 1966 Brother Williams, then the principal of Warrnambool College, had spoken to him regarding an allegation that he was ‘getting very close to a couple of people’ and warned him that he should not ‘go one to one with boys or touch their genitals’.\textsuperscript{233} He said the incident related to Brother BWX hugging a couple of choir members who he had invited to do some extra work out of hours, and which he acknowledged might have progressed to ‘a sexual thing’.\textsuperscript{234} It is not known if this included BWU.

Brother BWX also said Brother Williams told him not to at any stage be one-to-one with boys and to desist from any activities which might be related to the area of the genitalia or the upper thighs and ‘leave it to someone else’.\textsuperscript{235}

**Brother BWX is transferred to North Melbourne**

At the beginning of the following year, in January 1967, Brother BWX was transferred from Warrnambool to another teaching position at North Melbourne.\textsuperscript{236}

We are satisfied from the timing that at least one of the reasons he was transferred from Warrnambool was the allegations made against him.

As was acknowledged by the Church parties, it was inexcusably wrong for Brother BWX to have been appointed to another teaching position, in circumstances where allegations of his sexual misconduct with students were known to the Christian Brothers and they were sufficiently concerned to put in place restrictions on his access to children.\textsuperscript{237}

**Brother BWX is appointed to Ballarat**

Brother BWX was transferred from North Melbourne to another teaching position at St Patrick’s College, Ballarat, in January 1971.\textsuperscript{238} The reason for his transfer from North Melbourne is not known.

Again, it was inexcusably wrong for Brother BWX to be appointed to another teaching position.\textsuperscript{239} Brother BWX should never have been appointed to St Patrick’s College.

At the time, Brother Nangle was the superior of the St Patrick’s community and also the headmaster of St Patrick’s College. Brother Naughtin was the provincial of St Patrick’s Province. Brother Nangle gave evidence that he was not told about the incidents of child sexual abuse that led to Brother BWX’s transfer from Perth in 1960.\textsuperscript{240} He told us that before he received the complaint in 1973, discussed below, he ‘had never heard any rumours or allegations of misconduct by him with children’.\textsuperscript{241}
Allegations about Brother BWX’s conduct in Ballarat

Brother BWX admits to sexually abusing two students

An allegation of sexual abuse against Brother BWX emerged at St Patrick’s College in 1973. At that time, Brother BWX taught middle school at St Patrick’s College and was also a dormitory master.242

Mr Peter Farley, a lay teacher at the college, saw Brother BWX in his room, which was attached to the dormitory, engaged in sexual activity with two boarders. Mr Farley reported what he saw to Brother Nangle. Brother Nangle told us that ‘although they were clothed, there was “rubbing” going on, and Farley thought it was clearly sexual behaviour’.243

Brother Nangle immediately informed Brother BWX of the allegation, and Brother BWX admitted it was true. However, Brother BWX said to Brother Nangle ‘something along the lines that what he was doing was not wrong or bad, and that it was somehow acceptable.’244

Brother Nangle told us he immediately drove to Melbourne to see the provincial, Brother Naughtin. He did so because ‘I felt the impact of what had been reported to me was of such a serious nature that I wished to speak personally to the Provincial about it’.245 He told Brother Naughtin what happened, and Brother Naughtin said that Brother BWX would be taken out of the school straight away. While he did not say so, it is probable that Brother Nangle told Brother Naughtin that Brother BWX admitted the allegation.

Brother Nangle said that, by the time he had driven back to St Patrick’s College, Brother BWX was gone.246

Brother Nangle later drove to see the parents of the two boys – the first family in the far north of Victoria near Mildura and the second family at the opposite end of the state in the south.247

Brother Nangle did not report the matter to police. He told us that in those days he would have felt that he did not have the authority to report such matters to the police himself, and he expected the provincial would report to police if he thought it was necessary.248 Brother Nangle did not recall any mention of reporting to police in discussions with either the provincial or the parents of the two boys.

Brother BWX is removed from St Patrick’s College after admitting to child sexual abuse

In July 1973, after admitting the conduct reported by Mr Farley, Brother BWX was transferred from St Patrick’s College. The move occurred a week before the visitation of St Patrick’s community, which was conducted by the provincial, Brother Naughtin.249
Brother Naughtin said the following in his visitation report in relation to Brother BWX’s transfer:

The change was necessitated because of the revelation of a serious act of indiscretion (even misconduct) of which he was guilty with respect to two of the senior boys separately ...

A close watch will have to be kept on him in the future, for he has now at least twice offended in his conduct with boys. Unfortunately he seems hardly to realize the seriousness of his conduct, although he says that he does. On the surface he has settled well at St Kevin’s. But one doubts his power to stay. He is to resume almost immediately consultation with Dr Seal.250

The visitation report also notes that the provincial council should give careful consideration to whether it was a mistake to send Brother BWX to Ballarat in 1973 in spite of his ‘known psychological problems’ and whether ‘greater care should be taken in this area in future’.251 We infer that in 1973 Brother Naughtin, and probably the provincial council, knew of Brother BWX’s sexual misconduct with children before his appointment to Ballarat.

We are satisfied that Brother Naughtin transferred Brother BWX out of St Patrick’s College in July 1973 as a direct result of Brother BWX’s admission that he had sexually abused two boarders at the school.

**Brother Nangle reports Brother BWX’s admission to Bishop Mulkearns**

A day or two after he went to see the provincial about the allegation against Brother BWX in 1973, Brother Nangle went to see Bishop Mulkearns and told him what had happened.252

He told us:

I informed him of the complaint, the name of the Brother involved, the names of the two students, and the fact that I had reported the matter to the Provincial. While the College was not a Diocesan school, and the Bishop had no authority over the College, I thought it appropriate to tell him about something so serious that had occurred at a College within its Diocese.253

Brother Nangle said this was the only time he reported to Bishop Mulkearns, and he thought it was a matter of courtesy rather than obligation to inform the bishop of an incident of this nature.254

Brother Nangle said that Bishop Mulkearns appreciated his courtesy and asked him what had happened to the Brother. Brother Nangle said he was ‘able to tell him that he had been immediately removed from the college’.255 Neither Brother Nangle nor Bishop Mulkearns raised the question of where Brother BWX would go after Ballarat.256
Brother BWX is appointed to St Kevin’s College, Toorak

In July 1973, the same month that he was removed from St Patrick’s College, the Christian Brothers moved Brother BWX to St Kevin’s College in Toorak (Heyington). He was appointed as the school’s sports master.257

Although the July 1973 visitation report suggests Brother BWX was sent for treatment with psychiatrist Dr Eric Seal after the allegations emerged at St Patrick’s College, he was not removed from contact with children while he received that treatment. Brother Naughtin sent him immediately to work as sports master at St Kevin’s College. This gave him ongoing access to children. There is no evidence that Brother BWX saw Dr Seal and, if he did, that Brother Naughtin received any advice from Dr Seal about whether it was safe to place Brother BWX in a school. In any event, the timing suggests that Brother Naughtin did not wait for that advice (if it was given) before giving Brother BWX a new school appointment.

Despite Brother Naughtin’s observation in July 1973 that ‘a close watch will have to be kept on [Brother BWX] in the future’, there is no evidence that Brother Naughtin informed the principal of St Kevin’s College of Brother BWX’s offending or otherwise imposed any restrictions or conditions upon him.

As acknowledged by the Church parties, it was inexcusably wrong for Brother Naughtin to appoint Brother BWX to St Kevin’s College, Toorak, in 1973 when he knew at least that Brother BWX had offended at St Patrick’s College that year258 and it is likely that he knew of Brother BWX’s earlier misconduct.

The Church parties also acknowledged that it was inexcusably wrong of Brother Naughtin to fail to inform the headmaster of St Kevin’s College of what had happened at St Patrick’s College.259 We agree. Given that Brother Naughtin knew that Brother BWX had not only admitted the conduct but also failed to appreciate its seriousness, there was no basis for him to expect that Brother BWX would cease the conduct.

In these circumstances, Brother Naughtin’s conduct was particularly appalling. He placed Brother BWX in a school environment despite knowing the serious risk that he posed to students.

Brother Nangle’s conduct

Brother Nangle told us he became aware, at some stage, that Brother BWX had been moved from St Patrick’s College to another school.260 He said he had no knowledge of the matters which were taken into account in that transfer.261
When asked whether he was concerned when he learned that Brother BWX had been transferred to another school, he said:

It wasn’t my business. I just assumed, took for granted, that the Provincial would take whatever steps were necessary to attend to the Brother, his needs and the needs of others – it wasn’t my concern. I would never have been invited by the Provincial to engage with him in any conversation on that matter.262

Brother Nangle told us he did not consider himself responsible for Brother BWX once he was in a different community.263 He trusted his superiors to have set up boundaries or established conditions under which Brother BWX would live and work, and it was not his concern anymore.264

We accept that Brother Nangle acted reasonably, as submitted by the Church parties,265 in reporting Brother BWX’s conduct with the two boarders to the provincial, the parents of the boys concerned and Bishop Mulkearns.

The Church parties submitted this exemplifies a hierarchical system whereby even senior persons such as principals and superiors had limited authority and where only the provincial had power in matters such as the appointment or removal of Brothers.266

We are of the view that the Christian Brothers, similar to other Catholic orders, have a structure in which ultimate power and responsibility rests with one person: the provincial. A system without checks and balances has the obvious potential for mismanagement or abuse of that power and neglect of that responsibility.

Allegations continue to emerge about Brother BWX after Ballarat

After more than five years at St Kevin’s College in Toorak, Brother BWX was sent to St Joseph’s in South Melbourne in 1979.267 By 1980, he had been transferred to Abbotsford, and the following year, in 1981, he was sent to St Kilda.268 It is not known whether he held teaching positions at St Joseph’s, Abbotsford, or St Kilda.

Complaints by BWW in 1981 and 1996

BWW was a student at St Kevin’s College, Toorak, during the mid-1970s.

In 1981, while Brother BWX was at St Kilda, BWW complained to the provincial, Brother Naughtin, that Brother BWX had ‘attempted to molest him’ four years earlier at St Kevin’s College, Toorak, in 1976–1977.269
Fifteen years after he complained to Brother Naughtin, in 1996, BWW telephoned Brother Michael Godfrey, who was the provincial at that time. He wanted to know what had been done about his 1981 complaint about Brother BWX.\textsuperscript{270}

Brother Godfrey made a record of his actions after receiving BWW’s telephone call.\textsuperscript{271} He recorded that he spoke to Brother Naughtin, who told him he could not specifically remember BWW’s visit, but he did remember a complaint against Brother BWX. According to Brother Godfrey, Brother Naughtin said he spoke to Brother BWX, who vehemently denied the allegation, and he sent Brother BWX to a psychologist or psychiatrist for counselling. Brother Naughtin said he received a report to the effect that, following counselling, Brother BWX was a fit person to continue his association with young people.\textsuperscript{272}

There is no other evidence that Brother BWX received counselling in 1981 or that Brother Naughtin received a report from a psychologist or psychiatrist about Brother BWX’s suitability to work with children. Brother Naughtin destroyed personnel records and reports in 1984. He told Brother Godfrey that he did so at the conclusion of his term as provincial and that information relating to Brother BWX was passed on verbally to the incoming provincial, Brother Chappell.\textsuperscript{273}

BWW did not give evidence to the Royal Commission. Brother Naughtin is deceased, and Brother Chappell did not give evidence to the Royal Commission. Brother Brandon told us he could not recall Brother Chappell informing him of any concerns about Brother BWX when he joined the provincial council in 1984.\textsuperscript{274} Given Brother Chappell did not give evidence, we draw no conclusion about whether Brother Naughtin verbally gave Brother Chappell information about Brother BWX.

We are satisfied that in 1981 Brother Naughtin received a further complaint about Brother BWX’s sexually inappropriate conduct towards children. We cannot be satisfied that Brother Naughtin sent Brother BWX for counselling or took any other action in response to this complaint. There are no records other than Brother Godfrey’s note 15 years later.

The personnel records that Brother Naughtin destroyed in 1984 are likely to have contained important information about Brother BWX’s conduct and his suitability to be around children, including complaints about child sexual abuse. Such records should have been retained so that future provincials were aware of his history and able to take necessary precautions.

**Appointments between 1984 and 1989**

Despite BWW’s complaint to Brother Naughtin in 1981, Brother BWX remained at St Kilda until 1984.
In 1984, Brother BWX was transferred to Bundoora in Victoria. As the Church parties acknowledged, it was inexcusably wrong for Brother Naughtin as provincial to transfer Brother BWX to Bundoora in 1984, despite knowing of the 1981 complaint by BWW and his knowledge that Brother BWX had admitted offending in Ballarat in 1973.

Between January 1986 and the end of 1988, Brother BWX had appointments at Gilles Plains and Thebarton in South Australia.

In January 1989, Brother BWX was transferred back to Victoria, where he was again appointed to St Kevin’s College, Toorak (Heyington). By this time, Brother Chappell was the provincial of St Patrick’s Province.

A further complaint about Brother BWX sexually abusing a student arose when he returned to St Kevin’s College. Brother BWX told Towards Healing assessors in 2003 that an allegation was made in the late 1980s that he had showered with and touched a student. Brother BWX denied the allegation to the assessors.

There is no evidence as to who received the complaint and whether it was conveyed to the provincial, Brother Chappell, or anyone else in authority and what, if any, action was taken in response to it.

**Brother BWX is sent to the United States for treatment in 1994**

Brother BWX continued teaching at St Kevin’s College, Toorak, until 1994, when he was sent to the St Luke Institute in the United States for treatment for ‘child abuse incidents’. By this time, Brother Paul Noonan was the provincial of St Patrick’s Province. It is not known what prompted Brother BWX to be sent for treatment in the United States.

After returning to Australia in 1995, Brother BWX was appointed to the Flemington community. He remained there until 1999, when he was transferred back to the Holy Spirit Province in Adelaide.

In 1998, Brother BWX signed a ‘Continuing Care Contract’ with the Christian Brothers, in which he undertook to ‘abstain from all sexual relationships with teenagers and married women; and, with others, I will abstain from all sexual behaviour inconsistent with my sobriety and my vowed life’ and to ‘only have supervised conduct with male teenagers’. It is not known what prompted this arrangement.

Since 2010, Brother BWX has resided in the Parkville community in Melbourne. He has never been charged with an offence relating to the sexual abuse of children.
Conclusion

As we have set out, three complaints were made against Brother BWX between 1973 and 1989:

- the incident involving two boarders at St Patrick’s College in 1973, which Brother BWX admitted
- BWW’s report to Brother Naughtin in 1981 that Brother BWX had ‘attempted to molest him’ four years earlier at St Kevin’s College, Toorak
- the allegations that Brother BWX had showered with a student at St Kevin’s College, Toorak, in 1989.

The provincial, Brother Naughtin, knew of the two earlier complaints and it is likely he knew of Brother BWX’s admission as to the first complaint.

As we have found, Brother BWX’s continued appointment to schools after 1973 was inexcusably wrong. Similarly, the absence of an adequate system for recording complaints and admissions and communicating them to incoming provincials increased the likelihood of Brother BWX continuing to offend against children.

3.5 Stephen Farrell

In this part of the report, we consider what the Christian Brothers and clergy in the Diocese knew about complaints against Farrell during his brief time with the Christian Brothers and while he was a teacher at St Alipius during 1973 and 1974.

During 1973 and 1974, Brother Naughtin was the provincial of St Patrick’s Province.286 Brother Nangle was the superior of St Patrick’s community and headmaster at St Patrick’s College.

Farrell was born in 1951 and entered the Christian Brothers juniorate in 1968. He did not make his final profession.287

In 1973, Farrell was appointed to teach grade 5 at St Alipius, which was his first year as a teacher. At the time, Ridsdale was the chaplain of St Alipius, Best was the headmaster and grade 6 teacher, and Brother Fitzgerald was the grade 3 teacher.288 In January 1973, Father Pell was appointed assistant priest at Ballarat East. He lived in the Ballarat East presbytery with Ridsdale for nine or 10 months in that year.289

We heard evidence from three men about their experience of sexual abuse by Farrell at St Alipius. In the two years he was teaching at St Alipius, at least three allegations emerged about Farrell’s sexual conduct with children.
Mr Philip Nagle gave evidence that he was sexually abused by Farrell in 1974, when he was nine years old. He told us:

While I was in Grade 5, Brother Farrell took me into the first aid bay where the sports equipment was kept. It was adjacent to the staffroom. He took off his glasses and started to wrestle with me. He pinned me down and took off my pants. He pulled up his black gown and removed whatever he was wearing underneath. He was trying to penetrate me as I continued to struggle. I was on my back, he was laying on top of me. He stood up and left the room without saying anything to me. I was all wet between my legs and now realised that he had ejaculated on my genitals.

Mr Nagle said that during 1974 Farrell sexually abused him multiple times in a number of different locations at St Alipius. He told us his first thoughts of taking his own life occurred that year.

In 1997, Farrell was convicted of nine counts of indecent assault against two boys aged nine and 10 at St Alipius. He was sentenced to two years’ imprisonment, wholly suspended. In 2013, Farrell was convicted of a further charge of indecent assault on a 10-year-old boy, CCD, at St Alipius. CCD’s experience is set out below.

**Monsignor McMahon receives a complaint that Farrell exposed himself to a child in 1973**

In 1973, Monsignor McMahon was a priest of the Diocese and the parish priest at Ballarat East.

At the time, his assistant priest was Father O’Toole. Father Pell and Father William O’Connell were also assistant priests at Ballarat East in 1973. Monsignor McMahon died in 1978.

Father O’Toole told us that in 1973 Monsignor McMahon told him that a parent of a child had alleged that Farrell had exposed himself to the child. Father O’Toole told us he did not do anything with this information, and he thought it was the responsibility of the monsignor as the senior priest. He did not follow up with Monsignor McMahon as to what he had done.

**Brother Nangle receives a complaint about Farrell in 1974**

**CCD and Mrs CCE’s account**

Farrell was CCD’s grade 5 teacher at St Alipius in 1974. CCD told us he was sexually assaulted by Farrell that year. He told us he was petrified, and he remembers it like yesterday. Afterwards, he ran home and told his mother that Farrell had touched him.
Farrell was convicted of indecent assault in relation to CCD in 2013. He was sentenced to three months’ imprisonment. On appeal, that sentence was wholly suspended.

That night, his mother, Mrs CCE, took CCD up to St Patrick’s College to the Brothers’ residence. She asked to speak to the ‘head brother’. When he emerged, he took them to a room. CCD described his mother as ‘furious’, and the head Brother tried to calm her down. CCD told us the head Brother said, ‘Don’t go to the police’, and that he would get rid of Farrell. CCD had the next few days off school, and he did not recall ever seeing Farrell at St Alipius after this.297

Mrs CCE gave a similar account of the incident. She said that when CCD got home he told her he had spilt paint on his pants in art class, after which Farrell made him change clothes and fondled him.298 When she spoke to the ‘head brother’, she told him what Farrell had done to her son. She said:

I told him what CCD had said Brother Farrell had done to him. The Brother tried to get me to calm down.

The Brother said to me numerous times, ‘Don’t go to the police’. I said, ‘Well, what’s going to happen to my little boy tomorrow at school.’ I told him something like, ‘If Brother Farrell is at the school tomorrow, I’ll be going to the police’. The Brother said to me that Brother Farrell would not be there tomorrow.299

Mrs CCE said she never saw that Brother again and that the next day she kept CCD home from school. She stated, ‘When I took CCD back to school, I went up with him to check that Brother Farrell was gone. I didn’t see Brother Farrell at St Alipius that day and I have never seen him since’.300

**Brother Nangle’s account**

Brother Nangle told us that towards the end of the school year in 1974 a parent telephoned complaining about Farrell’s behaviour with their son. Although Brother Nangle told us that he could not recall exactly what was said, his memory was that the complaint had a sexual element. Brother Nangle told us that, although the incident was of sufficient concern to lead to the phone call, he thought it was not very serious. He did not ask the parent what the actual behaviour had been.301

Brother Nangle did not recall the name of the parent or student.302

After the phone call, Brother Nangle went to Farrell’s bedroom and passed on to him ‘the substance’ of the parent’s complaint.303 Farrell ‘burst out crying’ and said it was true.304 Brother Nangle did not ask Farrell for any details of what had occurred.305
Brother Nangle told us he then telephoned the provincial, Brother Naughtin, and informed him of the complaint. He said Brother Naughtin told him Farrell had not applied to renew his vows at the end of the year and that he would be leaving the congregation. Brother Naughtin said that Farrell should finish the last few days of school before leaving.306

In 2003, Brother Naughtin told CCI said he had no recollection of receiving a report of improper conduct against Farrell.307 Brother Naughtin is now deceased.

Brother Nangle’s evidence that he reported this complaint to the provincial at the time is not supported by any other evidence. No contemporaneous records of the complaint were tendered into evidence and, according to Brother Brandon’s record of his 2003 conversation with Brother Naughtin, the provincial in 1974, he had no recollection of any report of improper behaviour on the part of Farrell.

The Church parties submitted that there is no reason not to accept Brother Nangle’s evidence that he reported to the provincial the complaint he received about Farrell. They submitted that he has said so consistently in every account of the incident he has given since 1997.308 The Church parties submitted that Brother Nangle reporting to the provincial is consistent with his response to the admissions made by Brother BWX of sexual conduct with two boarders at St Patrick’s College in 1973.309

We accept that Brother Naughtin was aged at the time of the interview in 2003 and we treat his lack of recollection cautiously. We accept that Brother Nangle has given consistent evidence as set out in the Church parties’ submissions. In these circumstances, we accept Brother Nangle’s evidence that he reported the complaint to the provincial at the time.

**Farrell’s account**

Farrell gave evidence that in his second year of teaching at St Alipius:

> Brother Nangle came to me, came to my room one day, walked in to the room and said to me he’d heard a complaint from – the recent charge [CCD]. With that, he just stood – he had heard a complaint and with that, he just put his arms around me and gave me a long cuddle. No words were said. He then just walked out. And that was Brother Nangle’s way of coping with this – you know, of helping me.310

Farrell gave evidence that Brother Nangle said to him ‘that a mother had come to him to say that I had interfered with her son, or something’.311 Brother Nangle told Farrell the name of the mother, and Farrell acknowledged he had done that.312 The next day, he went back to school.313
In his statement to the Royal Commission, Brother Nangle rejected Farrell’s account. He said:

I have a distinct memory of that discussion. Farrell was in his room and in bed throughout the discussion, and I stood at the end of his bed. I told him I had received a complaint and asked him if it was true. At that point he began sobbing and was distressed. I did not give Farrell a hug or ‘cuddle’. It is also not true that I said nothing else to Farrell. I clearly remember that I said that I needed to report the matter to the Provincial and I proceeded to do so.\textsuperscript{314}

Brother Nangle reiterated this evidence at the public hearing.\textsuperscript{315}

We accept Brother Nangle’s evidence, which was not challenged. However, we do not consider the difference in the accounts to be material. There is no doubt that a complaint was made to Brother Nangle in 1974 about Farrell’s conduct with CCD and that Brother Nangle spoke to Farrell about the complaint.

Farrell told us that about three months later:

I went to Brother Nangle and said, you know, ‘I wish to leave. This life is not for me. I am lonely, I’m frustrated. I don’t want to take final vows. I wish to leave the order.’\textsuperscript{316}

Brother Nangle also rejected Farrell’s evidence about this. He said:

Farrell is also wrong about how long it was between this incident and his departure from the Brothers. I have a strong recollection that it was close to the end of the school year. I recall Brother Naughtin saying to me that because Farrell had elected not to renew his annual vows he would be leaving the school in ‘a few days’ at the end of the school year.\textsuperscript{317}

We accept Brother Nangle’s evidence that Farrell left the school within a few days of the incident. It is consistent with Mrs CCE’s account that Farrell was not at St Alipius when she took CCD back to school two days later, and she has not seen him since.\textsuperscript{318}

The police

Brother Nangle said in his statement that he had no recollection of a conversation with CCD and Mrs CCE.\textsuperscript{319} While Brother Nangle’s recollection was that the complaint he received from a parent about Farrell was by telephone, he accepted that it might have been made in person. Brother Nangle said he only received one complaint about Farrell, and Farrell left the school and the Christian Brothers shortly afterwards. He said he would be inclined to think it was the complaint made by CCD and Mrs CCE.\textsuperscript{320}
Neither CCD nor Mrs CCE could recall the name of the head Brother to whom they spoke. We are satisfied it was Brother Nangle, because he was the superior of St Patrick’s community at the time. The Church parties did not dispute that the Brother in question was Brother Nangle.321

When asked about CCD and Mrs CCE’s evidence that he told them not to go to the police, Brother Nangle said he did not remember saying that. He said he did not know what his frame of mind would have been back then on whether the police should be notified of the complaint and that he gave no thought to reporting the matter to the police.322 The Church parties submitted that there is no sufficient evidentiary basis for preferring or rejecting the evidence of CCD, Mrs CCE or Brother Nangle, and there is insufficient basis for a finding that Brother Nangle told CCD and Mrs CCE not to report the complaint to police.323

The Church parties also submitted that no suggestion was put to Brother Nangle that his evidence was other than frank or that he was mistaken.324

We accept the evidence of CCD and Mrs CCE that Brother Nangle asked them not to go to the police. Brother Nangle did not deny he made the statement – rather, he said he could not recall making it. There is no need to address whether Brother Nangle was other than frank or mistaken. CCD and Mrs CCE gave clear and consistent evidence about this, and the Church parties did not submit their evidence should be rejected.325

**Brother Nangle’s statement to police**

An unsigned police statement of Brother Nangle dated 5 December 2012 reads:

Senior Detective Evans informed me that she was investigating an incident where a complainant [sic] had been made to me about Brother Stephen Francis Farrell. That was of a sexual nature.

I have a recollection of a compliant [sic] being made by the father of a student. I do not have a recollection of what the complaint was about.326

Brother Nangle agreed in his evidence to us that he was told by the police that they were investigating a complaint of a sexual nature. He also agreed that he had given evidence to the Royal Commission that he had in fact received a complaint about Farrell with a sexual element. However, he stated he believed he did not lie to the police but ‘answered their questions honestly’.327

A transcript of an interview with Brother Nangle on 28 January 2014 by Mr Harrison, a solicitor for the Christian Brothers, records him as saying that he did give a statement about Farrell to the police, and ‘I signed it, but it was pretty non-committal, a pretty amorphous sort of a statement’.328 He also stated:
[T]here were two of them, the Police woman was the senior one and neither of them had sufficient understanding of what we were to ask the right questions. They sort of asked me what Parishes I had been in charge of and they sort of spoke as if I was conducting marriages and things, they didn’t have any concept of the fact that, of who I was.\textsuperscript{329}

In an interview with solicitor Mr Harrison on 28 January 2014, Brother Nangle is recorded as saying in relation to this complaint that it was ‘of some sort of improper conduct. It was not explicitly sexual. I didn’t ever get that impression it was just an improper attention that he was giving to the boys and a father complained’.\textsuperscript{330}

The Church parties submitted that the language of the unsigned police statement bears the hallmarks of an initial rough draft by the police officer. Accordingly, they submitted we could not be satisfied that it is an accurate account of what Brother Nangle told the police. In any event, the Church parties submitted the draft statement was not untrue, because the feature of the complaint being of a sexual nature is embedded in the question evidently put to Brother Nangle (that the detective was investigating an incident about a complaint made to Brother Nangle of a sexual nature).\textsuperscript{331}

The Church parties submitted that Brother Nangle’s evidence to the Royal Commission, his account to Mr Harrison in 2014 and the unsigned police statement are all consistent – Brother Nangle recalled a complaint about something with a sexual element but did not recall exactly what had been said.

We accept that Brother Nangle’s unsigned police statement should be treated cautiously. However, the description of the police interview given to Mr Harrison indicates that Brother Nangle was intentionally vague and noncommittal in responding to questions from the police and sought to take advantage of what he perceived to be a lack of knowledge on the part of the interviewing officers.

We are satisfied that Brother Nangle was deliberately not forthright and frank in his interview with the police.

\textbf{Farrell continues as a lay teacher}

In 1975, after leaving St Alipius and the Christian Brothers, Farrell applied for and obtained a lay teaching position at a Catholic primary school in Pascoe Vale, Victoria.\textsuperscript{332}

Mr Nagle told us that after Farrell left St Alipius he continued to visit Mr Nagle’s family. During one of those visits, he saw Farrell sexually abusing his brother.\textsuperscript{333}
There is no evidence that anyone within the Christian Brothers, including the provincial, took any steps to notify other Catholic schools in the Diocese, the St Alipius school community or the wider Ballarat community of Farrell’s admission in relation to his sexual abuse of children at St Alipius.

After leaving the Christian Brothers, Farrell attended counselling with psychologist Dr Ronald Conway. However, he did so of his own accord and not at the behest of the Christian Brothers.334

As acknowledged by the Church parties, it was unacceptable for Brother Naughtin to fail to notify the St Alipius school community about the complaint against Farrell in 1974. The Church parties acknowledged, rightly, that, if that had been done, it is unlikely that the post-1974 sexual abuse of Mr Nagle’s brother would have occurred.335

### 3.6 Edward Dowlan

In this part of the report, we consider the knowledge of the Christian Brothers and clergy in the Diocese, and their response to, allegations and complaints about Dowlan during his time teaching at Ballarat and in subsequent teaching appointments.

Dowlan was born in 1950. He entered the Christian Brothers novitiate in 1968 at the age of 16 and made his perpetual vows at the end of 1975 at the age of 25.336

Dowlan undertook teacher training at St Joseph’s Box Hill in 1970, and he was appointed class teacher at St Alipius in Ballarat in 1971. Dowlan has subsequently been convicted of sexual offences against boys at St Alipius.337

In 1972, Dowlan moved to a teaching role at secondary school St Thomas More at Nunawading. He was subsequently convicted of sexually abusing boys at that school.338

Dowlan returned to Ballarat in 1973, where he took a role teaching at St Patrick’s College. In 1974, he was the dormitory master at the college. He remained at St Patrick’s College until 1975, when he was moved to St Joseph’s College, Warrnambool. He held a number of other teaching appointments between 1977 and 1993. He was first interviewed by police in 1993.

Six men told us they were sexually abused by Dowlan while they were students at St Patrick’s College in 1973 and 1974.

In 1996 Dowlan was convicted of 18 counts of child sexual abuse committed between 1971 and 1982. He was sentenced to nine years and eight months’ imprisonment.339 In 2015, Dowlan (who had by then changed his name to Ted Bales) was convicted of a further 34 charges of child sexual abuse against 20 boys between 1971 and 1985.340
Brother Nangle’s response to reports about Dowlan’s conduct at St Patrick’s College in 1973 and 1974

In 1973, Brother Nangle was the headmaster of St Patrick’s College in Ballarat at the time Dowlan was appointed to the teaching staff. Brother Nangle was also superior of St Patrick’s community.

In his statement to the Royal Commission, Brother Nangle gave evidence that he received a complaint of physical abuse by Dowlan, set out below, but that ‘I do not recall having any knowledge of any rumours, allegations or complaints of child sexual abuse in relation to Dowlan until around the time I became aware of his criminal charges in the mid-1990s’. 341

Brother Nangle gave evidence that he was not aware of any difficulties Dowlan had in relation to the boarding school and that he had no memory of the provincial speaking with him about Dowlan. 342

We consider the evidence in relation to reports made to Brother Nangle about Dowlan below.

Complaint by the student representative council to Brother Nangle in 1973

Mr Timothy Barlow was elected a member of the student representative council (SRC) at St Patrick’s College halfway through 1973, when he was in form 3.

After he started on the SRC, a younger student told him he wanted Dowlan to stop putting his hand down his and his brother’s pants. Mr Barlow was not shocked by this revelation; he had observed Dowlan doing this to other students. He suggested that they bring it up at an SRC meeting. 343

At the next meeting, Mr Barlow moved that the SRC request that Brother Nangle speak to Dowlan about his behaviour. He believed he used words to the effect of ‘We should ask Brother Nangle to tell Brother Dowlan to stop putting his hands down kids’ pants’, although he could not recall exactly. 344 After some discussion, the SRC agreed this was a reasonable request and documented it as a motion in the minute book. 345 The normal process was for the minute book to go to Brother Nangle after each meeting for his consideration. 346

The night after this meeting, Mr Barlow was physically assaulted by Dowlan and another Brother and made to sleep in the stairwell outside the dorm room. 347

A day or two later, Mr Barlow was called into Brother Nangle’s office. Mr Barlow said:

Brother Nangle told me that I had to be more discerning and avoid spreading lies, and told me that I would have to recant the allegation about Brother Dowlan touching boys...
at the next school assembly. I think he told me then that the SRC was being suspended until students learned to exercise their responsibilities in a more mature fashion. 

Brother Nangle announced at the next school assembly that the SRC was to be disbanded because certain students were using it to tell ‘scurrilous lies’ about the Brothers. He asked Mr Barlow to come forward and apologise to the school for spreading lies, which he did.

Mr Barlow said the SRC was reconstituted by 1976, because he was elected president in his final year.

Mr Stephen Woods was also a student at St Patrick’s College in 1973. He gave evidence that an SRC member told him in 1973 that the SRC had made an official complaint to Brother Nangle about Dowlan’s ‘vicious outbursts’. The SRC was disbanded as a result of the complaint, and the student involved was taken down to the back of the school and viciously beaten that night. He did not identify the student.

Brother Nangle had no memory of the SRC making any complaint to him about Dowlan. He did not recall seeing an SRC minute book or minutes of meetings at all or of Mr Barlow coming to his office, or of ‘any occurrence at a school assembly such as described by Mr Barlow’. He said that, if a minute book existed, he never saw it. He told us that if he had heard these matters he would have reported it to the provincial, as he had on other occasions.

Brother Nangle said he did not recall ever disbanding the SRC, and as headmaster he encouraged its activities. He said nobody ever made a complaint of that kind. Brother Nangle gave the following evidence:

Q. Correct me if I’m wrong, you’re not saying Mr Barlow’s lying, are you?
A. I’m not saying that, yes.

Q. And you’re not saying that he’s mistaken?
A. No, I’m not saying that he’s mistaken.

Q. Because you can’t say he’s mistaken because you just don’t remember anything?
A. I just don’t remember this.

...  

Q. You’re not saying Mr Barlow’s got a problem with his memory, are you?
A. I’m not making that suggestion, no.
Statements were tendered at the request of the Church parties from Mr Andrew Byrne and Mr Stephen Byrne, former St Patrick’s students who were at the school in 1973. A letter from former lay teacher Mr Frank Rice, who was also at the school in 1973, was also tendered. None was required for questioning.

The effect of the statements and letter was that each of them had no recollection of the SRC being disbanded between 1973 and 1975 or of any of the events at a school assembly as described by Mr Barlow.

Extracts of the St Patrick’s College yearbooks for 1973 through to 1976 were tendered. They made reference to the SRC.

The Church parties submitted that the considerable array of evidence is difficult, if not impossible, to reconcile with Mr Barlow’s account. We do not agree.

Dealing first with Mr Woods’ evidence, it is, in our view, significant. It corroborates Mr Barlow’s evidence. The Church parties argued it did not do so because Mr Woods described the subject of the complaint to Brother Nangle as ‘vicious outbursts’ rather than sexual abuse. However, the consistency of Mr Woods’ and Mr Barlow’s accounts in key respects is striking, and the Church parties conceded that the student referred to in Mr Woods’ evidence was Mr Barlow because of those similarities. We are satisfied it is more likely that Mr Woods has either forgotten the detail of the complaint or was told at the time that the complaint related to physical violence when in fact it related to sexual abuse.

Mr Barlow’s evidence that he was assaulted by Dowlan is also consistent with Mr Woods’ recollection that the student was viciously beaten. We are satisfied that Mr Barlow was physically assaulted by Dowlan and therefore Dowlan must have been told of the complaint about him. However, we cannot be satisfied as to the identity of the person who told him.

Neither Mr Barlow nor Mr Woods was questioned by any party other than Counsel Assisting. We found both witnesses to be honest and credible.

Turning to the SRC meetings, we accept the evidence that the SRC was in existence between 1973 and 1976. However, we are not of the view that this leads to Mr Barlow’s complete account being rejected.

We accept that Mr Barlow would remember being spoken to by the younger student, his conversation with Brother Nangle and being required to apologise to the assembly. These events are likely to be seared into the memory of a boy.

In relation to the timing of the SRC being disbanded, Mr Barlow’s evidence was that, while Brother Nangle announced to the assembly that the SRC was to be ‘disbanded’, he also said that he thought Brother Nangle told him the SRC was being ‘suspended’. Mr Barlow did not
give evidence as to how long the SRC was disbanded or suspended for, other than to state that it had been reconstituted by 1976. Mr Barlow’s evidence is not inconsistent with the SRC being in existence prior to 1976 and there being references to the SRC in the school yearbooks between 1973 and 1975.

The statements gathered by the Church parties effectively state that each did not recall the events described by Mr Barlow in relation to the assembly or the SRC. That is not surprising given the passage of time and that the events did not involve them as intimately as they did Mr Barlow. However, these witnesses did not say the events did not occur.

Finally, although Brother Nangle told us that nobody ever made a complaint of that kind, and he had no recollection of the particulars involving the SRC or the school assembly, he did not assert that Mr Barlow was mistaken or being untruthful.

In our view, it is more likely that the events described by Mr Barlow did occur and Brother Nangle has forgotten them. Accordingly, we are satisfied that Brother Nangle was informed by the St Patrick’s College SRC in 1973 of a complaint that Dowlan had been putting his hands down students’ pants. Brother Nangle asked Mr Barlow to come forward and apologise to the school for spreading lies.

Brother Nangle’s response to Mr Barlow’s complaint was humiliating to Mr Barlow and explains why it has remained in Mr Barlow’s memory. Brother Nangle’s response was also wrong.

A student reports to Brother Nangle that Dowlan is ‘hurting’ him

Mr Neil Wileman is a former boarder at St Patrick’s College. He gave evidence that in 1973 he was sexually abused by Dowlan. He gave evidence that he approached Brother Nangle one day in late 1973 ‘and told him that Dowlan was hurting me’. He said:

[I w]as not able to tell him about the sexual abuse at the time. Nangle said that he would talk to Dowlan. A short time later, Dowlan approached me at school and called me a dobber ... When I spoke to Nangle, he didn’t seem shocked at all. He was very business-like about it. Whilst I didn’t tell him about the sexual abuse, he asked no questions to find out exactly what was going on.

Brother Nangle did not recall the interaction, but he did not deny it occurred. We accept Mr Wileman’s evidence. It was not challenged.

The Church parties submitted that Brother Nangle should not be criticised for his handling of Mr Wileman’s complaint. The Church parties argued that Brother Nangle did not know of Dowlan’s propensity to sexually abuse children and, accordingly, there was no reason for him to consider asking questions as to whether abuse had occurred.
We do not accept the submission. If a child tells a school principal that a Brother is ‘hurting’ him, questions should be asked to ascertain the nature of the problem and whether the child is at risk. Brother Nangle should have asked questions of Mr Wileman to find out the circumstances of Dowlan hurting him. Had he done so, Mr Wileman may have disclosed that he was being sexually abused. It was a missed opportunity for Brother Nangle to learn of an allegation of misconduct on Dowlan’s part.

Complaint by the mother of a student to Brother Nangle in 1974

Brother Nangle gave evidence that in 1974 Dowlan came to him and asked permission to visit the family of BWG, explaining that ‘he had administered corporal punishment to BWG too severely and he said that he wanted to go and speak to BWG’s parents about the matter and apologise’.370 Brother Nangle said he assumed Dowlan must have used the strap too many times or hit the child on the legs rather than the hands.371

Brother Nangle told us that, sometime after that, the mother of a St Patrick’s College student complained to him about Dowlan administering excessive corporal punishment on her son, BWG. He said BWG’s mother came to see him and she complained that Dowlan had disciplined BWG too severely.372 Brother Nangle said to us she did not say that BWG had been sexually abused.373

We accept that the complaint was of physical abuse.374

Although the evidence is insufficient to establish that BWG’s mother told Brother Nangle the extent of BWG’s physical injuries, we accept that BWG had been severely beaten with a belt buckle.375

Brother Nangle told us he did not ask for details of what had occurred to lead to BWG’s complaint, and he did not ask Dowlan what he had actually done.376 He did not report the incident to the provincial.377

BWG’s mother’s police interview in 1994

Brother Nangle told us that, when BWG’s mother first came to see him, they discussed involving the police.378

Brother Nangle apologised to BWG’s mother and recalled discussing the police with her.379 Brother Nangle recalled:
I said words to the effect that she had the option of going to the police if she wanted to, but that I hoped that she would not. Based on what I had heard from both Dowlan himself and BWG’s mother, it would not have been my understanding that any criminal conduct was involved.\(^{380}\)

In 1994, BWG’s mother was interviewed by police. She died in 2011, and the record of her police interview is the only evidence of her account.\(^{381}\) In 1994 BWG’s mother told police that BWG had been very badly beaten with a belt buckle by Dowlan while he was a student at St Patrick’s College. She did not specify when this occurred. She said the imprint of the belt buckle was visible on BWG’s skin and he was very badly bruised.\(^{382}\)

BWG was taken to the doctor. His mother said when they got home she and her husband reported to the police, and a Constable Bevan came to have a look at BWG. The policeman went straight to St Patrick’s College and brought Brother Nangle and Dowlan to her home to speak to them.\(^{383}\) Brother Nangle told us he had no recollection of this interview or of a policeman being involved.\(^{384}\)

BWG’s mother said the policeman was ready to charge Dowlan with assault, but Brother Nangle told her that ‘it was a big blot on the Catholic Church’. As a result, she was reluctant to proceed because of her very Catholic oriented background.\(^{385}\) Brother Nangle gave evidence that he did not remember saying this to BWG’s mother.\(^{386}\)

BWG gave a police statement in 1993. In that statement he described physical and sexual abuse by Dowlan while he was a boarder at St Patrick’s College. BWG described being sexually abused by Dowlan one night in about mid-1973. When BWG said to Dowlan that he would tell his parents, he described being severely beaten by Dowlan with a belt buckle.\(^{387}\) In his statement to police BWG stated that the next day he went with his mother to the doctor and the bruising from the beating was discovered. He did not tell his mother about the sexual abuse because he was scared. BWG’s statement recorded that the same night Brothers Nangle and Dowlan came to their home with the local policeman, Detective Constable Bevan. BWG’s account of these events was consistent with his mother’s police interview in 1994. He did not give any account of what Brother Nangle may have told his mother about charging Dowlan.\(^{388}\)

Dowlan was convicted of indecently assaulting BWG in 1996.

The Church parties submitted that the complaint to Brother Nangle was clear and that Brother Nangle understood that Dowlan had used the strap too excessively or somewhere other than the hand. We do not agree. We also do not agree that, on these bases, as submitted by the Church parties, it was reasonable for Brother Nangle not to ask questions. Further, we do not agree with the Church parties’ submission that BWG’s mother, for her own reasons, chose not to tell Brother Nangle more about the incident.\(^{389}\)
Brother Nangle’s evidence was not that BWG’s mother told him Dowlan had used the strap excessively or somewhere other than the hand. Brother Nangle made these assumptions because, he said, this was the only implement authorised for discipline at the time.  

Had he asked questions, his assumption may have been corrected and he may have discovered the physical abuse was more severe. There is no evidence to support the contention that BWG’s mother would have chosen not to answer any questions if they had been asked.

We are satisfied that Brother Nangle should have done more to understand the extent of the punishment. He should have asked questions of Dowlan, BWG and BWG’s mother in order to understand the precise nature of the complaint.

**Complaint to Mr Maurice Holloway, teacher at St Patrick’s College, in 1974**

Mr Maurice Holloway was a lay teacher at St Patrick’s College between 1972 and 1982 and again from 1985. He is now deceased. In 1974, Mr Holloway received a complaint from parents relating to inappropriate behaviour by Dowlan towards boys. He has given three accounts of that complaint. The first account was to a loss adjustor, Mr O’Connor, in April 1994. The next year, he had an interview with a private investigator, Ms Glynis McNeight, hired by Dowlan’s solicitors. Finally, he made a statutory declaration in January 2010.

According to CCI loss adjustor Mr O’Connor’s notes of his interview in 1994, Mr Holloway taught at St Patrick’s from 1972 until 1982 and again from 1985. Mr Holloway told Mr O’Connor that Dowlan did not have a reputation for physical violence but that he ‘did have a reputation in another way, in that he might have put an arm around a boy or boys in a fatherly sort of way and he had noticed this, but he did not consider it abnormal’.  

In the 2010 statutory declaration, Mr Holloway stated that in 1974 he received a telephone call from one parent, who spoke for two families. The parent asked him to look into inappropriate behaviour by Dowlan against two boys in junior school. Mr Holloway spoke to Dowlan, who denied he was doing anything inappropriate. He also spoke to the two boys individually, who both ‘appeared very embarrassed and did not tell me anything significant’.  

Private investigator Ms McNeight prepared a report for Dowlan’s solicitors in 1995 about these events. It records that Mr Holloway believed that Dowlan ‘would occasionally put his arm around them but that there was no real problem with that’.  

Ms McNeight’s report records that later that night the parent phoned Brother Nangle and asked him to thank Mr Holloway for looking into it. The following day, Brother Nangle held a meeting with Mr Holloway and Dowlan in his office. Mr Holloway stated, ‘Br Nangle asked Br Dowlan in my presence if he put his hands down the pants of the boys and the specifics of what happened. Dowlan denied the allegations’.
Mr O’Connor’s report contained a similar account. He noted, ‘Maurice Holloway appeared fairly uneasy whilst being interviewed and probably he has not told me everything that he could have done’.401

In his statement to the Royal Commission, Brother Nangle gave evidence in relation to Mr Holloway’s statutory declaration: ‘I do not have any recollection of any events such as described in that document. In particular, I have no recollection of ever being made aware of any suggestion that Dowlan had put his hands down boys’ pants.’402 When asked whether he denied that Mr Holloway passed on this information to him, Brother Nangle said, ‘I have no memory of it, so I can’t say that.’403

The accounts given by Mr Holloway in 1994 and 1995 are broadly consistent as to the conduct the subject of complaint. Dowlan was ‘putting an arm around the children’ or occasionally put his arms around the boys.

There are inconsistencies between the three documents as to whether the report was first made to Mr Holloway or Brother Nangle, whether there were two sets of parents or one who reported, whether Mr Holloway interviewed the two boys together or separately, and whether Mr Holloway spoke to Dowlan alone before he and Brother Nangle spoke to Dowlan.

The Church parties submitted that the three accounts are inconsistent, and the nature and extent of the inconsistencies are such that none of the versions, or any combination of them, provides an adequate basis for any finding against Brother Nangle.404

We accept the submission that the documents contain a number of differences. However, the substance of the accounts is broadly consistent. A report was made in 1974 by one or two parents to either Mr Holloway or Brother Nangle about Dowlan engaging in ‘inappropriate behaviour’ with two boys, Mr Holloway interviewed the two boys (either separately or together), and Brother Nangle and Mr Holloway met with Dowlan and asked him about the conduct, which he denied.

The 1994 and 1995 documents are not firsthand accounts by Mr Holloway. They are summaries of what Mr Holloway said, prepared by others. While later in time, only the statutory declaration in 2010 directly records Mr Holloway’s recollection, and it is this account which we find is most reliable.

We are satisfied that in 1974 Mr Holloway became aware of a report by a parent on behalf of two families about ‘inappropriate behaviour’ by Dowlan with two boys in the junior school. Mr Holloway spoke to Dowlan, who denied he was doing anything inappropriate. Mr Holloway spoke with the two boys separately, but they told him nothing significant. Brother Nangle and Mr Holloway then met with Dowlan, and Brother Nangle asked Dowlan if he had put his hand down the pants of the boys, which Dowlan denied.
There is no evidence that Brother Nangle reported this complaint to the provincial or took any other action in relation to it.

**Mr Martinus Claassen and his mother report touching by Dowlan in 1974**

We heard evidence from Mr Martinus Claassen, who was a student at St Patrick’s College from 1974 until 1979.  

In 1974, Mr Claassen was in form 1 and aged about 12 or 13. Dowlan was his housemaster. Midway through the year, Mr Claassen told us he was sexually abused by Dowlan. When he got home that night, he told his mother that Dowlan had touched him and that, when Mr Claassen told him to stop, Dowlan hit and pushed him.

Mr Claassen told us that a meeting was arranged between Mr Claassen, his mother and Brother Nangle. He thought it was on a Thursday at 2.30 pm in the O’Malley wing of the college. He said:

> It was just the three of us seated in a sort of triangle. I was crying at the meeting. Brother Nangle asked me to tell him what had happened, which I did. I said to Brother Nangle that Brother Dowlan had touched me.

> He asked me, ‘Why are you making up these stories? Are you sure you’re not making this up?’ I remember him asking me, ‘Show me where he touched you’. And I showed him by putting my hand over my crotch and said that Brother Dowlan had put his hand on my dick. Brother Nangle said, ‘Are you sure that’s where he touched you?’ I replied, ‘Yes’ and started to cry again.

> Brother Nangle then terminated the meeting saying, ‘Thank you for coming’ … Brother Nangle made no other comment.

Mr Claassen told us he never heard anything else about the interview from Brother Nangle but that there were no further incidents with Dowlan.

Brother Nangle told us he had no recollection of ‘any such meeting or any such complaint’. He said he did not meet any parents in the O’Malley wing, which was a block of classrooms. He said a specific complaint of the kind described by Mr Claassen would have been a significant event and one he believed he would remember if it had been made. He said he would have reported such a complaint to the provincial.

However, Brother Nangle told us he was not suggesting Mr Claassen was mistaken in his recollection; all he was saying was he could not remember it.
Mr Claassen presented as an honest and credible witness and we accept his evidence. His account was clear and detailed, and it was undoubtedly an event of great significance for a young boy. It is unlikely to be forgotten.

Although Brother Nangle said he would remember such a complaint had it been made, he did not suggest that Mr Claassen was untruthful and said he simply could not recall.

We are satisfied that in mid-1974 Mr Claassen and his mother met with Brother Nangle at St Patrick’s College, and Mr Claassen told Brother Nangle that Dowlan had touched him on the genitals.

There is no evidence that Brother Nangle reported this complaint to the provincial or took any other action in relation to it. Dowlan remained at St Patrick’s College until 1975, despite Brother Nangle’s knowledge of the complaint. By now, he also knew of Mr Barlow and the SRC’s complaint, and the complaint through Mr Holloway. These complaints all related to Dowlan touching students in a sexually inappropriate way.

Brother Nangle’s response to an incident involving Mr Paul Tatchell in 1974

In 1974, Mr Paul Tatchell was a student and boarder at St Patrick’s College and Dowlan was his dormitory master. He described his first night in the dormitory:

At about 6.30 we went back to the dorm and lights out was at 8.30 traditionally at night. On my first night at St Pat’s, I didn’t sleep. No sooner had the lights gone out when I seen Dowlan walking between the beds, stopping from time to time, leaning over at certain beds, whispering softly and appearing to be kissing the boys. Every time Dowlan walked near my bed, I crawled under the covers and I remember shaking nervously.

...  

I suppose I realised from the first night that there was something fairly odd happening with Dowlan and to this day I don’t know what [made] me nervous as I was, but I was immediately suspicious of him but I trusted my instincts and tried at all times to stay clear of him.

Mr Tatchell told us about punishment in the dormitory. He said:

Dowlan had three weapons, one was a rubber gat about 14 inches by an inch wide and about half an inch thick. The second was a leather strap, 24 inches long, 2 inches wide and about a quarter of an inch thick. Not unlike leather belts sewn together. The third weapon was a cane whip 15 about 3 foot 6 long.
Punishment was always done in the seclusion at Dowlan’s bedroom at the end of the dormitory, almost always you were punished after lights were out. Every night you’d just line up at the dormitory, he’d call your name and when the lights go out you’d get a hiding from him from in front of the room.\textsuperscript{419}

Mr Tatchell told us no other Brother disciplined like Dowlan; the other Brothers gave the strap right then and there.\textsuperscript{420}

Mr Tatchell described one night in September or November 1974:

I then went to sleep and woke up with [Dowlan] stroking my head and pulling the blankets off. He leaned down to kiss me, so I grabbed him and said, ‘Go away’  
... I think he was trying to wake me up, it was weird. I became angry. I thought, ‘You bastard’.\textsuperscript{421}

Mr Tatchell told us he followed Dowlan back to his bedroom. Mr Tatchell said when they got locked inside he panicked thinking that Dowlan was going to call his father. He said, ‘I didn’t know which punishment was going to be worse’. Mr Tatchell told us Dowlan told him to bend over the bed and raped him.\textsuperscript{422}

Afterwards, Mr Tatchell called his father from a payphone between the dormitories and the area where the Brothers lived and asked him to get him out of there.\textsuperscript{423} He said:

I went into the main area where the other brothers were and where the dorm master slept and I started kicking the door until eventually a couple of Brothers got up to see what the noise was all about and I just started swinging at them.

The next thing, Brother Nangle came down and they constrained me, which wouldn’t have been too difficult, I was pretty worn out by then.\textsuperscript{424}

Mr Tatchell said the Brothers put him in a linen closet overnight until his father arrived in the morning.\textsuperscript{425} He said when his parents arrived and he was let out, the ‘first thing I did was take a swing at Brother Nangle’.\textsuperscript{426} He told us his father took him back to the dormitory to get his belongings, and he told his parents on the trip home ‘what had happened, and how long it had been happening’.\textsuperscript{427}

Mr Tatchell’s mother gave a police statement about the incident in 1994.\textsuperscript{428} Mrs Tatchell did not give evidence to the Royal Commission. Mrs Tatchell told police that, when she and her husband arrived at the school, Brother Nangle told them Paul was not getting along with his dormitory master. He then called Paul into his office.\textsuperscript{429} She said Paul was distressed when he walked in. She asked him what the trouble was, and he said they were ‘a heap of poofers’ and to get him out of there.\textsuperscript{430}
After they left the school, Paul told his mother that Dowlan was ‘a poof’, he tried to come onto him in the middle of the night and that no one would believe him.\textsuperscript{431}

The Church parties submitted that Mr Tatchell’s account and his mother’s police statement are inconsistent\textsuperscript{432} in that Mr Tatchell did not mention the meeting with Brother Nangle and his parents in his evidence. We are satisfied that the accounts are not inconsistent: it is only that the mother’s statement is more detailed than her son’s evidence.

Brother Nangle did not deny the incident occurred. He recalled the night in question and described Mr Tatchell that night as very angry, disruptive and disobedient.\textsuperscript{433} He told us that no one made a suggestion that night that Mr Tatchell had been sexually abused, and he would remember if that had been said.\textsuperscript{434} He recalled Mr Tatchell’s parents arriving before dawn. He said the father ‘was very accepting of the situation and of the need for his son to be withdrawn’, and he did not recall the mother taking part in the conversation. He said Mr Tatchell did not return to the college after the incident and he did not hear from the parents again.\textsuperscript{435}

Brother Nangle said he did not have a recollection of Mr Tatchell saying, ‘they’re a heap of poofers, get me out of here’, but he did not deny it. Brother Nangle said, ‘I wouldn’t say that he [Mr Tatchell] was not to be believed. What I am saying, is that, in the disturbed conditions under which that statement was made, it wouldn’t have registered very much with me’.\textsuperscript{436}

We accept the account of Mr Tatchell’s mother as to what occurred at the meeting with Brother Nangle. We are satisfied that, towards the end of 1974, Mr Tatchell’s parents were called to St Patrick’s College at night. When they arrived, Mr Tatchell was distressed. When asked what the trouble was, he said, in the presence of Brother Nangle, ‘they were a heap of poofers and get me out of here’.

We are satisfied that, if Brother Nangle did not already understand what Mr Tatchell meant by this comment or the reasons for his distress more generally, he did not ask any questions to find out, as he should have done.

\textbf{Knowledge of Brother Scott, former principal of St Paul’s Technical School in Ballarat}

Brother Bernard Scott was principal of St Paul’s Technical School in Ballarat from 1973 until 1974 and a member of the Ballarat St Patrick’s community. He is now deceased.
In a 1997 report on Dowlan, loss adjustor Mr O’Connor reported:

Brother Scott does recall taking a group of boys to Mt. Cole near Ararat for a camp; this group included boys interested in gymnastics as well as other boys, including [REDACTED]. Brother Dowlan was at the school at that time and he accompanied the group on the camp. When the boys returned to school, Brother Scott recalled there were rumours that Brother Dowlan ‘had played funny buggers’ while on the camp. He could not recall what this was about, it was just something he remembered. Brother Scott made the point that Brother Dowlan was never invited to attend another of his camps. He is aware that [REDACTED] was a student who attended the camp, and started the rumours about Brother Dowlan.437

Mr O’Connor concluded that Brother Scott was ‘a most reluctant witness’ who ‘appeared very agitated’ during the interview and that Brother Scott’s ‘reference to Brother Dowlan “playing funny buggers” on the camp to Mt. Cole suggested he may have known more than he cared to admit’.438

Brother Nangle agreed that Brother Scott was part of the community at Ballarat. He gave evidence that he had no memory of Brother Scott raising the issue of Dowlan on the camp with him or of him raising any concerns about Dowlan’s behaviour with boys.439 Brother Nangle said that this information ‘is of such a nature that, had he [Brother Scott] mentioned it to me, I’m pretty sure I would have remembered it, but I don’t remember him saying anything about it to me’.440

The Church parties submitted that there is no sufficient evidentiary basis for any finding as to what Brother Scott may have known or suspected in relation to the school camp. It was also submitted that there was no sufficient evidentiary basis to find that Brother Nangle was ever told anything about the rumours concerning the St Paul’s school camp or about Dowlan in relation to any such rumours.441

We are satisfied that in 1973 or 1974 Brother Scott, the principal of St Paul’s Technical School in Ballarat, took Dowlan and some boys on a camp. When the boys returned to school, Brother Scott heard rumours that Dowlan had ‘played funny buggers’ on the camp. He never invited Dowlan on another camp. However, the precise nature of the rumours is not known.

**Brother Nangle’s knowledge of Dowlan at St Patrick’s College**

The notes of Brother Nangle’s interview with lawyer Mr Gamble in 1996 record, ‘Br Nangle denies that there is any sexual and proprietary issues raised re Br Dowlan whilst he was the Principal at the school between 1973 and 1979’.442 It also states, ‘Br Nangle says that he does not know why Br Dowlan was moved on’, and ‘He confirms that he did not initiate the transfer’.443
A transcript of an interview between Brother Nangle and Mr Gamble on 18 November 2008 records that Brother Nangle was asked whether he remembered any complaints made about Dowlan’s behaviour with the students at St Patrick’s College. He replied:

Only the one that I have memory of. He came to me, and I remember this, he came to me and asked if he could go down to visit the family of a boy whom he said he had inappropriately punished, punished too severely, and acknowledge that he wished to apologise for it. That boy was what we used to call a weekly boarder. ... That was the only time I think there was any complaint lodged about Br Dowlan.444

Later in that transcript, Brother Nangle is recorded as saying about that complaint, ‘I’m sure it’s the only complaint that was ever made about Br Dowlan and it was because of punishment not sexual’.445

In his statement to the Royal Commission, Brother Nangle gave evidence that he received a complaint of physical abuse in relation to BWG but that ‘I do not recall having any knowledge of any rumours, allegations or complaints of child sexual abuse in relation to Dowlan until around the time I became aware of his criminal charges in the mid-1990s’.446

The evidence before the Royal Commission makes it implausible that Brother Nangle did not hear any rumours or allegations of child sexual abuse in relation to Dowlan until the mid-1990s. That evidence includes:

• that many or most students at St Patrick’s College had heard rumours, allegations or innuendo about Dowlan sexually abusing children
• that Father Pell, an assistant priest at Ballarat East, had heard rumours about Dowlan’s sexual abuse of children at St Patrick’s College, which he conveyed to the chaplain of St Patrick’s College, Father Davey (this evidence is discussed later in this report)
• that the principal of St Paul’s Technical School had heard rumours from students of Dowlan playing ‘funny buggers’ on a school camp
• that a lay teacher at St Patrick’s College, Mr Holloway, knew Dowlan had a reputation for putting an arm around boys.

Further, as we have found, Brother Nangle in fact received complaints about Dowlan sexually abusing boys from:

• Mr Barlow, a member of the SRC at St Patrick’s College
• Mr Holloway, a lay teacher at St Patrick’s College
• Mr Claassen, a student of St Patrick’s College, and his mother.
In addition, we are satisfied that Brother Nangle did not ask, as he should have, why Mr Tatchell, a student of St Patrick’s College, was distressed and had made a comment about ‘a heap of poofers’, telling his parents to ‘get me out of here’.

We are satisfied that there was no effective response to any of those reports or complaints in order to manage the risk to children posed by Dowlan. Brother Nangle consistently and unreasonably declined to obtain the details of such reports and complaints.

Brother Nangle prepares a response to an article in The Age about Dowlan in 2002

In June 2002, The Age published an article which stated that Dowlan ‘was protected during the St Patrick’s years by the school’s then headmaster, Brother P.G. Nangle’. In this evidence to us, Brother Nangle said:

I regarded the complaint, the one complaint, about a member of staff at my time there as not coming from a parent; it was presented to me by another member of staff, and so, I would claim that I have never – I had never received a complaint from a parent about any member of staff offending sexually. The other complaints that had been addressed today were concerning Brothers who were not members of St Patrick’s College staff; they were staff members of the two parish primary schools, and I would maintain that that’s what I meant when I wrote that sentence.

When asked whether he accepted that readers of The Age and members of the broader community in Ballarat may not be alive to the fine distinctions between Brothers who were teaching at St Patrick’s College and other Brothers in the St Patrick’s community, Brother Nangle responded, ‘I would have to assume that readers would know that a teacher at St Alipius was not a member of the college staff’. Brother Nangle accepted that he carefully chose his words in a way that he thought he could reconcile with the true position.
The Church parties submitted the statement was factually accurate. They referred to Brother Nangle’s evidence, which was that the only complaints received by him at Ballarat related to Brother BWX in 1973 (a complaint from a lay teacher rather than a parent), Farrell in 1974 (a complaint by a parent about a staff member at St Alipius, not St Patrick’s College), Dowlan in 1974 (a complaint by a parent about physical abuse) and Brother Fitzgerald in 1975 (a complaint by a parent about a staff member at St Alipius, not St Patrick’s College).\textsuperscript{454}

We reject that submission. As set out earlier, Brother Nangle received two complaints from parents against Dowlan at St Patrick’s College, and one each from a teacher and a student. He received one complaint against Brother Fitzgerald and one complaint against Farrell by a parent. He received one complaint by a lay teacher against Brother BWX at St Patrick’s College.

Brother Nangle explained the statement on the basis that he only ever received one complaint from a member of staff and not a parent. We are satisfied he intended to convey the false impression that he did not receive any allegations of child sexual abuse by Brothers. We are satisfied that the likely reason for Brother Nangle to convey such an impression was to protect his own reputation and the reputation of the Christian Brothers.

**Father Pell in Ballarat the early 1970s**

Cardinal Pell is currently Prefect of the Secretariat for the Economy for the Holy See, located in the Vatican.

Cardinal Pell was born in Ballarat in 1941 and attended school there at Loreto Convent and St Patrick’s College. His family ran the local hotel.\textsuperscript{455} He studied for the priesthood at Corpus Christi College at Werribee in Melbourne and Propaganda Fide College in Rome. He was ordained a priest of the Diocese of Ballarat in December 1966.\textsuperscript{456}

After studying theology in Rome in 1967 and being awarded a doctorate in church history at the University of Oxford in 1971,\textsuperscript{457} Cardinal Pell returned to the Diocese and was appointed assistant priest at Swan Hill parish in 1971. From 1973 until 1984, he was assistant priest at Ballarat East parish\textsuperscript{458} and lived at the St Alipius presbytery.\textsuperscript{459}

St Alipius school is located in close proximity to the St Alipius presbytery. The two are separated by the church.\textsuperscript{460}

Father Pell also held the role of Episcopal Vicar for Education in the Diocese from March 1973 until 1984.\textsuperscript{461} In 1974, he was appointed director of Aquinas College.\textsuperscript{462}

In a letter to Bishop Mulkearns in 1984, Father Pell described the role of Episcopal Vicar for Education in the following way:
The Vicar is the Bishop’s representative in all areas of education. He is a significant source of advice to the Bishop on education and supports and oversees those working in Catholic education. This is not an executive role, although the Vicar might have other executive position(s).

The position is normally held by a diocesan priest, but could be filled by a religious, man or woman. Through this clerical/religious presence education is seen as one vital part of the Church’s apostolate; the essential link between Bishop, priests, parents, teachers and students is also emphasised.463

Father Pell also described the role to include chairing the Diocesan Education Board, which makes policy recommendations to the bishop on education and is a member of the Catholic Education Commission of Victoria.464 He described the functions of the vicar to include encouraging cooperation and dialogue between priests, office personnel, teachers and parents so that the Catholic ethos is maintained and developed.465

Cardinal Pell was asked about this document when he gave evidence to the Royal Commission. The following exchange with Counsel Assisting took place:

Q. You also, as I understand it, described the role as the essential link between the Bishop, priests, parents, teachers and students; now, that’s how you saw the role, isn’t it?

A. I would be very interested to see where I said that; I think it somewhat overstates my role, it was not the director of education.

... 

Q. Do you see the last phrase is that:

... the essential link between Bishop, priests, parents, teachers and students is also emphasised.

A. I think the emphasis there is on the religious presence, of course. Yes, I do see what is there. Could I just say, many Diocese do not have Episcopal Vicars for Education, and I was keen for the role to continue.

Q. The role to continue in the way in which you’ve expressed it in this document?

A. That’s correct.
THE WITNESS: Before you move on, can I draw your attention to some of the elements in that document, please?

MS FURNESS: Certainly.

A. The vicar is the Bishop’s representative in all the areas of education, a significant source of advice to the Bishop, on education supports and oversees those (inaudible) working. This is not an executive role although the vicar might have other executive positions.

Then there’s the paragraph you mentioned:

To chair of the Diocesan Education Board, which makes policy recommendations

Mentions the role as the chair:

To encourage cooperation and dialogue

To be an active ‘ex officio’ member of the advisory board of the Ballarat campus of the Institute of Catholic Education.

To encourage the provision of chaplaincy services.

That’s entirely compatible with how I explained it to you.

Q. Thank you, Cardinal. It’s also compatible with the phrase I put to you in relation to the essential link, isn’t it?

A. Well, I would like to read:

The position is normally held by a diocesan priest but could be filled by a religious man or woman. Through this clerical religious presence education is seen as one vital part of the church’s apostolate. This religious present ... the essential link between Bishop, priests, parents, teachers and students is also emphasised.

So just what is that essential link, it certainly would include the role of the Episcopal Vicar.466

When asked if he had any involvement in St Alipius as part of his role as Episcopal Vicar for Education, Cardinal Pell said, ‘Almost nothing’.467 However, he said that he lived at St Alipius parish and usually celebrated three masses there every weekend. He agreed those who attended mass at the parish included the children who attended St Alipius and their parents.468
Early in his career, Father Pell was identified as a potential future leader of the Church.\textsuperscript{469} We also heard evidence that Father Pell, while he was an assistant priest in Ballarat, was well known in the Ballarat community and regarded by members of the community as a priest of some influence and authority.\textsuperscript{470} He was a St Patrick’s College old boy, said mass there occasionally and attended football matches.\textsuperscript{471} Father Pell was described by one former St Patrick’s College student as someone who he thought might one day be Pope.\textsuperscript{472}

**Father Pell’s knowledge about Dowlan in the early 1970s**

Cardinal Pell agreed that he knew some of the Christian Brothers who taught at the school, to varying extents, including Brothers Fitzgerald, Dowlan, Farrell and Best.\textsuperscript{473} Counsel Assisting asked Cardinal Pell when he first heard of Christian Brothers in Ballarat offending against children. He responded, ‘That’s a very good question. Perhaps in the early 1970s I heard things about Dowlan’ at St Patrick’s College.\textsuperscript{474}

Cardinal Pell told us the sort of problems he heard about were ‘Unspecified, but harsh discipline and possibly other infractions also’. He gave the following evidence:

Q. When you say ‘possibly other infractions’, you mean of a sexual nature?

A. I do.

Q. Who did you hear that from?

A. Once again, it’s difficult to recall accurately. I could have heard it from one or two of the students and certainly I think one or two of the priests mentioned that there were problems and some of them believed they were very – because of harsh discipline.

Q. And the problems described to you were problems of a sexual kind with children?

A. None of the activities were described to me, they were just referred to briefly.

Q. But you answered the question of, ‘When you say possibly other infractions, you mean of a sexual nature?’, you agreed with that proposition?

A. Yes, that was a – that’s correct.

Q. And it could only have been sexual with children, couldn’t it?

A. That’s correct, with minors.\textsuperscript{475}
He later said, ‘the conduct that was brought to my attention was unspecified, except that it was somehow wrong or untoward’, and that he did not receive any specific information about a sexual assault by Dowlan on any individual.476

Later in his evidence, Cardinal Pell said, ‘I don’t think there were any names given to me at all’, and that there were ‘one or two fleeting references’ to ‘misbehaviour by Dowlan which I concluded might have been paedophilic activity’.477

Cardinal Pell said his recollection of the students who came to him was that ‘one of the lads said that Dowlan was misbehaving’ but they did not say they had gone to the principal or ‘anything like that’.478 He recalled it was one ‘St Pat’s boy’ that he remembered. When asked whether he remembered this boy’s name, Cardinal Pell said, ‘Yes, I do, and he recollected it years later, but I remembered him as a good and honest lad and I didn’t think he’d be telling – I couldn’t remember the actual incident, but I didn’t think he’d be telling lies’.479

Cardinal Pell subsequently said that he and this boy happened to be together and ‘he just mentioned it casually in conversation. He never asked me to do anything. It wasn’t technically – well, I suppose it was technically a complaint, a lament’.480

Later in his evidence, Cardinal Pell was asked whether there was a second student who spoke to him about Dowlan. Cardinal Pell said, ‘I was aware of the claims of Mr Green’, and said this was the other possibility he was referring to.481 The evidence of Mr Green, and Cardinal Pell’s response to that evidence, is discussed later in this report.

Cardinal Pell told us he could not remember the names of the one or two priests who mentioned there were problems with Dowlan.482 However, he said it was ‘certainly a possibility’ that they were priests living with him at the time.483 Cardinal Pell could not remember what he was told by these priests.

Cardinal Pell said, ‘I can’t remember in any detail except that there were unfortunate rumours about his activity with young people. It was always vague and unspecific’.484 When asked whether he understood it to be rumours in relation to sexual activity with young people, Cardinal Pell responded, ‘Yes, that, and possibly excessive discipline or violence, but certainly the first was – the first element was present’.485

Cardinal Pell said he told the chaplain of St Patrick’s College, Father Davey, about the rumours he had heard about problems at St Patrick’s College with Dowlan and asked whether there was any truth in them.486 Father Davey responded, ‘Yes, there are problems, certainly discipline problems, but I think the Brothers have got the matter in hand’, or that the Brothers ‘were looking into it’.487

Father Davey was not asked to give evidence to the Royal Commission. He died in August 2016.
Cardinal Pell did not take any further action in relation to that information to determine what the Brothers did, because he soon became aware that Dowlan had been shifted. He also said that, as a result of Dowlan’s leaving, he ‘certainly concluded there must have been – he must have been, at the very minimum, unwise and imprudent, at the very minimum’. He subsequently said he ‘presumed that when they shifted him, they would have also arranged for some appropriate help’.

Cardinal Pell said, ‘in the light of my present understandings, although – I would concede I should have done more,’ more particularly, that he should have consulted Brother Nangle and ‘ensured that the matter was properly treated’. As to why he did not do this, he said, ‘I didn’t think of it and, when I was told that they were dealing with it, at that time I was quite content’. Cardinal Pell gave evidence that he did not tell the bishop ‘because it came under the control of the Christian Brothers and I was told that they were dealing with it’. He said, ‘I regret that I didn’t do more at that stage’.

In an article in *The Age* newspaper in 2002, Cardinal Pell was quoted as saying in relation to the evidence of Mr Green:

> At a distance of 28 years, I have no recollection of any such conversation. If I was approached and thought the stories plausible I would have informed the Christian Brothers.

> I do not remember hearing rumours about Dowlan at that stage, a man I hardly knew. I came back to Ballarat in 1973 and was never attached to St Alipius Boys School, which Dowlan left at the end of 1971. He taught at St Patrick’s College 1973–74.

When asked why he was on the record in 2002 saying that he did not have any idea of rumours about Dowlan’s misbehaviour and molestation of children, Cardinal Pell said, ‘Actually, because he only reminded me of what he’d said to me later’.

We are satisfied that in the early 1970s Cardinal Pell was told by one or two students, and one or two priests, about Dowlan’s infractions of a sexual nature with minors. We accept that Cardinal Pell concluded at the time that Dowlan must, at the very least, have been unwise and imprudent.

We are satisfied that Cardinal Pell told the chaplain at St Patrick’s College, Father Davey, about the rumours he had heard about Dowlan. We accept that Father Davey told him there were problems and that the Christian Brothers were looking into it. It is not known what Father Davey did with the information that Cardinal Pell provided to him.

Cardinal Pell did not tell Brother Nangle or Bishop Mulkearns about what he had heard.
Cardinal Pell told us that, with hindsight, he should have done more. In particular, he told us he should have consulted Brother Nangle and ensured that the matter was properly treated. Cardinal Pell said he regretted not doing more at the time. We agree that he should have consulted Brother Nangle and ensured that the matter was properly treated.

**BWF’s alleged report to Father Pell about Dowlan**

BWF is a former student and boarder at St Patrick’s College. He started at the school in 1973, when he was 14 years old. He and his 12-year-old brother, BWG, were both boarders at the college. 497

In his evidence, BWF described numerous occasions when he saw Dowlan come into his dormitory at night and fondle the genitals of the boy in the bed next to his. 498 He described Dowlan’s behaviour as ‘very common knowledge’ and subject of ‘a lot of talk in the school ground’. 499

After being at the school for about a year, BWF learned that his parents had attended the school after his younger brother, BWG, had been severely beaten by Dowlan. 500 BWF said he ‘later found out that BWG was seeing the doctor because he had severe bruising to his legs and buttocks and was molested by brother Dowling [sic]. My parents were there to see brother Nangles and Dowling [sic]’. 501

In a police statement in 1993, BWG said he was sexually abused by Dowlan on a number of occasions, but he was too scared to tell his mother about the abuse. BWG’s mother also said in a police statement in 1994 that she had taken BWG from school to the doctor because he had been badly beaten. However, at no stage did BWG tell her he was sexually assaulted by Dowlan. 502

BWF accepted in his evidence to us that he assumed BWG had been sexually abused given what he knew about Dowlan’s behaviour at the school. 503

BWF told us that he and his older brother went to St Patrick’s College that evening and got into an altercation with two unnamed Christian Brothers. 504 He said he complained to them about what had happened to BWG and that he wanted to see the headmaster, Brother Nangle. 505 The Brothers promised that Brother Nangle would see BWF that night, 506 but he did not come to see him. 507

After receiving no help from the Brothers, BWF said he went to the St Patrick’s Cathedral presbytery in Ballarat one afternoon after school. 508
BWF stated:

I was still very upset about what happened to BWG so that same week during some free time I went to the Presbytery on the corner of Sturt St and Dawson St to seek out [F]ather George Pell who was a well known influential priest in the area. I wanted someone of authority outside of the school to know about what was happening there and someone who would be able to do something about it.509

BWF told the Royal Commission that he went to see Father Pell because he felt he was not being heard at St Patrick’s after Brother Nangle did not meet with him.510 Father Pell was well known at the school. He often attended school functions and was seen in the school grounds, walking with Brothers.511 BWF gave evidence that he and the other kids at the school regarded Father Pell as someone of a high stature in the Church,512 and it appeared to him that the Brothers respected Father Pell.513

BWF gave evidence that there was a particular day when students at St Patrick’s were allowed to leave the school to go down the street to buy things they could not get at school.514 On one of those days, BWF left school in his uniform, after half past 3 or 4 o’clock, and walked towards St Patrick’s Cathedral. When he was on the block where St Patrick’s Cathedral was located, he decided to speak to Father Pell.515

BWF stated:

I knocked on the door and someone answered the door but I cannot remember who it was. I asked to see [F]ather George Pell and that person went to get him ... Because I was so nervous I just blurted out to Pell that Dowling [sic] had beat and molested BWG and demanded to know what Pell was going to do about it. Pell became angry and yelled at me, ‘Young man, how dare you knock on this door and make demands.’ We argued for a bit and he finally told me to go away and shut the door on me.516

BWF gave evidence that at the time of going to see Father Pell he did not know Father Pell personally and had not had any dealings or conversations with him.517 BWF gave evidence that he had not visited Father Pell at the presbytery before518 and said, ‘I didn’t know whether [Father Pell] lived there or not; for me, it was just a good place to start.’519 BWF said that he went to the presbytery because ‘It was a really good place to start. I didn’t know where else to go.’520

BWM is BWF’s former wife. She provided a statement to the Royal Commission521 but was not required by any party to give evidence.

She told us in about the late 1970s, early in their relationship in their late teenage years, BWF told her that his brother had been badly beaten by Dowlan.
BWM gave evidence that BWF told her that at the time BWG was beaten by Dowlan he was trying to get BWG help at St Patrick’s. She stated:

BWF told me that because no one would listen to him at school, he went to the Catholic Church to see George Pell ... BWF told me he said to Pell something about BWG being beaten as well as other things that had happened to him. I don’t recall what the other things were. BWF told me Pell said something like, ‘This wouldn’t have happened’ or ‘This is none of your business’, and told BWF to go back to school.

BWM said that when she was growing up Father Pell was well known in Ballarat and she knew him by sight from attending church. She said it was exciting when he attended church services because ‘he was considered a big deal’ and she remembered she knew ‘he was more important than my parish priest’.

BWM said she was not on good terms with BWF, and they had not spoken during 2015.

Cardinal Pell denied BWF’s allegation. When asked if he denied it happened, or whether he could not recall it, Cardinal Pell said:

I deny it completely and explicitly, and just as a brief parenthesis, I want to say that my attitude to this is entirely different from my attitude to the evidence given by Mr Green. This is –

Q. You see, Mr Green –

A. This is false evidence.

Q. Very well.

A. Even the language that I was alleged to have used is ridiculous. The suggestion that I would speak like that to a young person in distress is absolutely false.

He said, ‘if anything like this happened, it didn’t happen with me’, and later, ‘It might have happened with some other individual, but it certainly didn’t happen with me’. He also said, ‘I have got no ... ambiguity about the non-existence of this incident’.

Cardinal Pell gave evidence that he lived in Ballarat in 1973 and 1974 at the St Alipius presbytery on Mair Street in Ballarat, and he did not live or work at the presbytery of St Patrick’s Cathedral on the corner of Sturt and Dawson streets. By 1974, his role as Director of Aquinas College meant that he ordinarily worked from 9 or 9:30 in the morning until the evening meal time and was regularly in Melbourne one or two days a week. He told us he was hardly ever at the St Patrick’s presbytery.
Cardinal Pell gave evidence that between 1974 and 1984 he was a full-time academic at the Institute of Catholic Education. In his first year as Episcopal Vicar for Education, he also held the position of assistant priest, was school chaplain at St Martin’s in the Pines and lectured part-time at the then Sacred Heart Teachers College.\textsuperscript{533}

Cardinal Pell submitted that BWF was not a credible witness. BWF is currently serving a term of imprisonment for child sexual offences committed between 2005 and 2011, and Cardinal Pell submitted his convictions seriously undermine his credibility as a witness before the Royal Commission.\textsuperscript{534}

Cardinal Pell submitted that BWF’s account of the visit to St Patrick’s presbytery is a fabrication.\textsuperscript{535} In particular, Father Pell was not living at the St Patrick’s presbytery at the time and there is no reason he would have been there in the middle of the afternoon on a weekday – the high probability is that he would have been at Aquinas College or in Melbourne with the Institute of Catholic Education.\textsuperscript{536}

Cardinal Pell submitted that there was an ‘unreality’ about BWF’s evidence that he decided to seek out Father Pell and thought the St Patrick’s presbytery was a ‘good place to start’,\textsuperscript{537} and it was ‘inherently improbable’ that Father Pell would have dismissed the boy so quickly and aggressively.\textsuperscript{538} It was submitted that there is no evidence to support that it was a different priest to whom BWF reported.\textsuperscript{539}

Cardinal Pell also submitted that, as BWF’s account is demonstrably false, it is not necessary to deal with BWM’s evidence of what BWF told her some years after the event.\textsuperscript{540}

BWF submitted that, after hearing the Dowlan had beaten his brother, he assumed that BWG had been sexually assaulted.\textsuperscript{541}

BWF referred to the evidence about Father Pell being highly regarded by students at St Patrick’s College and his strong connection to the school, and he submitted that his evidence about approaching Father Pell is consistent with Father Pell’s stature at the time.\textsuperscript{542}

BWF submitted that he was under no misunderstanding as to who he complained to.\textsuperscript{543} He submitted that it would be ‘extraordinary’ if Cardinal Pell was not at some stage present at St Patrick’s presbytery – for example, for social purposes or meetings.\textsuperscript{544}

We accept BWF’s evidence that he assumed BWG had been sexually abused given what he knew about Dowlan’s behaviour at the school.\textsuperscript{545} Such an assumption is plausible given the evidence that Dowlan’s offending was common knowledge among students at St Patrick’s College.
We accept Cardinal Pell’s evidence about his working and living arrangements in Ballarat in 1973 and 1974 and that he was rarely at the St Patrick’s presbytery. There is no evidence to contradict what Cardinal Pell told us. We are satisfied that Cardinal Pell’s living arrangements and duties in 1973 and 1974 make it unlikely that he was at St Patrick’s presbytery late in the afternoon on a weekday.

Cardinal Pell denies this event took place (in contrast to his evidence in relation to Mr Green, considered below).

We are not satisfied that BWF spoke to Father Pell about Dowlan at St Patrick’s presbytery in late 1973 or 1974 as he alleged, as it is unlikely that Father Pell was there and Cardinal Pell has denied it.

However, we are not persuaded that BWF’s account was a fabrication or deliberately false. We do not doubt that BWF genuinely believes he spoke to Father Pell. Cardinal Pell submitted that BWF lacked credibility and should not be believed on account of his own criminal convictions. We do not consider that his criminal history of itself undermines his credit in his evidence to the Royal Commission.

BWF’s former wife, BWM, gave an account which is consistent with what BWF told us. It is evidence that BWF told someone else about this visit a few years after it happened, many years before the establishment of the Royal Commission and before BWF was convicted of serious criminal offences.

We do not doubt that BWF went to the St Patrick’s presbytery and reported to a priest that BWG had been beaten and molested by Dowlan and that the priest responded generally as he alleged. However, while we accept that BWF genuinely believes he spoke to Cardinal Pell, we are not satisfied he did so. We do not know the identity of the priest he did speak to.

**Mr Timothy Green’s alleged report to Father Pell about Dowlan**

Mr Green started high school at St Patrick’s College in 1973. He told us he was taught by Dowlan, who sexually abused him on a number of occasions. He said it was common knowledge among the students in his year that Dowlan was abusing many boys at the school.

We heard that Father Pell, who was a St Patrick’s College old boy, used to say mass at the school occasionally. Mr Green described Father Pell at this time as a ‘big imposing figure’ who he assumed was someone ‘superior’ because of the way he presented around St Patrick’s College. We heard that Father Pell was something of a ‘dignitary’ at the school and someone who was looked up to and revered by the teachers.
Mr Green gave evidence about an incident in late 1974, when he was 12 or 13 years old. He told us he was in the changing room at the Eureka Swimming Pool in Ballarat with two friends when Father Pell walked in.  

Mr Green stated:

Father Pell came in to the change room and said something like ‘G’day boys’ and went and stood behind us and started getting changed. Then I just said something like, ‘We’ve got to do something about what’s going on at St Pat’s’. Father Pell said, ‘Yes, what do you mean?’ I said, ‘Brother Dowlan is touching little boys’. Father Pell said, ‘Don’t be ridiculous’ and walked out.

Mr Green was asked by counsel for Cardinal Pell whether it was possible Father Pell did not hear him, to which Mr Green responded, ‘No, he answered me’. Mr Green was also asked whether it was possible that Father Pell did not grasp what Mr Green was saying. Mr Green replied, ‘I wouldn’t have thought so’.

Mr Green told us that Father Pell did not ask him any questions – ‘He just dismissed it and walked out’. He said he did not see Father Pell walk out of the change rooms, but he was not in the change rooms when Mr Green left.

BWD, one of the friends who Mr Green said was with him in the changing room, provided a statement to the Royal Commission. He did not recall ever being at the Eureka Swimming Pool with Mr Green, although he said it would not surprise him if he had been there with Mr Green and the other boy Mr Green referred to. That boy is deceased.

BWD had no recollection of a conversation at the Eureka Swimming Pool between Mr Green and Father Pell ‘where it was said that Father Dowlan was touching little boys’. However, BWD did give evidence that he thought that in secondary school he heard students talking about the Christian Brothers and innuendo that something not right was going on between them and some of the boys.

Mr Green told us he did not think Father Pell would have known their names, but he would have known they were St Patrick’s College students. He said he thought Father Pell would have known him from Villa Maria school, where Mr Green went to primary school between 1966 and 1973. He said Father Pell once attended a school function at Villa Maria, and he was the student who thanked him for his attendance. He thought this would have been in 1971 or 1972. When counsel for Cardinal Pell put to Mr Green that Father Pell did not move to Ballarat until 1973, Mr Green said, ‘He may have visited Ballarat, but I did thank him on behalf of the school community’.

In 2002, Mr Green told a journalist from *The Age* newspaper about this conversation with Father Pell. His account was published in an article in that newspaper, although Mr Green was not named. In 2013, Mr Green told journalist Mr David Marr about this conversation and agreed to be named in the resulting article.
Cardinal Pell told us he had no recollection of the incident at all. When asked if he accepted that Mr Green spoke to him in about 1974 about Dowlan, Cardinal Pell said:

A. No, I don’t. I have no such recollection of such a dialogue.

Q. But it may have happened?

...

A. I have no recollection that it happened. I’m certainly not suggesting that Mr Green is telling lies, but I am suggesting that I have no such recollection.

Later, Cardinal Pell repeated that he was not suggesting that Mr Green was telling lies but said:

I’m not necessarily accepting that his evidence is accurate. It is uncorroborated and I have no recollection of it, even after hearing his particular description of the unusual conversation where he only spoke to me, he said, with his back to me.

Cardinal Pell submitted that the conversation alleged by Mr Green was not corroborated by any other evidence, and the absence of specificity about the date of the conversation makes it impossible to establish one way or another. It was submitted that the effluxion of time has had an inevitable impact on the memories of both Mr Green and Cardinal Pell.

Cardinal Pell submitted that not denying the conversation occurred illustrates the difficulty in responding to Mr Green’s allegation and is not evidence of its acceptance. The generality of Mr Green’s account, it was submitted, is not capable of the same scrutiny as given to BWF’s evidence.

It was submitted that Counsel Assisting did not suggest, as with BWF and BWE, that Mr Green had misremembered the conversation or that it was unnecessary to resolve the issue as with BPL’s allegation about Father Paul Bongiorno. BPL’s allegation about Father Bongiorno is discussed in Section 4.3 of this report.

Cardinal Pell referred to inconsistencies in Mr Green’s evidence to us. He submitted that, in his statement, Mr Green referred to BWD and the other boy nodding in agreement while he spoke to Father Pell. When asked about what BWD heard, Mr Green said BWD may not have been concentrating or doing other things at the time.

Cardinal Pell also referred to an inconsistency between what Mr Green told The Age newspaper in 2002 and his evidence to the Royal Commission. The 2002 article records that Father Pell told Mr Green, ‘he did not think the story could be true’, whereas Mr Green told us that Father Pell said, ‘Don’t be ridiculous’. Cardinal Pell submitted this is not mere semantics and highlights the danger of making findings about what someone said over 40 years earlier.
It was submitted that Father Pell’s alleged response to Mr Green is inconsistent with his response to the rumours of infractions of a sexual nature with minors, which he reported to Father Davey, and it is unlikely he would have responded in this way to Mr Green.575

Cardinal Pell submitted that some features of Mr Green’s account illustrate the danger of making findings based on limited evidence. He referred to aspects of Mr Green’s evidence that he did not have a clear recollection of seeing Father Pell enter the change rooms, Father Pell walked behind him, he did not turn around to look at Father Pell as the conversation took place, Father Pell said only three words, and he did not see Father Pell leave the change room.576

In relation to Mr Green’s evidence that Father Pell would know his face because he thanked him on behalf of Villa Maria school in 1971 or 1972, Cardinal Pell submitted he was not living in Ballarat until 1973 and his diaries577 for 1971 and 1972 do not show him going to Villa Maria. Cardinal Pell submitted that Mr Green is mistaken about Father Pell attending Villa Maria, which highlights the possibility he is also mistaken about the conversation in 1974.578

Cardinal Pell did not submit that Mr Green was a dishonest witness but that memories are fallible. He submitted that we could not be satisfied the conversation occurred as Mr Green alleged, and it is not necessary for us to resolve whether the conversation in fact took place.579

Mr Green rejected Cardinal Pell’s contention that Mr Green’s evidence is an insufficient basis on which to find the conversation took place as he alleged. He submitted that, in questioning, Cardinal Pell’s legal representatives did not put to Mr Green the matters on which he submits Mr Green’s evidence is unreliable.580

In relation to Cardinal Pell’s submission that Mr Green’s account is uncorroborated and that it lacks detail which might permit him to disprove the conversation, Mr Green submitted that Cardinal Pell did not say in evidence that the conversation did not occur.581 Cardinal Pell’s submissions about the circumstances of the conversation and the identification of Cardinal Pell are directed to the proposition that the conversation never occurred or that, if it did, it happened with someone else. Cardinal Pell did not assert the conversation with Mr Green did not take place, and neither proposition was put to Mr Green by Cardinal Pell’s counsel.582

Mr Green submitted that he was not examined on the inconsistency of his description of BWD’s behaviour in the change room, and it is not a sound basis for the Royal Commission to draw any conclusions.583

Mr Green further submitted there is no evidentiary basis for Cardinal Pell’s reliance on the different form of words attributed to Mr Green in The Age in 2002 and his evidence to the Royal Commission. Mr Green was not asked what he told the reporter, and the words used in the article may not be his.584
In relation to Villa Maria school, Mr Green submitted that Cardinal Pell seeks to rely on the content of a diary as the basis for the submission that Mr Green misidentified Father Pell. The diary has not been produced and is not in evidence, and Mr Green has not had an opportunity to respond to it.585

Mr Green presented as an honest and credible witness. His evidence was consistent, including under questioning from counsel for Cardinal Pell. His evidence was also consistent with accounts Mr Green gave of his conversation with Father Pell in 2002.586

We accept Mr Green’s submission that it was never put to him that the conversation with Father Pell did not occur or that, if it did, it occurred with someone else. Mr Green has not been given the opportunity to respond to that contention. Cardinal Pell did not deny to us that the conversation occurred, and his counsel’s questioning of Mr Green was directed to whether Father Pell may not have heard Mr Green or misunderstood what was said.

Cardinal Pell submitted that Mr Green misidentified him at Villa Maria school in 1971 or 1972. The diary Cardinal Pell referred to was not produced, but we accept his evidence that he was not at Villa Maria at the relevant time. However, if Mr Green did misidentify Father Pell on that occasion, it does not necessarily follow that he did so on this occasion. The events are quite different: a speech to many at a school and a one-on-one conversation in a swimming change room.

We accept Mr Green’s submission that no reliance can be placed on the different form of words attributed to Mr Green in an article in *The Age* in 2002587 – in which Mr Green is noted to have said Cardinal Pell ‘said he did not think the story could be true’ rather than ‘don’t be ridiculous’ – to suggest Mr Green had given inconsistent accounts. Mr Green was not asked what he told the reporter, and the words used in the article may not be his.588 In any event, the difference is not material; the words are to similar effect.

Cardinal Pell submitted it was ‘inherently unlikely’ he would have responded in this way. This is difficult to reconcile with his evidence that before the late 1980s there was a predisposition in the Catholic Church not to believe children and to be dismissive of disclosures of child sexual abuse which were not presented clearly.589 He also gave evidence to us that in the 1970s, if a priest denied such activity, he was very strongly inclined to accept the denial.590

We do not accept Cardinal Pell’s submission that Counsel Assisting has treated Mr Green’s allegation differently from the allegations of BWF and BWE. The evidence in relation to those allegations is materially different. Cardinal Pell explicitly denied that the events about which BWF and BWE gave evidence occurred. There was also evidence available to us that strongly suggested BWF and BWE may have misidentified Father Pell. In Mr Green’s case, Cardinal Pell did not deny that the conversation occurred, and the questioning of Mr Green was not directed to that proposition. There is no evidence to suggest that Mr Green’s identification of Father Pell is mistaken.
In relation to BPL’s allegation that he reported Ridsdale’s conduct to Father Bongiorno, which we were unable to resolve, the evidence before us in relation to that incident is also materially different. Neither BPL nor Mr Bongiorno were questioned about their accounts. Mr Green twice gave evidence to the Royal Commission, the second time at Cardinal Pell’s request, and Cardinal Pell also gave evidence.

Mr Green’s evidence about what he said to Father Pell and Father Pell’s response to him was clear and unequivocal. Mr Green spoke of Father Pell’s stature within the Ballarat community. For a young boy to complain about a Christian Brother to a man of Father Pell’s esteem must have required great courage and must have been a very memorable encounter which he is unlikely to forget.

In relation to BWD’s evidence, his absence of recollection of the conversation is not inconsistent with Mr Green’s evidence; equally, it is not corroborative of it.

Finally, Cardinal Pell has given evidence that he recalled hearing suggestions in the early 1970s that Dowlan was involved in infractions of a sexual nature with minors, discussed earlier in this report. He could not recall the sources of the information, which included one or two students and one or two priests, but recalled the identity of one of the students. He gave evidence that he was aware of the claims of Mr Green at the time he heard of talk about Dowlan.

We accept Mr Green’s account. It is likely, in light of Cardinal Pell’s memory of hearing about Dowlan’s sexual infractions with minors, that at the time he was aware of Mr Green’s claims.

We are satisfied that in late 1974, in the Eureka Swimming Pool changing room at Ballarat, Mr Green said to Father Pell, ‘We’ve got to do something about what’s going on at St Pat’s’, and, when Father Pell asked what he meant, Mr Green responded, ‘Brother Dowlan is touching little boys’. Father Pell said words to the effect of ‘Don’t be ridiculous’ and walked away.

**Dowlan’s teaching appointments after 1975**

**Dowlan is transferred out of Ballarat and is given further teaching appointments**

In 1975, Dowlan was transferred from his teaching position at St Patrick’s College in Ballarat to another teaching position at St Joseph’s College, Warrnambool. The Warrnambool visitation report of that year records that Dowlan ‘is immature, as shown by spending more than the normal time with boys, rather than with the Brothers’.

The June 1976 visitation report of Warrnambool records that Dowlan is ‘very dedicated to the school where he gets on very well with the Form 2 boys with whom he spends most of his time’. It continues, ‘The visitor was a little concerned about some of the attitudes shown
by Edward [Dowlan], though he was very correct and pleasant during our interview’ and notes that he has had ‘very serious difficulties’ with the superior.\textsuperscript{594} In relation to these, the report states, ‘While he may have been indiscreet, even wrong in one two incidents, the visitor is not satisfied that he got adequate support and encouragement from the Superior’.\textsuperscript{595}

The Church parties submitted it is mere speculation to assume the ‘incidents’ referred to in the visitation report related to sexual behaviour towards students and, when read as a whole, the report refers positively to Dowlan as a teacher.\textsuperscript{596} However, given the evidence of the number of complaints and rumours of Dowlan’s sexual abuse of children in Ballarat, we are satisfied that the description in the 1976 visitation report to Dowlan being ‘indiscreet even wrong in one or two incidents’ is a reference to sexual behaviour towards students.

The final page of the visitation report states in relation to an unnamed Brother:

[T]he most serious single failure of the Superior concerned an unfortunate matter which arose in his own Form Five class during the second half of last year. Rumours were spread by some of the boys that there was an improper relationship between one of the Brothers and one of the Form Five students. It appears that the student concerned suffered quite a lot of ‘persecution’ … According to the Brother whose name was mentioned in this sad incident, obscenities were scribbled on the students’ note books and he was even threatened physically. The Superior became aware of, at least, some of these details and, though it must have been clear that only a few ring leaders were involved, he took no action whatsoever.\textsuperscript{597}

The evidence is insufficient to establish whether the unnamed Brother was Dowlan.

Over the next several years, from 1975 to 1982, Dowlan held a number of relatively brief teaching appointments at a number of schools in St Patrick’s Province.\textsuperscript{598}

**Report to Brother Delaney in 1976**

In 1976, Mr Rob McBride was a form 5 student at St Leo’s College in Box Hill.\textsuperscript{599} Years earlier, in 1972, Mr McBride had attended primary school at St Thomas More in Nunawading. At the time, Dowlan was teaching at St Thomas More.\textsuperscript{600}

In a statement to the Royal Commission, Mr McBride told us that late in 1976 he and two friends made an offhand comment to Brother Kevin Delaney. Brother Delaney at the time was a teacher at St Leo’s College. Mr McBride said that, when he was a student and Dowlan was teaching at St Thomas More years earlier, Dowlan had put his hands down students’ pants and fondled them.\textsuperscript{601}
Mr McBride said Brother Delaney told him the information was concerning. He said Brother Delaney understood Brother Dowlan was coming up for final orders shortly and, if any of what they said was true, he wanted to act upon the information. He asked the boys to write a letter.\textsuperscript{602}

A few days later, they hand-wrote a letter about what they knew of Dowlan’s conduct at St Thomas More, including that Dowlan put his hands down the pants of students and fondled them, and the identities of at least two of Dowlan’s victims.\textsuperscript{603} They gave the letter to Brother Delaney.\textsuperscript{604}

Brother Delaney was not asked to give evidence.

We accept Mr McBride’s evidence, which was not challenged by any party. It is not known what happened to the letter – it is not in evidence – and it is not known what action, if any, was taken by Brother Delaney or others in response to it.

The Christian Brothers’ response to reports about Dowlan’s conduct at Cathedral College in 1985

By 1982, Dowlan was a class teacher and deputy principal at Cathedral College – a secondary school in East Melbourne. Brother Chappell was the provincial of St Patrick’s Province at that time.

The provincial and provincial council are informed that Dowlan is ‘overtly affectionate in expression with his boys’

The visitor to the community in July 1985 was Brother Noonan, who was a member of the provincial council. He recorded in his visitation report that Dowlan ‘is overtly affectionate in expression with his boys. [Dowlan] felt he was not imprudent in his expressions of affection when confronted with this remark’.\textsuperscript{605} As was the usual practice, the provincial was likely to have received this visitation report.\textsuperscript{606}

Brother Brandon gave evidence that he did not remember this visitation report being discussed by the provincial council in 1985.\textsuperscript{607} He did not specifically remember the topic of Dowlan being overtly affectionate in his expression with boys being a topic of discussion in the provincial council, but he did remember that Dowlan, and the issues he had ‘in terms of emotional maturity and coping with life, was a topic of consideration from time to time by the leadership team’.\textsuperscript{608} Brother Brandon gave evidence that Dowlan’s ‘emotional immaturity would have showed itself in terms of the way he related to everyone, including children’.\textsuperscript{609}
The Church parties submitted the phraseology ‘overtly affectionate in expression with his boys’ would not, without more, have prompted further investigation in 1985. However, that submission ignores the reference to Dowlan feeling ‘he was not imprudent in his expressions of affection when confronted with this remark’. We infer that the overt expressions of affection were raised with Dowlan in a way that suggested imprudence. In our view, it is likely there was something improper perceived about the conduct.

In September 1985, Dowlan was recorded as an agenda item for the provincial council meeting under ‘Some Personal Matters’.\textsuperscript{610} Brother Brandon, who was a member of the provincial council at that time, could not recall what these ‘personal matters’ were.\textsuperscript{611} The timing suggests they related to the concern about Dowlan’s ‘overt affection’ towards boys.

We are satisfied that, by July 1985, the provincial, Brother Chappell, and at least one member of the provincial council, Brother Noonan, had been informed by the superior and principal of Cathedral College East Melbourne that Dowlan was ‘overtly affectionate in expression with his boys’.

**Report by a parent in late 1985**

By late 1985, a parent of a student at Cathedral College, Mrs CCF, had contacted the school about Dowlan.

Mrs CCF did not give evidence to the Royal Commission. A statement she gave to police in 1994 was in evidence.\textsuperscript{612} In October 1985, Mrs CCF’s 12-year-old son disclosed to her that Dowlan ‘often touches their private parts when he is reprimanding them either at the back of the classroom or outside of the classroom’, that Dowlan had touched his private parts and ‘that it was common knowledge at the school that the students believed Brother Dowlan had a problem with touching them’.\textsuperscript{613}

Mrs CCF said she rang the college and spoke to a Miss Johnston. Mrs CCF asked her if she was aware of Dowlan’s ‘problem’.\textsuperscript{614} Miss Johnston seemed surprised about what she told her. Mrs CCF asked her to look into it and said she would call back in a couple of weeks.\textsuperscript{615}

When Mrs CCF called again, Miss Johnston said she had discussed it with the principal, Brother Anthony Dillon, and put Mrs CCF through to him. Mrs CCF said:

> Brother Dillon was only interested in finding out who I was and he wanted me to attend at the College in person to talk about the matter. All I wanted to do was for Brother Dillon to look into the matter and I got the impression that Brother Dillon knew what was going on as he was not interested in what I knew or what I thought was going on.\textsuperscript{616}
Neither Miss Johnston nor Brother Dillon gave evidence.

The Church parties submitted that Mrs CCF does not explicitly state in her police statement what she told Miss Johnston and Brother Dillon.\(^{617}\) In our view, the plain inference is that she told them what her son had told her.

It is not known what, if any, action Brother Dillon took in response to what Mrs CCF raised. We accept her account.

**Dowlan’s undated letter**

Dowlan wrote an undated letter on Chanel College Geelong letterhead to ‘Paul [likely to have been Brother Paul Noonan] \(^{618}\) (and my community)’.

In the letter, Dowlan wrote about how he felt about his ‘future for next year’. He wrote of his disappointment about a lay deputy headmaster being appointed to the school, of not being told this before it was made public and of not having the opportunity to be ‘a (new) different type of Deputy Headmaster with the new Headmaster’.\(^{619}\) He wrote, ‘Of course, perhaps a year’s study might be just what I need’.\(^{620}\)

Dowlan also wrote of his ‘desire to love and be loved’\(^{621}\) and that:

> The greatest aim in my life over a number of years has been to be a great lover ... My urge to love is just so strong within me. Of course, the question is how does God want me to do this. You mentioned, Paul, when we were speaking that some people had mentioned to you that I was too affectionate – perhaps this is true. But as far as I am concerned this is me and I have this dream that love can be the motivating force within my classroom. I know now that if you are really concerned about this, and if this is the main reason why I am being changed then I know that I cannot be a brother any more.\(^{622}\)

Although this letter has a letterhead of Chanel College Geelong, given Brother Noonan only joined the provincial council in 1984, it is more likely it was written after Brother Noonan’s visitation in July 1985 but before the end of 1985, while Dowlan was deputy principal of Cathedral College, East Melbourne.

In 1986, Dowlan was transferred to St Joseph’s, Box Hill, where he studied for a Diploma of Theology.\(^{623}\)
The Christian Brothers’ response to reports about Dowlan at St Mary’s Technical College

Despite the knowledge of Brother Chappell, the provincial, and Brother Noonan, a member of the provincial council, in 1985 that Dowlan was overtly affectionate in his expression with boys, in 1987 he was appointed to another teaching position at St Mary’s Technical College in Geelong.\(^624\)

At the time, Brother John O’Halloran was the superior of the St Mary’s community in which the college was located,\(^625\) and Brother Chappell was the provincial of St Patrick’s Province.

**An allegation of improper conduct with a boy emerges**

Within a year of his arrival at the college, an allegation emerged about Dowlan’s improper conduct with a young boy. Brother O’Halloran was informed in 1988 that a year 7 boy from a different school, St Augustine’s, had disclosed during therapy that Dowlan had ‘related to him improperly in some way’.

The disclosure the boy made to the therapist was recorded in the visitation report for the community, which was prepared by Brother Mark O’Loughlin, a member of the provincial council.\(^626\) Both the provincial, Brother Chappell, and a member of the provincial council therefore knew of an allegation in 1988 that Dowlan had related improperly in some way with a young boy.

Brother Brandon, who at the time was a member of the provincial council, told us he did not recall seeing this visitation report and did not recall it being discussed at the provincial council.\(^627\)

The provincial, Brother Chappell, also knew of the concern three years earlier that Dowlan was ‘overtly affectionate in expression with his boys’. Despite this knowledge, there is no evidence that Brother Chappell, the provincial council or the superior of St Mary’s took any action or conducted any investigation in relation to this allegation.

Brother Chappell, Brother O’Halloran and Brother O’Loughlin were not asked to give evidence. Brother Brandon acknowledged in his evidence that ‘whatever was done, was not effective enough’.\(^628\) We agree with Brother Brandon.

The visitation report also records that the superior was ‘convinced there could be no substance to the allegation’. There is no evidence before us about what, if any, basis there was for such a conclusion.

There is no evidence about what, if anything, Brother Chappell did with this information. Certainly, Dowlan was not removed from the school.
The Church parties conceded that, if there was no investigation or follow-up by the provincial in relation to the allegation Dowlan had related improperly in some way to a boy, that was completely inadequate and unsatisfactory. The Church parties also acknowledged that, if there was no investigation, the provincial’s failure to immediately remove Dowlan from St Mary’s and Dowlan’s subsequent appointment to other schools was inexcusably wrong. We agree.

**A teacher at St Mary’s Technical College receives a report about Dowlan’s conduct in 1988**

Ms Isabel Clingan was a lay teacher at St Mary’s Technical College from 1972 until 1990. She provided a statement about her concerns about Dowlan developing inappropriate relationships with boys while he was teaching at St Mary’s Technical College in the late 1980s.

Within a short time of Dowlan arriving at the school, Ms Clingan said she noticed that he was ‘unusually familiar with the students’, and she heard about Dowlan taking male students on excursions outside of school hours without their parents or other adults.

In early 1988, one boy asked Ms Clingan whether he could move classes because another boy, CCL, teased him all the time, calling him ‘one of Brother Dowlan’s little boys’ because he had gone to Apollo Bay with Dowlan. Ms Clingan did not report these concerns to anyone at the time because she said she did not have any proof of sexual misconduct.

Sometime after this, possibly in late 1988, CCL’s father telephoned Ms Clingan. He was ‘outraged’ by something Dowlan had done to his son but said he was too embarrassed to tell Ms Clingan about it because she was a woman. He told Ms Clingan, ‘Brother Dowlan treated my boy like no teacher, let alone a Christian Brother should treat a boy’. Ms Clingan said she told the father to speak to the principal, Brother O’Halloran, and she subsequently told Brother O’Halloran about the call.

A couple of days later, Ms Clingan said she asked Brother O’Halloran about the matter. He told her he had met with CCL’s father, and the complaint was a private matter for the Christian Brothers. He told her, ‘don’t worry about that, it’s all been fixed’.

We accept Ms Clingan’s evidence. No party requested that she be available for questioning and her evidence was not challenged.

The Church parties submitted that there is no evidence of what Dowlan was actually alleged to have done or what the father may have said to Brother O’Halloran. We are satisfied that Ms Clingan’s evidence about the words that CCL’s father used leads to the strong inference that Dowlan had behaved in a sexually inappropriate way with CCL. Although there is no direct evidence of what the father said to Brother O’Halloran, it is likely on the evidence available that the father informed Brother O’Halloran of those concerns.
By this time, Brother O’Halloran knew the content of the visitation report in July 1988 about Dowlan relating improperly to a year 7 boy from St Augustine’s.

The Christian Brothers transfer Dowlan to St Vincent’s Special School

By the end of 1988, most likely following the reports about Dowlan’s conduct at Cathedral College and St Augustine’s, the Christian Brothers transferred Dowlan from St Mary’s Technical College to yet another position in a school – this time St Vincent’s Special School at South Melbourne. Dowlan was appointed principal.639

Documents reveal that Dowlan was nominated for the position by the provincial council and appointed by the provincial, Brother Chappell.640 By this time, Brother Chappell and at least three of the four members of the provincial council – Brother Noonan, Brother O’Loughlin and Brother Brandon – suspected or knew of allegations of Dowlan’s sexual behaviour towards children.

St Vincent’s Special School catered to boys from 10 to 16 years of age who were in the care of the Department of Human Services and unable to live in family settings. Usually, the boys had behavioural issues and learning difficulties and they resided at the home during the week.641

We heard evidence that, although Dowlan was not a classroom teacher at St Vincent’s, he nevertheless had access to the boys who lived at the home. Mr Phillip Roach, a former Christian Brother who lived at the school at that time, told us that Dowlan lived in one of the accommodation units where the boys lived, and he was responsible for the night-time supervision of the boys living in that unit. He was the only adult in charge of the night-time care of the boys in his unit and was directly responsible for their supervision and wellbeing.642 The Church parties acknowledged that this was a role in which Dowlan was in close proximity to young boys in a residential situation.643

Brother Brandon was a member of the provincial council at the time Dowlan was appointed to St Vincent’s. He appropriately acknowledged that Dowlan’s appointment was not responsible.644 He told us that sometime before 1993 the provincial and provincial council had ‘suspicions’ but not ‘knowledge’ that Dowlan was behaving in a sexually inappropriate way with boys.645 He said he had a vague recollection that even at the time of this appointment there was ‘a slight sort of feeling that this might be a questionable decision’.646 The Church parties also acknowledged that the suspicions already held by the provincial and some on the provincial council were such that Dowlan should never have been appointed to that position.647

We are satisfied that the conduct of Brother Chappell and the provincial council in appointing Dowlan not only to another school position but also to one in which he had access to the most vulnerable boys, with the knowledge of the risk he posed to children, was inexcusably
wrong. For at least two years Dowlan was the only adult living in a unit with a group of boys. He was in charge of the night-time care of those boys and was directly responsible for their supervision and wellbeing.

Many years later, in 1996, the former deputy director of St Vincent’s Boys’ Home expressed criticism and dismay about Dowlan’s presence at the school. He spoke of the many residents of the home who had been sexually abused and often displayed overt and outrageous sexualised behaviour. He described the challenge of ‘getting these boys to a point where they would expect not to be abused’ and his dismay at discovering these endeavours could have been compromised by the presence of a man like Dowlan. 648

Dowlan’s appointment was not just irresponsible; it was also, as acknowledged by the Church parties, inexcusably wrong649 and exposed more children to the risk of sexual abuse by Dowlan. It was a complete failure by the Christian Brothers to protect the most vulnerable children in their care.

**Dowlan resigns from St Vincent’s Special School**

At the end of third term in 1990, Dowlan resigned from St Vincent’s Special School. 660

Documents in evidence reveal he was physically assaulted by students on at least two occasions at the school.651 According to a note by Dowlan, he finished at the school following one of these assaults and after being told he ‘would have to go to court to answer questions about “over stepping my bounds as a headmaster”. This was the last straw. I had had enough’. 662

**The Christian Brothers appoint Dowlan to Catholic Regional College**

After finishing at St Vincent’s Special School late in 1990, in 1991 Dowlan was appointed as a classroom teacher to the Catholic Regional College in Geelong. 653

By this time, Brother Noonan was the provincial of St Patrick’s Province, having replaced Brother Chappell in 1990.654 Before his appointment, Brother Noonan had been a member of the provincial council and knew of earlier reports about Dowlan’s conduct. 655

Once again, Dowlan was given another role within a school environment where he had access to children even though Brother Noonan and members of the provincial council knew of allegations about Dowlan’s sexual misconduct with children dating from 1985.

We agree with the Church parties that the appointment of Dowlan to yet another school position, in spite of the allegations against him which were known to the Christian Brothers, was inexcusably wrong. 666 It should never have occurred.
Dowlan is removed from teaching upon police enquiries

Despite suggestions to the effect that Dowlan’s behaviour with children was sexually inappropriate coming to the attention of the leadership team through the St Mary’s community in Geelong, Dowlan was only removed from his position as class teacher at the Catholic Regional College in Geelong towards the end of 1993 after the Christian Brothers received calls from the police.657

Dowlan was first interviewed by police on 17 August 1993.658 He was convicted in 1996 of 18 counts of child sexual offences committed between 1971 and 1982. He was sentenced to nine years and eight months’ imprisonment.659 In 2015, Dowlan (who had by that stage changed his name to Ted Bales) was convicted of a further 34 counts of child sexual offences against 20 boys between 1971 and 1985.660

In 2000, the Christian Brothers wrote to Dowlan in prison asking him to write down his understanding of the processes he used which ended up in his sexually abusing children.661 Dowlan responded:

I would spend some time trying to break down the barriers of the teacher–student relationship. Once I felt that I had been accepted, I would then try to get closer by putting my hand on their shoulder, giving them a hug, patting them on the thigh or the backside. As well as these physical things I would also verbalise my feelings towards them by telling them that they were a sensation, that they were doing great work and that in some cases that I loved them. ...

After the initial groundwork had been done and I thought I had got the victim’s trust I would then seek a chance to get them alone. Once I had them alone, I would use such excuses as, ‘Looking at some work’ or ‘Having to correct them over some misdemeanour’ to get close to them. I would again use some of the physical or verbal responses already mentioned before beginning to abuse them.662

He continued, ‘When these offences occurred I was a lonely person who had a very low self-esteem. When I offended against the boys I wanted to love them and wanting them to love me. My wanting to love them became inappropriate and I abused them’.663

Brother Brandon’s evidence about his knowledge of complaints

Brother Brandon was asked when he and the other members of the provincial council first started discussing concerns about Dowlan behaving inappropriately in a sexual way with students. He responded:
That’s difficult for me to know quite precisely. What I can say, is that, we did know in absolute terms in 1993, and there was innuendo prior to that, prior to the police action in 1993, towards the end of 1993, but prior to that there was nothing by way of formal complaint.664

In 2009, Brother Brandon wrote to Mr Joe Bucci at CCI that the first knowledge that the provincial council had of allegations of sexual abuse made against Dowlan was August 1993. He then wrote, ‘Note: This was really the date of the first knowledge of any real substance that the Provincial Council of the day had in relation to any cases of alleged sexual abuse at the hands of any Christian Brothers in what was then St Patrick’s Province’.665

Brother Brandon agreed that by 2009 he knew that there were at least four matters predating 1993. He said in relation to the email:

What I’m saying here, is that, we didn’t have any formal complaints raised with us; that’s all … The ‘any real substance’ is meant to refer to specific complaints raised by an individual where those specific complaints had to be addressed.666

Brother Brandon agreed that his letter to Mr Bucci ‘didn’t cover the whole story’ but said this was ‘[n]ot by design’.667 He gave evidence that he was being honest and ‘truthful to the best of [his] consciousness’.668 He said the context in which this email was written was at speed in response to a telephone enquiry about ‘firm sort of complaints that had been raised with the Brothers’.669

The Church parties accepted that Brother Brandon’s email to Mr Bucci did not cover the whole story. However, they submitted that Brother Brandon’s email was not intentionally misleading. They said the likelihood that in 2009 when responding promptly to a phone call Brother Brandon specifically adverted in his mind to those earlier reports must be very remote.670

Nevertheless, the distinction posited in Brother Brandon’s evidence between formalised and other complaints of child sexual abuse against Brothers has the effect of putting an onus on victims and others to raise concerns in a particular way. There could be no reasonable basis for thinking that complainants would be aware of such a requirement. The distinction that Brother Brandon drew between formal and informal complaints was a retrospective attempt to justify no action being taken on those complaints classed as informal.

This kind of formalistic requirement ignores and serves to overcomplicate the basic responsibility of the provincial council to investigate all complaints, allegations or suspicions of child sexual abuse against a Brother, regardless of how they are made.

As conceded by Brother Brandon in his evidence, his email to CCI in 2009, in which he wrote that August 1993 was the date of first knowledge of any real substance that the provincial council had in relation to alleged sexual abuse by Dowlan, ‘didn’t cover the whole story’. 
Brother Brandon’s comments in this email were misleading. It did not convey the true position that the provincial, Brother Chappell, and members of the provincial council had been aware of allegations, complaints and rumours of Dowlan’s sexual misbehaviour with children from at least July 1985.

**The Christian Brothers’ treatment of complainants in the criminal proceedings**

In the mid-1990s, the Christian Brothers engaged a private investigator, Ms McNeight, to investigate the complainants in the criminal proceedings against Dowlan. Ms McNeight was engaged by solicitors Doyle Considine in Geelong, who acted for Dowlan on behalf of the Christian Brothers.671

Ms McNeight visited at least two victims, including Mr Woods, who gave evidence to us. He described being outraged by the encounter.672 Ms McNeight reported to her instructors that the complainant’s credibility could be ‘very easily destroyed as he has had enormous emotional problems all his life’.673 She also reported that the complainant’s mother ‘would be very easily torn apart in the witness box’.674

Ms McNeight visited another victim who became very upset afterwards. As a result, his psychologist called Ms McNeight and told her not to visit the man and he had attempted suicide the previous week.675

Brother Brandon acknowledged in his evidence that the strategy which was adopted put victims under stress and was potentially injurious to victims and others in the community.676 He apologised for such a strategy being adopted and that victims were subjected to undue stress as a consequence.677 We agree with Brother Brandon that such a strategy was potentially injurious to victims and subjected them to undue stress.

### 3.7 Peter Toomey

In this part of the report we consider the knowledge of the Christian Brothers about, and their response to, allegations and complaints about Toomey during his time teaching in Ballarat and in subsequent teaching appointments.

In accordance with the Royal Commission’s Terms of Reference and Practice Guideline 1, during the public hearings of Case Study 28 Toomey was given the pseudonym ‘CCJ’ so as not to prejudice then current criminal proceedings against him for child sexual offences. Following the completion of those criminal proceedings, the pseudonym direction of the Royal Commission was vacated.
Toomey was born in 1949. He entered the Christian Brothers juniorate in 1966 and the novitiate in 1968. His first appointment was in 1971, when he taught at St Joseph’s College in Geelong.678

### Problems arise for Toomey at Trinity Regional College Brunswick

In 1973, Toomey was moved from St Joseph’s College to Brunswick in Melbourne, where he taught at Trinity Regional College.679

Brother Naughtin was the provincial of St Patrick’s Province at the time. Brother Len Francis was the superior of the Brunswick community and principal of Trinity Regional College.680

### The provincial is informed of an ‘indiscretion’ with a boy in 1973

In July 1973, Brother Ronald Stewart, a member of the provincial council, conducted a visitation of Brunswick. His report of that visitation records that Toomey found the first term very difficult and that ‘During this unsettled period there was an indiscretion with a boy of which he realises the seriousness, and it would seem that a repetition is unlikely ... Brother Toomey is now better in his attitude, he has a good influence with his pupils’.681

While the specific conduct is not known, the plain inference from the wording of the report is that the indiscretion related to sexual misconduct and Toomey admitted the conduct.

We are satisfied that in July 1973 the provincial, Brother Naughtin, and at least one member of the provincial council, Brother Stewart, were aware that Toomey had had an ‘indiscretion with a boy’ at Trinity Regional College in Brunswick.

There is no evidence that any action was taken in relation to Toomey’s conduct. Toomey was not removed from the school or from contact with children – he remained at Brunswick for a further 18 months, until the end of 1975.682 During this time, further allegations emerged.

We agree with the Church parties that the absence of any investigation or follow-up by the provincial on receiving this information was completely inadequate and unsatisfactory. They also acknowledged that the failure to remove Toomey from Trinity Regional College was inexcusably wrong.683 It clearly was.

### Brother Francis receives an allegation from a student in 1973

BWT was a student at Trinity Regional College in 1973. Neither BWT nor his parents gave evidence to the Royal Commission.
A document in evidence records that in 2006 BWT contacted the Christian Brothers and reported an incident which occurred in 1973. According to BWT, in 1973 he told his parents that he had been sexually abused by Toomey. His parents immediately withdrew him from the school. BWT and his parents attended a meeting with Brother Francis. BWT said he explained to Brother Francis ‘what had been happening’. He was asked to leave the room and Toomey was called in. Toomey denied the allegations. The specifics of the allegation that BWT said he reported to Brother Francis in 1973 are not known.

BWT went on to become a complainant in criminal proceedings against Toomey in 2005. Toomey pleaded guilty to one count of indecent assault in respect of BWT, for which he received six months’ imprisonment.

Brother Brandon asked Brother Francis about the incident in 2006. Brother Francis could not recall BWT or the meeting; however, he did not deny the incident. Brother Francis is now deceased. Brother Brandon concluded that ‘on the balance of probabilities [the meeting] would seem likely to have occurred’.

We are satisfied that BWT and his parents complained in 1973 to Brother Francis that he had been sexually abused by Toomey. By 2006, Brother Francis was 80 years old, and his lack of recall is not surprising. The Church parties did not submit that BWT’s account should be disbelieved.

There is no evidence that Brother Francis reported BWT’s complaint to the provincial or took any other action in relation to it. Certainly, Toomey remained at Trinity Regional College until the end of 1975 and, as accepted by the Church parties, this was inexcusably wrong. It is not known whether BWT’s complaint is the same ‘indiscretion’ with a boy referred to in the July 1973 visitation report discussed earlier.

**Brother Francis learns of Toomey ‘speaking freely of sex’**

Sometime between 1973 and mid-1975, Brother Francis recorded in a handwritten note that Toomey had ‘on two or three occasions earlier in the year been very unwise in speaking freely of sex and asked too personal questions of boys and was too familiar in his touching of the boys. He seems to have avoided such actions since’. Toomey was still at Trinity Regional College at that time.

We are satisfied that Brother Francis reported Toomey’s behaviour to the provincial, Brother Naughtin. Brother Francis’ handwritten note is formal in tone, which suggests it was a report by him as superior to the provincial. The Church parties did not dispute that it was likely that Brother Francis reported the concern to Brother Naughtin.
The Christian Brothers transfer Toomey out of Brunswick and appoint him to further teaching positions

Toomey was removed from Trinity Regional College at the end of 1975.

Even though Brother Francis knew of BWT's allegation and that Toomey had spoken ‘freely of sex’ between 1973 and 1975, and the provincial, Brother Naughtin, knew of an ‘indiscretion’ with a boy in 1973, Toomey was given another appointment at a school. He commenced at Parkville in Victoria in January 1976.693

After only six months at Parkville, Toomey was transferred to another teaching position at Forest Hill. He was moved again in 1977, when he was appointed to the teaching staff at Cathedral College in East Melbourne.694

The Church parties acknowledged that it was inexcusably wrong for Toomey to be appointed to further school roles given what the Christian Brothers knew about his conduct at Trinity Regional College. We agree.

The provincial learns that Toomey is conducting sex education classes

In 1978, a year after his appointment to Cathedral College in East Melbourne, Brother Naughtin was informed that Toomey was organising the choir, altar boys and the school’s ‘Sexuality Programme’.696

The following year, Brother Naughtin was informed that Toomey was conducting ‘progressive’ sex education classes at the school.697 In 1981 he was informed that Toomey ‘spends a considerable amount of time counselling the boys’.

Brother Naughtin knew that only a few years earlier Toomey had been involved in an ‘indiscretion’ with a boy at Trinity Regional College in 1973.698 He also knew about Toomey’s speaking freely of sex and being too familiar in his touching of boys in 1975.699

We are satisfied that it was obvious, in light of the information Brother Naughtin received in 1978, 1979 and 1981 about Toomey conducting sex education classes, organising the choir and altar boys and spending considerable time counselling the boys, that Toomey had ongoing access to children. It was also obvious that Toomey was not an appropriate person to be involved in sex education classes. There is no evidence that, on receiving these reports, Brother Naughtin took any steps to prevent Toomey from continuing to organise sex education classes or otherwise restrict his access to children. Toomey remained at Cathedral College for a further two years, until the end of 1981.700
In not taking any action, more children were placed at risk of sexual abuse by Toomey. The reputation of the Christian Brothers was prioritised over the welfare of children to whom Toomey had access and, as recognised by the Church parties, this was inexcusably wrong.\textsuperscript{701}

**Toomey is transferred to St Patrick’s College, Ballarat, in 1982**

Despite Brother Naughtin knowing of the matters set out above, he appointed Toomey to St Patrick’s College in Ballarat in 1982.\textsuperscript{702} Toomey was appointed as a boarding master and teacher.\textsuperscript{703}

By 1982, Brother Nangle was no longer the superior of the St Patrick’s community – Brother R Matthias Miller had taken his place.\textsuperscript{704}

As the Church parties have accepted, it was inexcusably wrong for Toomey to be appointed to further school roles\textsuperscript{705} given what the Christian Brothers knew about his sexual misconduct with children at Trinity Regional College.

**Allegation that Toomey sexually abused a boy at St Patrick’s College in 1983**

We heard evidence that Toomey sexually abused Mr Andrew Collins at St Patrick’s College in 1983, when Mr Collins was 14 years old. Toomey was his form 3 teacher.\textsuperscript{706}

Mr Collins told us that the day after the sexual abuse he spoke to his home room teacher, Brother Shane Lavery. He told him what had happened with Toomey,\textsuperscript{707} and Brother Lavery told him to stay away from Toomey ‘because he’s a pervert’.\textsuperscript{708}

Brother Lavery was notified of Mr Collins’ statement and did not seek leave to appear or otherwise respond. However, an email from him to Brother Brandon in 2014 records his response to Mr Collins’ account.\textsuperscript{709} In the email, Brother Lavery said he did not remember Mr Collins ever reporting the incident to him. He also said that ‘while I might well have advised him to stay away from Brother [Toomey], I doubt I would have called Brother [Toomey] a pervert’.

He said that, if it had been reported to him, he would have reported it to the principal, as he had done on another occasion when a student complained about a teacher.\textsuperscript{710}

The Church parties submitted there is insufficient evidence to find that Mr Collins reported the sexual abuse by Toomey to Brother Lavery.\textsuperscript{711}

We consider it important that, while Brother Lavery did not remember the report from Mr Collins, he had had sufficient recall that he ‘might well have advised him to stay away from Brother [Toomey]’. 
We are satisfied that Brother Lavery advised Mr Collins to stay away from Brother Toomey. It is likely that Brother Lavery gave that advice in the circumstances described by Mr Collins.

**Toomey is transferred to the Holy Spirit Province, Western Australia**

Brother Chappell became the provincial of St Patrick’s Province in 1984, after Brother Naughtin retired.\(^{712}\)

Toomey remained in Ballarat until 1986, when he was transferred to St Joseph’s College in Geelong. By 1988, he was the superior of that community.\(^{713}\)

In June 1989, Toomey began attending a course at Holyoake in Western Australia for treatment of alcohol and drug use.\(^{714}\) While he was at Holyoake, Toomey tutored illiterate 15- to 18-year-old Aboriginal children at Clontarf.\(^{715}\)

In May 1990, the acting provincial of Holy Spirit Province requested a copy of Toomey’s personnel sheet, which was sent. However, the evidence we have does not establish whether the Christian Brothers authorities in St Patrick’s Province informed the Christian Brothers authorities in Holy Spirit Province of the allegations of child sexual abuse that had been made against Toomey.

**Toomey is appointed to a teaching position at Kearney College, where allegations emerge**

After finishing his course at Holyoake in December 1989,\(^{716}\) Toomey moved to Bindoon, Western Australia. The provincial of Holy Spirit Province at the time was Brother Faulkner.

Toomey was given an appointment as teacher and deputy headmaster at Kearney College, Bindoon, in 1990.\(^{717}\) He also assisted with supervising the year 9 dormitory.\(^{718}\)

**The principal reports a number of incidents to the provincial**

In late July 1994, the principal of Kearney College, Brother Laurie Negus, provided a report to Brother Faulkner of a report of ‘unsuitable and abusive language being used by Toomey to some students and other incidents’.\(^{719}\) The incidents reported by Brother Negus dated back to 1993 – a year earlier.

One of those incidents occurred in 1993, when a year 9 boarder told Brother Negus that he did not like the way Toomey ‘grabbed him sometimes when they were play wrestling, or once when he (Brother Toomey) was tickling him when waking him up on his bed’.\(^{720}\)
Toomey admitted the conduct to Brother Negus in an interview, although he claimed there was no sexual intention. He described it as a ‘gotcha’, which involved grabbing of the testicles. Brother Negus was satisfied with this explanation and warned Toomey about future compromising situations.\textsuperscript{721}

Although Brother Negus noted that, since that episode, there were no further reports from students about sexual interference by Toomey, Brother Negus reported that another boy had written graffiti which ‘very much implied that Toomey had interfered with boys’.\textsuperscript{722} Brother Negus also raised concerns about Toomey’s drinking and allegations of physical violence toward students.\textsuperscript{723}

**The provincial asks Toomey to leave Kearney College**

A few months after Brother Negus reported these incidents, in October 1994, Brother Faulkner held a meeting with Toomey. A file note of the meeting records that he asked Toomey to withdraw from Kearney College given the ‘current situation’, including ‘conflict Negus – Toomey’.\textsuperscript{724} The file note did not explain the conflict.

We are satisfied that Toomey was asked to leave Kearney College as a result of the incidents that Brother Negus reported to the provincial.\textsuperscript{725}

There is no evidence to suggest that Brother Faulkner took any other action on the concerns that Brother Negus raised. As the Church parties recognised, the absence of any investigation or follow-up by Brother Faulkner on the information in Brother Negus’ report was completely inadequate and unsatisfactory.\textsuperscript{726}

**Toomey takes a sabbatical year and studies ‘Art Therapy’**

Brother Faulkner informed the chairman of the Kearney College Board in October 1994 that Toomey would not be teaching at Kearney College in 1995, because he was due for a sabbatical year. It is likely that the true reason was the incidents reported by Brother Negus. However, Brother Faulkner did not reveal this information to the chairman.\textsuperscript{727}

Toomey used his sabbatical year to study ‘Art Therapy’.\textsuperscript{728}

**Toomey is given further teaching appointments in Western Australia**

In 1997, Brother Anthony Shanahan was the provincial of the Holy Spirit Province, Western Australia.\textsuperscript{729}
At that time, Toomey was completing his art therapy course in Perth. In a file note of a visitation interview with Toomey in August 1997, Brother Shanahan recorded that he agreed to approach several schools on Toomey’s behalf to offer his assistance with pastoral care, counselling and special education on a part-time basis. From 1997 until 2000, Toomey assisted as a teacher and engaged in ‘art therapy’ at three schools – Catholic Agricultural School Bindoon, Christian Brothers College Fremantle, and Christian Brother Agricultural School Tardun. Brother Shanahan was not asked to give evidence.

A later report of a visitation interview in June 1999 records that Toomey had been receiving monthly supervision, ‘and then it was to become “on a needs basis” and has effectively ceased’. We infer that Toomey was being supervised because of his past misconduct.

As the Church parties acknowledged, for Toomey to be appointed to positions within these schools, despite the matters raised and documented by Brother Negus in 1994, was inexcusably wrong. It placed students at those schools at risk of sexual abuse by Toomey.

The Christian Brothers receive a complaint from a former St Joseph’s College student

In August 2000, while Toomey was still teaching part-time at various schools in Western Australia, the principal of St Joseph’s College in Geelong received a complaint about Toomey from a former student, BWR.

By this time, Brother Godfrey was the provincial of St Patrick’s Province.

BWR had been a student at St Joseph’s College in 1972, during Toomey’s first teaching appointment at the school between 1971 and 1973. In August 2000, BWR informed the principal of several incidents of sexual abuse by Toomey with boys in the classroom and said that, in his opinion, Toomey should not be permitted to have contact with children.

The following day, Brother Godfrey was informed of the information BWR had provided and the principal’s view that BWR’s opinion about Toomey was well founded.

BWR’s report prompted a meeting between the Christian Brothers authorities of St Patrick’s Province and the Holy Spirit Province the following month. It was planned to refer Toomey to Encompass Australasia (Encompass) – a treatment facility established by the Australian Catholic Bishops Conference to treat clergy and religious.

In a subsequent meeting in September 2000 with Brother Ryan from the Holy Spirit Province, Toomey made partial admissions in respect of BWR’s allegations. He accepted that he had been ‘over familiar and invasive’ during sex education classes and did not deny demonstrating masturbation using his hand. Toomey’s partial admissions were reported to the province leadership team (formerly the provincial council).
Despite the allegations that BWR raised, which Toomey had in part admitted, the Christian Brothers did not immediately remove Toomey from his teaching positions in Western Australia. He continued to teach until the end of 2000.741

We agree with the Church parties that it was inexcusably wrong for the Christian Brothers authorities in the Holy Spirit Province to allow Toomey to continue teaching children, in spite of their knowledge of BWR’s allegations, Toomey’s admissions and Brother Negus’ earlier report of improper conduct in 1994.742

The Christian Brothers refer Toomey to Encompass for treatment

After seeing out the teaching year in 2000, in 2001 Toomey was sent to Encompass for treatment.743

He completed a six-month treatment program in October 2001.744 Encompass recommended to the Christian Brothers authorities in the Holy Spirit Province that Toomey not engage in counselling or art therapy in any form, or in any relationships with children, adolescents or vulnerable adults.745

Toomey is convicted of child sexual abuse offences

By August 2002, Toomey was being investigated by the police.746

In November 2005 he was convicted of 10 charges of indecent assault against a number of students at Trinity Regional College in Brunswick in the 1970s and was sentenced to 27 months’ imprisonment, 21 of which were suspended.747

3.8 Conclusions about the response of the Christian Brothers to allegations and complaints of child sexual abuse

In the early to mid-1970s there were widespread rumours about the Christian Brothers’ sexual misconduct around boys and those rumours were known by many, if not most, of the students in St Alipius and St Patrick’s College.

The response of those in positions of authority within the Christian Brothers in St Patrick’s Province to victims, their families or others in the community to these rumours as well as complaints of sexual abuse was grossly inadequate.
On some occasions, the response to allegations or reports of Christian Brothers conducting themselves in a sexually inappropriate manner with children was dismissive. Questions were not asked and details not sought, when they should have been. Few investigations were undertaken.

For example, in relation to Dowlan, we are satisfied that there was no effective response to any of the many reports or complaints in order to manage the risk to children that Dowlan posed. Brother Nangle consistently and unreasonably declined to obtain the details of such reports and complaints.

Often, the Christian Brother in question was allowed to remain in the position he held where the allegations arose, with continuing access to children.

On many occasions, the Brother was moved to a new location after a complaint or allegation was made about his conduct. In some cases, the reason given for the move was to conceal the true reason for it and to protect the reputation of the Christian Brothers and avoid scandal and embarrassment.

Whether the Brother remained in place or was moved, few effective restrictions were placed on his movements.

The Christian Brothers did not share information about allegations or complaints of child sexual abuse against Christian Brothers when that information should have been shared.

It is clear that the systems and procedures in place which permitted each of these to occur were inadequate and unacceptable. However, the poor response was not restricted to the 1970s. When interviewed in more recent times about knowledge in the 1970s, Brother Nangle, a superior, and Brother Naughtin, a member of the provincial council, were not truthful, were deliberately not forthright and frank or were misleading in the answers they gave to their insurer or the police.

We are satisfied that the Christian Brothers, similar to other Catholic orders, have a structure in which ultimate power and responsibility rests with one person: the provincial. A system without checks and balances has the obvious potential for mismanagement or abuse of that power and neglect of that responsibility.
4 The Catholic Diocese of Ballarat

In this section we discuss the knowledge and response of the Catholic Diocese of Ballarat (the Diocese) – in particular, the former bishop of the Diocese, Bishop Ronald Mulkearns, and the diocesan consultors – to allegations of child sexual abuse against priests of the Diocese. We also consider the experiences of survivors and the short-term and long-term impacts of child sexual abuse on them, their families, their faith and the wider Ballarat community. These issues were examined in Parts One and Two of the public hearing.

The Diocese was established in April 1874 and covers a geographic area of about 58,000 square kilometres – about half the State of Victoria. It extends to the South Australian border in the west, the Murray River at the New South Wales border in the north and the Southern Ocean in the south.\(^{748}\)

The main population centres are the city of Ballarat, which lies close to the eastern boundary of the Diocese, Warrnambool and Mildura.\(^{749}\) The Diocese currently has 51 parishes, served by 34 priests.\(^{750}\)

Our inquiry considered four priests in the Diocese who have been convicted, or have been the subject of allegations, of child sexual abuse:

- Monsignor John Day
- Gerald Ridsdale
- Paul David Ryan
- Robert Claffey.

The focus of our inquiry was the knowledge of the bishop of the Diocese, principally Bishop Mulkearns, and the diocesan consultors of allegations and complaints about these four priests. We also considered the response of the bishop and his consultors to those allegations and complaints.

The period under consideration spanned almost 30 years, from the late 1960s through to the early 1990s. We heard evidence from 10 priests who, at one time or another during this period, were members of Bishop Mulkearns’ College of Consultors or attended consultors’ meetings in the role of bishop’s secretary.

We also heard evidence from Bishop Mulkearns. We did so under time restrictions, due to the bishop’s poor state of health. Bishop Mulkearns passed away before his evidence could be completed.

We heard evidence nine of survivors of sexual abuse by clergy in the Diocese. The majority of those survivors gave evidence that they were sexually abused by Ridsdale.
4.1 Structure and governance

The organisational structure of the Diocese, and the roles and responsibilities of various office holders, was considered. A brief description of that structure, and the roles within it, is set out below.

The Diocese and parishes

The Catholic Church in Australia organises itself into dioceses and archdioceses, which are territorially defined areas. Neighbouring dioceses are grouped into ‘provinces’, which are usually grouped around a larger or older city, which is called an archdiocese. There are five ecclesiastical provinces in Australia – Adelaide, Brisbane, Sydney, Melbourne and Perth.

Each diocese is autonomous and independent of the others, and no diocesan bishop or archbishop has authority or power over another.

Within a diocese, a bishop establishes parishes, which are smaller areas within that diocese. Parishes are led by the parish priest, who is appointed by the bishop to oversee the pastoral care of the parish.

The diocesan bishop

The bishop or archbishop is the most senior officer in a diocese or archdiocese. He exercises pastoral leadership over his diocese.

James O’Collins was Bishop of Ballarat from 1942 until 1971, when he retired.

Ronald Mulkearns came to Ballarat in 1968 as a co-adjutor bishop – effectively the bishop-in-waiting. He took over as Bishop of Ballarat in May 1971.

Paul Bird is the current Bishop of Ballarat. He took up that office in 2012.

The role and responsibilities of a diocesan bishop are set out in canon law. Critically, under canon law, the bishop has the exclusive authority to appoint, remove or transfer a priest in his diocese.
The bishop’s secretary

The bishop’s secretary is a priest appointed by the bishop to assist him with administrative tasks, such as attending meetings of the College of Consultors and taking the minutes (although he is not a consultor), assisting with finances and attending confirmations. Bishop Mulkearns also had a personal lay secretary who kept his diary and attended to other administrative tasks.759

Vicar general

The vicar general is second in charge of the diocese and able to act in the bishop’s name in his absence.760 His role is to generally assist the bishop in the governance of the diocese.761

The priests who held the office of vicar general during the period relevant to this case study were:762

• Monsignor L Conway (1959–1964)
• Monsignor John Gleeson (1964–1971)
• Father Francis Madden (1971–1976)
• Monsignor Leo Fiscalini (1976–1982)

Episcopal Vicar for Education

The bishop can appoint an episcopal vicar in relation to a specific part of the diocese or for a certain type of affairs. In Ballarat, Bishop Mulkearns appointed an Episcopal Vicar for Education as the bishop’s representative in all areas of education.763 Cardinal (then Father) George Pell held this role in the Diocese from 1973 until 1984.764

The functions of the role of Episcopal Vicar for Education are set out earlier in this report.

The College of Consultors

The College of Consultors is a group of priests appointed by the bishop to assist him in his governance of the diocese in various matters. Under both the 1917765 and 1983766 Code of Canon Law, the consultors do not have the authority to appoint, remove or transfer a priest – that authority rests with the bishop.767
Eleven current or former priests of the Diocese, who at one time or another were either consultors to Bishop Mulkearns or attended consultors’ meetings as the bishop’s secretary, gave evidence at the public hearing. While their experiences varied, the consistent effect of their evidence was that their role as a consultor was to give advice to the bishop on various matters he brought before them, including property matters and the appointment and transfer of priests.

The minutes

The bishop’s secretary was the secretary and minute-taker to the consultors and attended the consultors’ meetings in that capacity. He was not himself a consultor and did not participate in the meetings.

The meeting minutes were written in manuscript into the minute book. They were not distributed; rather, they were read out aloud at the next meeting for confirmation. The minutes generally recorded the outcomes of discussions but not the content of the discussions themselves.

Bishop Finnigan, a former bishop’s secretary to Bishop Mulkearns, told us he would not have recorded in the minutes anything about the individual suitability of priests for appointment, and he would have been concerned that the minutes not record any problems in the Diocese in the nature of sexual abuse of children.

4.2 Monsignor John Day

Monsignor Day was born in 1904 and ordained a priest in the Diocese in 1930.

He was assistant priest in a number of parishes until January 1951, when he was appointed parish priest of Apollo Bay. He held that position until July 1956, when he was appointed parish priest of Mildura.

Monsignor Day remained at Mildura parish for almost 16 years. In the early 1970s, a number of allegations emerged that Monsignor Day had sexually abused children in and around the parish during his time as parish priest.

In this part of the report, we examine what the Diocese and Victoria Police knew about those allegations and how they responded to them.

Monsignor Day died in 1978. At the time, he was the parish priest of Timboon. He was never charged with child sexual offences.
Mr Denis Ryan’s evidence

Mr Denis Ryan is a former detective senior constable with Victoria Police. He joined Victoria Police in 1952. Later that year he was stationed at St Kilda in Melbourne.775

In 1962, Mr Ryan and his family moved to Mildura from Melbourne for reasons associated with his sons’ health,776 and he was stationed at Mildura until his retirement from Victoria Police in 1972.777

Between 1970 and early 1972, Detective Senior Constable Ryan investigated allegations that Monsignor Day, who at the time was the parish priest at Mildura, had sexually abused a number of children in that parish. The circumstances leading to Mr Ryan’s retirement in 1972 are examined in this part of the report.

Mr Ryan was the central witness in relation to the response of Victoria Police to child sexual abuse allegations against Monsignor Day. He provided a statement and gave oral evidence to the Royal Commission.778 Mr Ryan was an impressive witness. In our view, he was honest and reliable and we accept his evidence. His evidence was not challenged by any party and it is consistent with relevant contemporaneous document. His evidence in relation to specific events is set out throughout this part of the report.

Victoria Police in the 1970s

Victoria Police’s knowledge, particularly during the early 1970s, of allegations of child sexual abuse against Monsignor Day at Mildura, and its response to those allegations, was a critical part of this inquiry.

Mr Mick Miller was the Chief Commissioner of Victoria Police from June 1977 until November 1987,779 and he gave evidence to the Royal Commission. While he did not have any direct involvement in the events concerning Monsignor Day at Mildura, he told us about the structure of Victoria Police in the early 1970s.

Mr Miller was an impressive witness. He was not challenged by any party, and we accept his evidence.

The chief commissioner and deputy and assistant commissioners

In 1971, there was a chief commissioner and one deputy commissioner of Victoria Police. Under the deputy commissioner were five assistant commissioners for different areas — Crime, Operations, Traffic, Personnel and Services.780
In October 1971, Mr Reginald Jackson was appointed chief commissioner. Mr Angus Carmichael, previously an assistant commissioner, was appointed his deputy commissioner.\textsuperscript{781}

Mr Miller was appointed Assistant Commissioner (Operations) – a position he held until 1976.\textsuperscript{782} In that role, he was responsible for the day-to-day operational activities of all uniformed police in metropolitan and country districts in Victoria. He was also responsible for the performance of detectives and traffic police stationed in country districts in Victoria.\textsuperscript{783}

**Country districts and superintendents**

In 1971, there were 12 country districts in Victoria, and within each district there was a superintendent under the assistant commissioners.\textsuperscript{784}

The superintendent of Swan Hill oversaw the north-western district of Victoria, including Mildura.\textsuperscript{785} Detectives and traffic police in country districts were accountable to the superintendent of that district.\textsuperscript{786}

**Criminal Investigation Branches (CIBs)**

The Criminal Investigation Branch (CIB) at Mildura was separate from the Uniform Branch at Swan Hill. When Detective Ryan was in Mildura, a uniform inspector was in charge of the station. There was a senior sergeant under him and three or four sergeants below that.\textsuperscript{787}

Detective Sergeant Jim Barritt of Mildura CIB was also central to events that occurred in Mildura involving Monsignor Day. Detective Ryan reported to Detective Sergeant Barritt.\textsuperscript{788}

Although Detective Sergeant Barritt came under the superintendent in the Uniform Branch in Swan Hill, Mr Ryan described him as ‘more or less his own boss in Mildura’.\textsuperscript{789}

**Sectarianism in Victoria Police**

Mr Ryan told us there was a ‘vast degree of sectarianism within the police force’ when he joined.\textsuperscript{790} He said that in 1958 or 1959 members of the police – mostly Catholics – used to meet at O’Connor’s Hotel in Spencer Street, Melbourne.\textsuperscript{791}

On one occasion, a detective sergeant who Detective Ryan knew to be a practising Catholic asked him if he would be interested in joining their Catholic group to look after the interests of the Cathedral in relation to priests getting into some form of trouble.\textsuperscript{792} Detective Ryan
understood him to mean that if a priest was caught driving under the influence or other simple street offences ‘then you were to see if you could speak to the arresting constable or someone you knew and have the case dropped or forgotten about’.793

Detective Ryan thought about this for a short time and, some weeks later, told the detective sergeant that he did not want to join their Catholic group.794 He said, ‘I did so because I was sworn in as a policeman for the State of Victoria, and my religion was my affair. I wasn’t going to use it to cover up crime’.795

Mr Miller told the Royal Commission that while he was in Victoria Police he ‘heard stories about Catholic clergy being let off by Victoria Police in investigations not related to child sexual abuse’. However, he said he had no personal knowledge of this and did not know of the existence of a group of Catholic police officers who protected priests while he was there. 796

Relationship between Monsignor Day, Detective Sergeant Barritt and the clerk of the courts in Mildura

There was evidence that Monsignor Day had a close relationship with Mildura policeman Detective Sergeant Barritt.

There was also evidence that both Monsignor Day and Detective Sergeant Barritt were close to Mr Joe Kearney, who at the time was the clerk and most senior officer of the courts in Mildura.797 Mr Kearney was also a Catholic.798 The three men were described to us as ‘highly involved’ in the running of the parish.799

Father Gerald Baldock was a priest in the Diocese until his retirement in 2009.800 He said in a statement to us that between 1963 and 1971 he was a seminarian in Adelaide801 but would spend about a month in Mildura over the summers.802 Father Baldock told us that the very close relationship between Monsignor Day, Detective Sergeant Barritt and Mr Kearney ‘was reasonably well known in Mildura, and people would comment on it occasionally’.803

Father Daniel Arundell was ordained a priest in the Diocese in 1956.804 He served as assistant priest in the parish of Mildura between December 1963 and May 1968.805 At that time Monsignor Day was the parish priest. Father Arundell said that Mr Kearney and Detective Sergeant Barritt ’seemed to be … in cahoots with Father Day … in the way things could be done in the parish’806 and that they regularly visited Monsignor Day at the presbytery.807

Detective Sergeant Barritt and Mr Kearney are both deceased.
Allegations emerge about Monsignor Day’s conduct at Mildura

Detective Ryan’s first encounter with Monsignor Day in Melbourne

Mr Ryan recalled his first encounter with Monsignor Day while he was stationed at St Kilda in 1956. He and two other officers pulled over a vehicle driving erratically in St Kilda.808

He described three people on the front bench seat of the car. The driver was a well-known prostitute. Another prostitute was seated by the passenger window. Lying between them was a priest with his pants around his ankles and his genitals showing. An empty sherry bottle was on the floor.809

The other officers told the prostitutes to go, and they took the priest to St Kilda police station. The other officer called St Patrick’s Cathedral in Melbourne. Shortly after, two young priests arrived to take the priest away. The officer told Detective Ryan the priest’s name was ‘Day’.810

When he later asked the other officer why he did not charge the priest, he was told, ‘you don’t charge priests or you will be in more trouble than enough. You don’t pick fights that you can’t win, and you don’t charge a priest short of murder’.811

When Detective Ryan moved to Mildura in 1962, he immediately recognised Monsignor Day as the priest he had picked up with the prostitutes in St Kilda.812

Mr Howden reports concerns about Monsignor Day to Bishop Mulkearns

In 1970, Mr John Howden was a teacher at St Joseph’s College – a Catholic secondary school connected with Mildura parish.813 He gave a statement to the Royal Commission.

Mr Howden told us in December 1970 a man approached him at a Christmas party and said, with reference to Monsignor Day: ‘You’re a weak-kneed bastard, why haven’t you done anything about this criminal?’814 The man told Mr Howden that Monsignor Day had been sexually abusing ‘kids’.815

The following year, just before the parish annual general meeting, the principal of Sacred Heart Primary School in Mildura told Mr Howden that a phantom teacher was on the books of the school and that the salary of that teacher was going to Monsignor Day.816 The issue was raised at the annual general meeting, at which Monsignor Day was present, and he said it ‘caused chaos’.817
In August 1971, Mr Howden asked to see Bishop Mulkearns about Monsignor Day. At that time, Bishop Mulkearns had just been appointed Bishop of Ballarat, replacing Bishop O’Collins. Mr Howden said he was told this would be very difficult; however, he insisted and went down to Ballarat and saw the bishop. 818

He told Bishop Mulkearns about the ‘awful state of affairs’ in the Parish of Mildura involving the phantom teacher, although there is no evidence he told Bishop Mulkearns about the sexual abuse allegations. Mr Howden told us that Bishop Mulkearns ‘looked everywhere but at me, he made no eye contact at all. He was as responsive as a photograph’. 819

Mr Howden reports the allegations to Detective Ryan

Later in 1971, after his visit to Bishop Mulkearns, Mr Howden received another report about Monsignor Day, this time from the mother of a female student at St Joseph’s College. The mother came to see Mr Howden 820 and told him Monsignor Day had been harassing her daughter, BPI, and her daughter’s friend, BPZ, and that he had molested them in the car. 821

Mr Howden decided to ring Detective Ryan, although he did not know him well. Mr Howden asked him to come up to the college, as there was a matter he wished to discuss. 822

He told Detective Ryan not to tell Detective Sergeant Barritt, because he knew Detective Sergeant Barritt was close to Monsignor Day. 823

Meeting between Mr Howden, Sister Pancratius and Detective Ryan

Detective Ryan met with Mr Howden and Sister Pancratius, a teaching principal at St Joseph’s college, shortly after. 824 Mr Howden told the meeting that the mother of a student complained that Monsignor Day had indecently assaulted her daughter on a number of occasions. 825

According to Mr Howden and Mr Ryan, Sister Pancratius said, ‘I’ve known about Monsignor Day’s behaviour for some time now. It runs contrary to my vows of silence to say this to you, and I will never repeat what I have said from this moment forward’. 826

Mr Howden made an appointment for Detective Ryan to visit the girl, BPI, and her mother, Mrs BPY, the following day. 827

Mr Ryan said that Mr Howden then told him, ‘I wanted to speak with you. Not Barritt. Barritt has a very close association with Monsignor Day, I fear the complaint would have gone nowhere.’ 828 Detective Ryan told Mr Howden he would conduct the investigation himself. 829
Detective Ryan commences an investigation

Detective Ryan’s meeting with BPI in September 1971, at the instigation of Mr Howden, led to his obtaining five statements from children who all alleged they had been sexually abused by Monsignor Day. Mr Ryan told us that this was not a difficult inquiry – each victim ‘gave me another name, so it was like stepping stones’.830

BPI, who was a 17 year-old-student in form 5 at St Joseph’s College, alleged that eight years earlier Monsignor Day had touched her breasts five or six times while driving in his car.831
BPI said she told her mother about six months after it happened.832

BPI’s mother also gave a statement in which she said her daughter told her what Monsignor Day had done just after it happened.833 Mrs BPY stated that she told Sister Euphemia at the college.834

Detective Ryan then obtained a statement from another girl in BPI’s class, BPZ.835 When BPZ was 12 years old, she said Monsignor Day had placed her head against his erect penis while they were driving in his car.836

Mr Ryan went on to obtain statements from three boys who alleged they had been sexually abused by Monsignor Day while they attended Sacred Heart Primary School, the Catholic primary school connected to Mildura parish,837 and St Joseph’s College.

One of those boys, BUA, said that in 1957, when he was at a Sacred Heart Primary School, Monsignor Day had sexually abused him while they were driving in his car and when he slept in a double bed with Monsignor Day at Monsignor Day’s sister’s house.838

BUU said that in 1958, when he was in form 1 at St Joseph’s College, Monsignor Day had sexually abused him.839 BUE stated that from 1961, when he was in form 4 at St Joseph’s College, until 1963 he was sexually abused by Monsignor Day.840

Detective Ryan is ordered to cease his inquiries

In October 1971, the most senior officer in the district was Superintendent Jack McPartland. Superintendent McPartland was based at Swan Hill and he oversaw the north-western district of Victoria, including Mildura.841 Superintendent McPartland is deceased.

Detective Ryan knew Superintendent McPartland was a devout Catholic. Nevertheless, he expected Superintendent McPartland to support the investigation because he was far from Mildura, being based in Swan Hill.842
Detective Ryan approached Superintendent McPartland and told him he had five statements from ‘victims alleging that Monsignor Day has committed numerous acts of sexual assault, gross indecency and attempted buggery’.\textsuperscript{843}

Superintendent McPartland told Detective Ryan to give the statements to Inspector Alby Irwin immediately and to cease any further inquiries. He told Detective Ryan he was no longer involved in the investigation.\textsuperscript{844} At that time, Inspector Irwin was the senior uniform officer at Mildura. Mr Ryan told us he knew Inspector Irwin was Catholic and was close to Detective Sergeant Barritt.\textsuperscript{845}

Detective Ryan told Superintendent McPartland about the friendship between Detective Barritt and Inspector Irwin and said, ‘That will be the end of this inquiry.’\textsuperscript{846} Superintendent McPartland replied, ‘I have given you an instruction. I expect you to obey it.’\textsuperscript{847}

As instructed, Detective Ryan gave Inspector Irwin the five statements that he had taken from victims.\textsuperscript{848} He said that Inspector Irwin took the statements without saying a word.\textsuperscript{849} Inspector Irwin is deceased.

We are satisfied that Superintendent McPartland instructed Detective Ryan in October 1971 to cease any further inquiries into allegations that Monsignor Day had sexually abused children and that he was no longer involved in the investigation. We are satisfied that he was instructed to give the victims’ statements to Inspector Irwin, and he did so.

\textbf{Monsignor Day is interviewed by Inspector Irwin and Detective Sergeant Barritt}

About a month later, in November 1971, Inspector Irwin told Detective Ryan he and Detective Sergeant Barritt would be interviewing Monsignor Day about the allegations. Detective Ryan responded:

\begin{quote}
You’re taking Barritt with you? He’s Day’s best friend! That is contrary to everything you were taught as a detective. You are totally and completely compromising the investigation.\textsuperscript{850}
\end{quote}

Mr Ryan said this was the first time anyone in the police had spoken to him about Monsignor Day since he had given Inspector Irwin the first five statements.\textsuperscript{851}

When Inspector Irwin and Detective Sergeant Barritt interviewed Monsignor Day in November 1971, Monsignor Day denied all of the allegations.\textsuperscript{852}
Given that Detective Ryan had informed Superintendent McPartland and Inspector Irwin that Detective Sergeant Barritt was Monsignor Day’s ‘best friend’, it was highly inappropriate that Detective Sergeant Barritt was involved in the investigations of allegations of child sexual abuse by Monsignor Day. Detective Sergeant Barritt should not have been one of two officers who interviewed Monsignor Day about those allegations.

**Inspector Irwin recommends no further action**

Shortly after the interview, on 19 November 1971, Inspector Irwin wrote a report to Superintendent McPartland. He recommended that no further police action be taken on the matter.\(^{853}\)

Inspector Irwin set out the allegations against Monsignor Day and Monsignor Day’s response. He wrote:

> The persons sought to complain have failed, in their statements, to make any complaint to anyone at anytime; in view of the fact that these offences are indictable misdemeanours the boys concerned could be regarded as accomplices.

> I fail to see how the allegations made by the males could stand up in a Court of Law …

> There are numerous stated cases dealing with accomplices, corroboration and complaints which adequately cover the law on matters such as these, and which clearly indicate that it would be futile to proceed to a prosecution.\(^{854}\)

Inspector Irwin went on to cite comments from a case concerning a charge of bestiality:

> It is monstrous to put a man on his trial after such a lapse of time. How can he account for his conduct so far back? … No man’s life would be safe if such a prosecution were permitted. It would be very unjust to put him on trial.\(^{855}\)

**The chief commissioner is informed**

On 30 November 1971, Superintendent McPartland sent Inspector Irwin’s report recommending no further action to Chief Commissioner Jackson.

Superintendent McPartland told the chief commissioner that he agreed with Inspector Irwin’s conclusions – that those who made the allegations may be regarded as ‘accomplices, in need of corroboration’. He recommended that the brief be considered by a ‘competent legal authority’ to determine what action, if any, should be taken.\(^{856}\)
Detective Ryan and Mr Howden write to Bishop Mulkearns

Despite having been instructed to cease further inquiries, in early December 1971 Detective Ryan obtained two further statements. The first was from BUI, who was 15 years old and in form 3 at St Joseph’s College. In the statement BUI said that just before Christmas 1970 he had been sexually abused by Monsignor Day when he and another boy had spent a night at a motel in Halls Gap with Monsignor Day.\textsuperscript{857}

The second statement was from BUH, who stated that in 1965, when he was 15 years old, he was sexually abused by Monsignor Day during a trip to Melbourne.\textsuperscript{858}

Detective Ryan sent the statements to Inspector Irwin. In the covering letter he wrote, ‘I can see no offence in relation to the matter concerning BUH as the statutory period of 12 months has expired’. He also wrote, ‘Further enquiries are being made in relation to the matter concerning BUI’.\textsuperscript{859}

On 8 December 1971, Detective Ryan met Mr Howden at St Joseph’s College. It was the first time they had spoken since Mr Howden first told him of the allegations against Monsignor Day three months earlier.\textsuperscript{860}

Detective Ryan told Mr Howden that he had been ordered off the case and suggested that they write to Bishop Mulkearns.\textsuperscript{861} They did so that day.

They wrote to Bishop Mulkearns that, as a result of a complaint by a parent, investigations had revealed ‘widespread moral misconduct over a period of thirteen years’. They set out briefly the allegations of the children and attached the statements of BUH and BUI. They noted that Monsignor Day had been interviewed by police but the results of this interview were unknown.\textsuperscript{862} They also wrote:

\begin{quote}
All these happenings are general knowledge among the Catholic and non Catholic community in this area and if the existence of the Monsignor in this or any other parish continues it will no doubt do untold damage to the catholic faith.\textsuperscript{863}
\end{quote}

They concluded the letter by asking for a meeting between the bishop and ‘a delegation of menfolk’ from Mildura parish.\textsuperscript{864}

At that time, Bishop Mulkearns was still in his first year as Bishop of Ballarat. He replied to Detective Ryan and Mr Howden on 10 December 1971 in the following way:

\begin{quote}
I suggest that it might have been prudent, in view of the fact that the matter was already in the hands of the Police, to have awaited the result of that interview before stating as a fact that Monsignor Day had been guilty of immoral conduct over a period of years. I have been assured that the Police, who rightly take a very serious
view of charges of this type, have indeed investigated the accusations which have been made and that they have satisfied themselves that there is no substance to these charges. I am confident that they would certainly bring this matter to my attention officially if they were not completely satisfied.\textsuperscript{865}

Bishop Mulkearns’ diary shows that he had an appointment with Monsignor Day a week later, on 16 December 1971.\textsuperscript{866} It is likely, in our view, the appointment with Monsignor Day was to discuss the allegations with him.

We are satisfied that, by December 1971, Bishop Mulkearns understood the nature and seriousness of the allegations against Monsignor Day. He had at least two statements from children who alleged they were sexually abused by Monsignor Day, and he knew that Monsignor Day had been interviewed by police about those allegations. He knew the views of the principal of St Joseph’s College.

\textbf{Bishop Mulkearns relies on information from Mr Kearney that the allegations are without substance}

According to a police report prepared early in 1972, Bishop Mulkearns told police that Mr Kearney, the clerk of Mildura Magistrates’ Court, accompanied Monsignor Day to Ballarat to answer the allegations made by Detective Ryan and Mr Howden. The bishop told police that the information in his response to Detective Ryan and Mr Howden – that the accusations against Monsignor Day had been investigated by police and they were satisfied they were without substance – was given to him by Mr Kearney.

The Church parties submitted it was not unreasonable for Bishop Mulkearns to have accepted Mr Kearney’s assurance about the conclusions reached by police.\textsuperscript{867} We do not agree. Mr Kearney was not a member of Victoria Police and was not a direct source of information about the status of the police investigation. Given the gravity of the allegations, Bishop Mulkearns should have made his own enquiries with the police.

Bishop Mulkearns’ response to Detective Ryan and Mr Howden was consistent with an utter disregard for the safety and wellbeing of children in Mildura. It was consistent with a concern to protect the reputation of Monsignor Day and the Church and avoid scandal.

\textbf{Detective Ryan continues to investigate}

During December 1971 Detective Ryan obtained a number of further statements in relation to Monsignor Day. The statements contained serious allegations of sexual abuse of children by Monsignor Day.
Detective Ryan obtained a statement from BUO, who alleged he had been sexually abused by Monsignor Day in around 1957. At the time, BUO was 13 years old and in 5th or 6th class at Sacred Heart Primary School.868

BUJ, who had since become a police officer, provided a statement that he was molested by Monsignor Day in around 1964, when he was 13 years old in form 1 at St Joseph’s College.869

BUQ said in a statement that he too was sexually abused by Monsignor Day in 1965, when he was a student at St Joseph’s College.870

Detective Ryan also obtained a statement from the proprietor of the motel at Halls Gap where BUJ alleged he had stayed overnight with Monsignor Day. The proprietor said that a Mr J Day stayed a night in the motel with two boys aged about 14 and 16. He stated that he heard scuffling in the room, used his master key to enter and warned Monsignor Day about horseplay in the room.871

The chief commissioner is informed of the further complainants identified by Detective Ryan

By late December 1971, Chief Commissioner Jackson knew that Detective Ryan had obtained additional evidence. He wrote to Superintendent McPartland that he understood ‘further enquiries are being made concerning this matter by Detective First Constable Ryan who is presently in possession of additional evidence’.872

Superintendent Duffy replaces Superintendent McPartland and becomes involved in the investigation

Sometime in December 1971, Superintendent McPartland was transferred and replaced by Superintendent Harry Duffy. Mr Ryan told the Royal Commission that Superintendent Duffy was a staunch Catholic.873

At the end of the month, Superintendent Duffy visited Mildura Police Station in relation to the allegations against Monsignor Day. He interviewed Detective Sergeant Barritt and Detective Ryan, as well as other officers.874 Detective Ryan gave him the additional statements he had obtained detailing allegations of sexual abuse by Monsignor Day.875

Superintendent Duffy does not recommend prosecution of Monsignor Day

Superintendent Duffy reported to the chief commissioner on his meetings with the Mildura detectives a short time later, in early January 1972.876
Superintendent Duffy did not recommend approval of a prosecution of Monsignor Day. He told the chief commissioner that, having regard to the time when the offences were alleged to have been committed and the lack of corroboration, he did not think a prosecution would be successful.\textsuperscript{877} 

Superintendent Duffy also informed the chief commissioner of allegations that Detective Ryan made against Detective Sergeant Barritt. The allegation was that Detective Sergeant Barritt had been extorting money from persons alleged to have committed offences, and that money was paid to the Catholic Church.\textsuperscript{878} 

He wrote, ‘Sergeant Barritt is not aware of the allegations made by Senior Ryan. He is a friend of Monsignor Day and is convinced that the Priest is not a sexual offender’.\textsuperscript{879} 

Superintendent Duffy recommended to the chief commissioner that further inquiries be made into Detective Ryan’s allegations and that ‘consideration be given to having both members transferred from the Mildura district, which course I recommend’.\textsuperscript{880} 

\textbf{Chief Superintendent O’Connor and Detective Chief Inspector Child are appointed to investigate the allegations against Monsignor Day} 

In 1972, Chief Superintendent John O’Connor worked in the chief commissioner’s Special Investigation Office as the chief commissioner’s special investigator.\textsuperscript{881} Mr O’Connor is deceased. 

Superintendent O’Connor described this role as working on investigations at a high level, of a politically sensitive nature, or against police, as assigned by the chief commissioner.\textsuperscript{882} 

In mid-January 1972, he and another senior Victoria Police officer, Detective Chief Inspector Harvey Child, were called before Acting Chief Commissioner Carmichael.\textsuperscript{883} 

In or around 2006, the then Chief Commissioner of Victoria Police, Christine Nixon, responded to a letter from the Member for Mildura, Mr Russell Savage MLA, in relation to Mr Ryan’s resignation and the response of the police to his investigation of Monsignor Day. Chief Commissioner Nixon wrote: 

Since your letter, I have arranged for a comprehensive sworn statement to be taken from former Assistant Commissioner, Services Department, John O’Connor who worked as the Chief Commissioner’s Special Investigator in 1972. ...

Following examination of this extensive statement by former Assistant Commissioner O’Connor, I am completely satisfied with the conduct of the investigation into the Day matter and that Denis Ryan resigned from Victoria Police of his own accord.\textsuperscript{884}
Mr O’Connor prepared that statement in 2006, and it is referred throughout this report as the 2006 statement. In the 2006 statement he said:

The reason for me attending the Chief Commissioners [sic] Office at that time was as a result of a newspaper article from ‘the Truth’ which reported that an unnamed politician in the State Opposition had alleged that police command in Melbourne had ordered a halt to police investigations in Mildura in respect to a cleric’s sexual misconduct and that I was being assigned to carry out an investigation into this matter. This unnamed politician was purportedly an ex member of Victoria Police.885

Mr O’Connor stated, ‘As a result of this briefing, Detective Chief Inspector Harvey Childs [sic] and I were tasked to personally investigate the reported misconduct by Monsignor John Day ... who was the subject of inquiries by the Mildura CIB’.886

Detective Chief Inspector Child is also deceased.

Chief Superintendent O’Connor and Detective Chief Inspector Child meet with Detective Ryan

Within days of their appointment, Superintendent O’Connor and Detective Chief Inspector Child went to Mildura and spoke with Detective Ryan.

Mr Ryan told us he returned home from work one day to find Superintendent O’Connor and Detective Chief Inspector Child waiting for him.887 He said he knew Superintendent O’Connor was Catholic and that Detective Chief Inspector Child was a Mason.888

Superintendent O’Connor took Detective Ryan outside, while Detective Chief Inspector Child waited inside. Superintendent O’Connor said that he intended to have Detective Sergeant Barritt moved on and Detective Ryan made detective sergeant in Mildura.889

When Detective Ryan raised concerns this would first involve him having to go back to Melbourne to complete his sergeant’s exam (which would raise medical concerns for his sons), Superintendent O’Connor told him not to worry about that. He told Detective Ryan that he would not be forced back to Melbourne until he wanted to go, and he could ‘make it all happen for [Detective Ryan]’.890

When Detective Ryan asked for assistance regarding the Monsignor Day investigation and said that Detective Sergeant Barritt was too close to Monsignor Day, Superintendent O’Connor said:

Barritt’s gone. You’ll be my man up here. But you have to play ball with me on this one.891
Detective Ryan responded that it was not his intention to take Detective Sergeant Barritt’s position and that he wanted Monsignor Day to be thoroughly investigated.892

Mr Ryan told the Royal Commission that, after his initial meeting with Superintendent O’Connor, on two further occasions he told Superintendent O’Connor that he would like to be part of the inquiry into Monsignor Day and that he could get more victim statements. Each time, Superintendent O’Connor told Detective Ryan that he was not part of the inquiry.893 On the second occasion, Detective Ryan said he could ‘find a hundred more of Day’s victim’s in this district alone’, but Superintendent O’Connor told him that if he did not obey this direct order he would be subject to disciplinary action.894

In a statement he prepared in 2006, Mr O’Connor gave a different version of these events. Mr O’Connor stated that on 20 January 1972 he and Detective Chief Inspector Child advised both Detective Sergeant Barritt and Detective Ryan of the politician’s allegations, as reported in the newspaper, that the investigation had been halted by Police Command in Melbourne. According to Mr O’Connor, both Detective Sergeant Barritt and Detective Ryan denied having received such instruction from Command or anyone else.

Mr O’Connor stated that later that morning Detective Ryan arranged for nine youths ‘to attend the CIB offices’. Mr O’Connor said that he and Detective Chief Inspector Child interviewed the nine youths separately, and none knew of anyone who had made any allegations against Monsignor Day and none made any allegation that Monsignor Day had assaulted them. He also said Detective Ryan claimed not to have any statements from the youths or anyone else who had made allegations against Monsignor Day.895

However, the Royal Commission received into evidence 11 statements from alleged victims of Monsignor Day, and all but one were signed before 20 January 1972. Another contemporaneous document in evidence, which was Superintendent O’Connor’s own report of March 1972, refers to Detective Ryan’s investigations, including the statements he obtained.896

Mr Ryan told us this passage in Mr O’Connor’s 2006 statement was ‘totally fabricated’ and ‘a lie’.897 That claim is supported by the documentary evidence. We reject the account set out in Mr O’Connor’s 2006 statement. It follows that the chief commissioner was misled in relying on Mr O’Connor’s 2006 statement when writing to Mr Savage MLA.

We are satisfied that in January 1972 Superintendent O’Connor effectively offered Detective Ryan a promotion if he discontinued his investigations of Monsignor Day. We are also satisfied that Superintendent O’Connor deliberately prevented Detective Ryan from being involved in or continuing his investigation of the allegations against Monsignor Day.

On 24 January 1972, Detective Ryan obtained a statement from BUR, who alleged that, when he was approximately 11 years old in grade 5 or 6 at Sacred Heart Primary School, he was sexually abused by Monsignor Day.898
Chief Superintendent O’Connor and Detective Chief Inspector Child meet with Mr Howden

Mr Howden gave evidence that in late January 1972 Chief Superintendent O’Connor and Detective Chief Inspector Child also met with Mr Howden and another man, Mr Terry Lynch, who was a prominent parishioner and Mildura community member. They met in the beer garden of the Grand Hotel.  

Mr Howden told us he had not met either of the officers before. They told him they had been in Mildura all week making inquiries, and they were ‘appalled at the situation and manner in which Monsignor Day had been sexually abusing children’. The officers also told Mr Howden and Mr Lynch they were going to see Bishop Mulkearns in Ballarat to tell him that, if Monsignor Day was not moved forthwith, he would be charged.

Again, Mr O’Connor gave a different account in his 2006 statement. Mr O’Connor claimed he and Detective Chief Inspector Child went to a park with Detective Ryan, who introduced them to Mr Howden and a number of men who he believed were footballers. Mr O’Connor stated that ‘Our inquiries with these people did not produce any complaints in relation to the Monsignor apart from him spending too much money on the church and not enough on the school and other parish needs’.

Mr Howden’s evidence was not challenged, and we accept it.

We find Mr O’Connor’s account in 2006 improbable, and we reject it. Neither Mr Ryan nor Mr Howden gave evidence about this meeting, although both gave evidence of interactions with Superintendent O’Connor and Detective Chief Inspector Child in the days before and after 22 January 1972. Mr Howden’s evidence, on the other hand, was credible and consistent with contemporaneous reports of Superintendent O’Connor and Detective Chief Inspector Child visiting Bishop Mulkearns in late January 1972, considered below.

What clergy in Mildura knew of allegations against Monsignor Day

During his almost 16 years as parish priest of Mildura, Monsignor Day had a number of assistant priests, including Father William Melican, Father Arundell, Ridsdale, Father Daniel Torpy and Father Peter Taffe.

Father Peter Taffe’s knowledge of allegations against Monsignor Day

Father Taffe was an assistant priest at Mildura from May 1968 until May 1972. We excused Father Taffe from giving evidence on medical grounds.
Father Taffe tells Detective Ryan to drop the inquiry

Mr Ryan told the Royal Commission that in early December 1971 he was at the police station in Mildura when he was told someone in a car outside wanted to speak to him.\textsuperscript{903} When he went outside, he saw Father Taffe, who he knew had been a priest in Mildura for about three years.\textsuperscript{904}

Mr Ryan gave evidence that Father Taffe said to him, ‘Drop the inquiry into Monsignor Day or you’ll be out of a job’, and then drove off.\textsuperscript{905}

By early December 1971, a number of people knew that Detective Ryan was investigating Monsignor Day, including Bishop Mulkearns, Detective Sergeant Barritt, Mr Kearney and Monsignor Day himself. It is likely that one or more of these people informed Father Taffe of Detective Ryan’s investigations.\textsuperscript{906}

The Church parties did not question Mr Ryan about this conversation. The Church parties submitted that it is inherently unlikely that a junior assistant priest would have any power to cause, or any credibility to threaten, Detective Ryan’s job.\textsuperscript{907}

The Church parties submitted that we should not make any adverse finding about Father Taffe in circumstances where he was unable to give evidence for medical reasons.\textsuperscript{908}

We do not accept that Mr Ryan’s evidence should be rejected because Father Taffe was effectively incapable of carrying out the threat. Mr Ryan knew there were people in the Catholic and police communities who were unhappy with his investigation. It does not matter whether or not Father Taffe, as conveyer of the threat, could himself carry it out.

We accept Mr Ryan’s evidence about the conversation with Father Taffe. There is no evidence contradicting what Mr Ryan told us. Father Taffe’s version of events is not known.

We are satisfied that the only plausible interpretation of Father Taffe’s words was that, if Detective Ryan did not cease his investigation of Monsignor Day, his employment would be in jeopardy.

In our view, the likely reason for Father Taffe to convey such a threat to Detective Ryan was to protect the reputation of Monsignor Day and the Catholic Church.

Mr and Mrs BPA report the sexual abuse of their son to Father Taffe

Mrs BPA is a former resident of Mildura. She provided a statement to the Royal Commission about a complaint she and her husband made to Father Taffe and Bishop Mulkearns about Monsignor Day in 1972.
Mrs BPA met Monsignor Day when she lived in Mildura with her husband and children, before the family moved to Melbourne in December 1971.  

In early 1972, Monsignor Day came to stay with the family in Melbourne. Mrs BPA said during that visit Monsignor Day took her and her children to Lorne for the day. While they were in Lorne, Monsignor Day had a shower with her eldest son, who came out looking flushed. Mrs BPA thought something must have happened to him in the bathroom.

After Monsignor Day left, Mrs BPA and her husband asked their son if Monsignor Day had been abusing him. He broke down and said, ‘It’s just been awful. It’s true, Dad’.

Mrs BPA’s husband rang the Mildura presbytery and spoke to Father Taffe, who said, ‘I thought he was over all this’. Father Taffe then said he had to call the bishop. He told Mr BPA to expect a call from the bishop. When Bishop Mulkearns called, he spoke to Mr BPA and asked if he would be going to the police. Mr BPA told Bishop Mulkearns he would not put his child through that.

Many years later, Mrs BPA’s younger son told her he had also been sexually abused by Monsignor Day in Mildura when he was seven years old.

Father Taffe did not give evidence on medical grounds, and his response to Mrs BPA’s evidence is not known. We have no reason to disbelieve Mrs BPA and we accept her account.

We are satisfied that, around a month after Bishop Mulkearns had been informed of allegations in relation to seven victims of Monsignor Day by Detective Ryan and Mr Howden, he was informed of a further complaint of Monsignor Day sexually abusing a boy by that boy’s parent.

Father Daniel Torpy’s knowledge of allegations against Monsignor Day

Mr Torpy’s evidence

Mr Torpy is a former priest of the Diocese and a psychologist. He was Monsignor Day’s assistant priest at Mildura from January 1971 until February 1975.

He was a member of Bishop Mulkearns’ College of Consultors briefly from 1977 to 1979. During that period he was a priest at Hamilton in western Victoria.

Mr Torpy was excused from giving oral evidence in the public hearing for medical reasons. A transcript of Mr Torpy’s private hearing with the Royal Commission and a statement by Mr Torpy, prepared after the private hearing, were received into evidence. Mr Torpy was represented at the private and public hearings.
Mr Torpy’s evidence is discussed at a number of points throughout this report, including in relation to his knowledge of allegations about Monsignor Day and Ridsdale and his treatment of Claffey and Paul David Ryan. In a number of instances there are inconsistencies between documents created contemporaneously, Mr Torpy’s evidence in his private hearing and Mr Torpy’s evidence in his written statement. Many of these inconsistencies cannot be reconciled. It is generally the case that his evidence in his subsequent statement has the effect of distancing him from knowledge of sexual offending in the Diocese. At times, documents created contemporaneously differ from evidence given by Mr Torpy. His evidence was not consistent, and we are of the view that it was not candidly given.

For these reasons, when there is an inconsistency between Mr Torpy’s evidence and the documents, we give significant weight to documents created contemporaneously.

**Reports to Bishop O’Collins**

Bishop O’Collins was the Bishop of Ballarat until May 1971. Mr Torpy gave evidence in his private hearing of two instances in which he learned of allegations of child sexual abuse against Monsignor Day.

Mr Torpy told us that at Mildura he was aware that a group of parents had complained to the bishop at the time, who he believed was Bishop O’Collins. He broadly understood these complaints related to the conduct of Monsignor Day in relation to adolescent boys and he ‘intuited’ it involved sexual misconduct.

We accept Mr Torpy’s evidence. We are satisfied these complaints were probably made to Bishop O’Collins between January 1971, when Father Torpy came to Mildura, and May 1971, when Bishop O’Collins retired.

**Father Torpy informs the vicar general of a parent’s report**

Mr Torpy gave evidence that he was informed by a parishioner in 1971 or 1972 that his child had been in a situation of sexual activity with Monsignor Day.

Mr Torpy told us he telephoned the vicar general at the time, Father Madden. He informed Father Madden that there were parishioners who had complained of the activities of Monsignor Day and that the character of the behaviour was sexual transgression with children. Father Madden said he would look into it. When asked by Counsel Assisting if he heard more from Father Madden about the matter, Mr Torpy said, ‘What I heard, in the next year, was that Monsignor Day was asked to resign his position as parish priest of Mildura’. 

Royal Commission into Institutional Responses to Child Sexual Abuse childabuseroyalcommission.gov.au
Father Madden told us he did not remember Father Torpy telling him that parishioners had complained of Monsignor Day’s sexual activity with children. Father Madden said the first time he heard of any such allegations about Monsignor Day was from the bishop immediately after two policemen had been to see the bishop and reported such allegations to him. This evidence is discussed further below. Father Madden accepted that Father Torpy could have told him about the parishioner’s report but said that, if that did occur, it must have been after the bishop had told him about Monsignor Day.

However, there were conflicting accounts as to when Mr Torpy reported the complaint to Father Madden.

On Mr Torpy’s evidence, he probably reported the complaint in 1971. Mr Torpy said that he heard ‘in the next year’ that Monsignor Day was asked to resign from Mildura parish. As is discussed further below, Monsignor Day’s resignation from Mildura parish was announced on 30 January 1972.

On Father Madden’s evidence, Mr Torpy must have reported the complaint sometime after 27 January 1972. There is evidence that two policemen visited Bishop Mulkearns and reported to him the allegations against Monsignor Day on 27 January 1972. This is the only occasion on which there is evidence that two policemen visited Bishop Mulkearns in relation to Monsignor Day.

In the absence of any other relevant evidence, we can only be satisfied that Father Torpy conveyed the information to Father Madden in 1971 or 1972.

**Father Gerald Baldock hears ‘innuendo’ about Monsignor Day**

As stated earlier, between 1963 and 1971 Father Baldock was a seminarian in Adelaide. However, he would spend about a month in Mildura over the summers.

Father Baldock told us that in 1964 or 1965 he started to hear pub talk about Monsignor Day’s wealthy lifestyle and his flamboyance. In about 1967 or 1968 he heard ‘innuendo’ about Monsignor Day from Mildura parishioners – that Monsignor Day had a love for young boys and that he would take them on trips. He did not pass on this information to anyone or tell the bishop.

Father Baldock also said an older priest in the Diocese asked him whether he had heard anything about Monsignor Day. Father Baldock said he had heard something, but he was not sure whether it was true. Father Baldock could not recall the specifics of what the priest said, but he did remember a reference to Monsignor Day and altar servers. He understood him to be referring to inappropriate behaviour or sexual activity.

We accept Father Baldock’s evidence, which was not challenged.
Father Pell hears gossip about Monsignor Day

Shortly after Easter in 1971, Father Pell returned to the Diocese after a period of time overseas studying. He was appointed assistant priest at the parish of Swan Hill in mid-1971.

Cardinal Pell was asked whether, when he returned to Australia and went to Swan Hill, he heard any rumour, gossip or innuendo about Monsignor Day. He said he ‘probably heard some discussion and gossip’. When asked about the subject matter of the discussion and gossip, Cardinal Pell said he could not recall, ‘except to say he was accused of some sort of paedophilia activity’. He continued, ‘I must say, in those days, if a priest denied such activity, I was very strongly inclined to accept the denial’.

There was then the following exchange with Counsel Assisting:

Q. So, is it the case between mid-1971, when you took up your position in Swan Hill, and 1972, you heard gossip in relation to him and paedophile activity?

A. This is over 40 years ago, I have had almost no close connection with Day; I can’t remember exactly what I heard when.

Q. You said, when I asked you to help us with the subject matter of that discussion and gossip, that he was accused of some sort of paedophilia activity; so you clearly have a recollection of that?

A. Yes, that was the gossip topic.

Paul David Ryan raised concerns with the bishop about Monsignor Day’s conduct

In 1971, Paul David Ryan was a teacher at St Joseph’s College in Mildura. He started teaching in Mildura after being asked to leave the seminary in Adelaide in around 1971, where he had been a candidate for the Archdiocese of Adelaide.

Allegations of child sexual abuse against Paul David Ryan are considered in Section 4.4 of this report.

Father Baldock told us that in the summer of 1971 Paul David Ryan spoke to him about Monsignor Day. Paul David Ryan told Father Baldock that Monsignor Day had been involved in paedophilia with altar servers and expressed concern. Father Baldock recalled that Paul David Ryan was in the process of reporting this to the bishop.
Correspondence in evidence from Paul David Ryan to Bishop Mulkearns in late 1971, although incomplete and expressed in euphemistic language, suggests that Paul David Ryan did write to the bishop with concerns about Monsignor Day.948

A letter some years later, after Paul David Ryan had been ordained as a priest in the Diocese, refers to the period of Ryan’s teaching in Mildura and states ‘during that time apparently Paul was one of the informants to the Bishop about the homosexual behaviour of a priest there at the time, involving young boys!’949

Paul David Ryan confirmed in evidence to us that when he was a teacher’s aide at St Joseph’s College in Mildura he knew that Monsignor Day was ‘involved in inappropriate or sexual behaviour with adolescents’,950 and some of the teachers wrote a report to the bishop about Monsignor Day’s behaviour.951

We are satisfied that by January 1972 Fathers Taffe and Torpy, Bishop Mulkearns, the vicar general Father Madden and at least some teachers at Catholic schools in Mildura had received complaints or were aware of allegations that Monsignor Day sexually abused children.

In addition, Father Baldock, Father Ryan and Father Pell had heard gossip about Monsignor Day’s sexual activity with children.

**Monsignor Day resigns from Mildura**

**Victoria Police visit Bishop Mulkearns**

Police records show that after making inquiries in Mildura, during which they had met with Detective Ryan and Mr Howden, Superintendent O’Connor and Detective Chief Inspector Child visited Bishop Mulkearns in Ballarat.952

The meeting occurred on 27 January 1972, and the officers ‘acquainted the Bishop as to the further allegations [against Day] unknown to him and in consequence the Monsignor attended at Ballarat the following day.’953

Father Madden told us that two policemen walked through his office as they went to see the bishop.954 When they had gone, the bishop told Father Madden ‘the burden of their message’ – namely, that allegations had been made that Monsignor Day had sexually abused children.955

The same day, Bishop Mulkearns met with Father Taffe, the more senior of Monsignor Day’s two assistant priests.956 Bishop Mulkearns met with Monsignor Day the following day, on 28 January 1972.957
Monsignor Day resigns

Two days after he met with Bishop Mulkearns, Monsignor Day resigned.

He announced his resignation at mass at Mildura on Sunday, 30 January 1972. Monsignor Day told his parishioners he was to leave Mildura immediately and that he intended to travel overseas for some months. He made no reference to the allegations.

We are satisfied that the Monsignor Day was asked or told to resign as parish priest of Mildura because police had informed Bishop Mulkearns of allegations of sexual abuse of children by Monsignor Day.

Information provided to the parishioners

At the time of Monsignor Day’s resignation, Father Torpy and Father Taffe were his assistant priests. By that time, they both knew of allegations that Monsignor Day had sexually abused children in Mildura.

Mr Torpy’s evidence was that the bishop instructed them not to disclose to the parish the true reason for Monsignor Day’s resignation. He said that the bishop did not instruct him personally but that he believed there was a communication with Father Taffe. He told us they had a difficult situation to handle – their task was to inform the people that the parish priest had left, but they could not tell them why.

Mr Torpy could not remember exactly what they told the parishioners, but he thought it ‘would have been that through ill health Monsignor Day has resigned his position as parish priest of Mildura’. There is no evidence that Monsignor Day was in ill health at the time.

Bishop Mulkearns wrote to Father Taffe when he was appointed assistant priest at Port Fairy in March 1972. Bishop Mulkearns wrote that he ‘would like to express my gratitude to you for your co-operation in handling the difficult situation which arose in Mildura’.

We accept Mr Torpy’s evidence that Bishop Mulkearns instructed him and Father Taffe not to disclose the true reason for Monsignor Day’s resignation to the parish. We also accept Mr Torpy’s evidence that it was likely that he and Father Taffe told Mildura parishioners that Monsignor Day had resigned due to ill health, although they knew this to be false. It was not in his interests to give this evidence if it were not true. We are satisfied that both Father Torpy and Father Taffe knew the true reason for Monsignor Day’s resignation.

The most probable reason to conceal the truth was to protect the reputation of Monsignor Day and to protect the Church from scandal. It was unacceptable for Bishop Mulkearns to give such an instruction. The Church parties acknowledged this.
Mr Torpy said that there would have been some priests who asked him what had happened in Mildura. He said he was ‘very non-committal about the area of what did occur. In other words, all I would have said to people was that he resigned’.967

**What the diocesan council knew**

Six weeks later, on 14 March 1972, the diocesan council met. The diocesan council later became known as the College of Consultors.

Bishop Mulkearns presided at that meeting. Also present were Monsignors Gleeson, Fiscalini, James McInerney, McMahon, O’Keefe, O’Brien, Dean Melican and McKenzie; and Father Madden (the vicar general).968

The minutes of the meeting record:

His Lordship outlined the circumstances which have led to the resignation of Msgr. J. Day from the parish of Mildura. The Council decided that Msgr. Day be granted 12 months leave of absence from the diocese on the guaranteed minimum salary.969

Fathers Madden and Melican gave evidence about this meeting. The remaining attendees are deceased.

By the time of this meeting, the vicar general, Father Madden, knew of the allegations against Monsignor Day. Father Melican told us he ‘probably’ heard the details from Father Taffe about the reasons that Monsignor Day had resigned, as he and Father Taffe were friends.970

The Church parties submitted it is possible that Father Taffe did not tell Father Melican the true reason for Monsignor Day’s resignation, in the context of the instruction from Bishop Mulkearns. We reject this submission. That instruction was in respect of the parishioners of Mildura, not the bishop’s diocesan council.971

At the time, Father Melican was the parish priest at Swan Hill and lived in the presbytery with Father Pell and another assistant priest, Father Peter Brennan. He could not recall if the circumstances reported by the bishop at the consultors’ meeting were discussed with his assistant priests at Swan Hill. He did not think he would have discussed it ‘in terms of gossip or salacious rumours’ but agreed that he might have done so out of mutual concern he and his assistant priests had for the Diocese and its parishioners.972

Father Melican gave the following evidence when asked questions by the Chair:

**THE CHAIR:** Q. A number of priests have told us that priests do gossip amongst each other; do you agree with that?
A. It’s pretty hard not to agree, isn’t it?

Q. It’s matter for you, Father, but a number of priests have said ‘of course priests gossip’.

A. Yes. Yes, I agree with that, yeah.

Q. You’re living with each other, you’re friends with each other, you’re serving the same purpose.

A. Yes.

Q. It’s inevitable that you talk about the things that you know and concern you, isn’t it?

A. Yes, it is.973

Father Madden said that he had no memory of this meeting.974 Father Madden told us:

I have no recollection of it – it’s just impossible to remember individual meetings after all this time. I have no memory of this meeting whatsoever, so I really can’t comment on what the Bishop may or may not have said about this, but it wouldn’t have been a surprise to me because he’d already told me about Monsignor Day.975

When asked if it would be a surprise to Father Madden if the bishop had not told his consultors the substance of the circumstances, Father Madden said, ‘It wouldn’t have been a great surprise if he didn’t give details because, as I say, he was very particular about his own priests and any sense of misbehaviour that might have occurred’.976

Father Melican said that he could not recall what the circumstances that the bishop outlined in relation to Monsignor Day’s resignation were. He had ‘no memory of that at all’.977

However, Father Melican accepted from the minutes that the bishop told the meeting what had ‘gone wrong’ in relation to Monsignor Day978 and that his misconduct was common knowledge among priests by this time.979

The Church parties made the general submission in relation to the evidence received by the Royal Commission that, where a witness is willing to accept a hypothesis that is not founded on an actual recollection but is a contextual matrix put to him, this amounts to speculation or conjecture.980
In relation to this meeting, the Church parties submitted there is no evidence of what Bishop Mulkearns actually said were ‘the circumstances which have led to’ Monsignor Day’s resignation or what it was that had gone wrong.\textsuperscript{981} The Church parties also submitted there is an abundance of evidence that it was Bishop Mulkearns’ practice on occasions to simply make a statement or announcement, entertain no discussion and move on with the meeting.\textsuperscript{982}

We reject those submissions. The minutes are clear. Bishop Mulkearns told the consultors the circumstances which led to the resignation of Monsignor Day. Bishop Mulkearns knew those circumstances. They were that Monsignor Day was asked or told to resign as parish priest of Mildura because police had informed Bishop Mulkearns of allegations of sexual abuse of children by Monsignor Day. The minutes also record that the decision to grant Monsignor Day leave was a decision of the council.

None of the consultors who gave evidence recalled the meeting. No witness gave evidence that Bishop Mulkearns did not tell them what we set out above.

Father Melican told us that Monsignor Day’s misconduct was ‘common knowledge’ among priests by this time. This common knowledge makes it less likely that Bishop Mulkearns would conceal the reasons for Monsignor Day’s resignation.

We are satisfied that Bishop Mulkearns told the consultors that Monsignor Day was asked or told to resign as parish priest of Mildura because the police had informed Bishop Mulkearns of allegations of sexual abuse of children by Monsignor Day.

\textbf{Victoria Police respond to Monsignor Day’s resignation}

After his resignation from Mildura parish, Monsignor Day spent some time living at St Joseph’s presbytery in Elsternwick, Melbourne. He was interviewed there on 2 March 1972 by Detective Chief Inspector Child and Superintendent O’Connor in relation to the allegations in the multiple statements obtained by Detective Ryan. Monsignor Day denied the allegations.\textsuperscript{983}

Monsignor Day informed the officers that he was not attached to any parish but was staying with either friends or his widowed sister pending his departure overseas for some months later in March 1972.\textsuperscript{984} He also told them he did not expect to be appointed to any parish on his return.\textsuperscript{985}

\textbf{The police investigation of events in Mildura is raised in state parliament}

There was evidence that the police investigation of what occurred at Mildura was raised in the Victorian Parliament.
In early March 1972, Detective Ryan told us he met with the state Member for Midlands, Mr Les Shilton MLA. Detective Ryan told him everything he knew about Monsignor Day.  

Shortly afterwards, on 7 March 1972, Mr Shilton asked a question without notice in the Legislative Assembly about ‘the result of the investigation conducted quite recently by two senior police officers into the police administration in Mildura’.  

Mr Torpy also told us that, shortly after Monsignor Day resigned, Mr Clyde Holding MP came to see him. At that time, Mr Holding was the Leader of the Opposition in the Victorian Parliament.  

Mr Holding asked what had happened with Monsignor Day, and Father Torpy said he had resigned.  Mr Torpy said the conversation was not very long, and he never saw Mr Holding again.  

Superintendent O’Connor reports to the deputy commissioner on his investigation  

On 9 March 1972, two days after Mr Shilton’s question without notice in state parliament, Superintendent O’Connor wrote a report to the deputy commissioner about his investigation with Detective Chief Inspector Child of the allegations of indecent assaults made against Monsignor Day at Mildura.  

Superintendent O’Connor does not recommend prosecuting Monsignor Day  

Superintendent O’Connor reported that he and Detective Chief Inspector Child had interviewed a number of persons, including BUI, but no corroborative evidence was obtained. He also reported ‘We particularly enquired without success as to any alleged indecent assault in recent times, exclusive of BUI’.  

He concurred with the opinions and reasons that Superintendent Duffy and Inspector Irwin gave in their earlier reports to the chief commissioner in late 1971 – that the evidence was not sufficient to prosecute Monsignor Day. However, Superintendent O’Connor requested the file be forwarded to the legal assistant for an opinion.  

Mr Ryan told us that, in his experience, when a senior officer takes over an investigation they reinterview those people the original investigator interviewed to make sure they did not miss anything. Accordingly, his expectation was that Detective Chief Inspector Child and Superintendent O’Connor would have interviewed those who had made a statement in relation to Monsignor Day and to have continued the inquiry.
Mr Ryan told us that many years later he spoke to seven of the people who had made statements and all but one told him they had not been approached by the police at all.\(^997\)

We accept Mr Ryan’s evidence. We are satisfied that Superintendent O’Connor’s report to the chief commissioner that he and Detective Chief Inspector Child had interviewed a number of persons was untrue insofar as it referred to the persons who made statements to Mr Ryan.

We are also satisfied that Superintendent O’Connor and Detective Chief Inspector Child’s investigations of the allegations of child sexual abuse that were made against Monsignor Day were minimal.

Mr O’Connor referred to his investigation of the allegations against Monsignor Day in his 2006 statement. He stated:

> On the 1\(^{st}\) of February, we drove back to Mildura. We had advised Barritt and Ryan and the uniform members to speak with potential complainants being parents and serving and ex altar boys prior to our arrival. We returned back to Melbourne on the 5\(^{th}\) of February without any further evidence and reported our findings to Chief Commissioner Reg Jackson, Deputy Commissioner Carmichael and Assistant Commissioner Crowley.\(^998\)

Later in the statement Mr O’Connor said:

> [I] asked if anyone had any knowledge of any victim. No one came forward with any statements. No person was able to provide any additional evidence. There was absolutely no suggestion that Irwin had taken any statements from Denis Ryan that Ryan had obtained in relation to the investigation of Monsignor Day. Ryan never once said that he had already obtained statements.\(^999\)

Mr O’Connor also stated, ‘In mid-February, following a phone call to Denis Ryan at Mildura CIB, I was advised that there was no further complaints and that Monsignor Day was absent from Mildura’.\(^1000\)

None of these matters were included in Superintendent O’Connor’s report of 9 March 1972, which he described as a ‘full report on our investigation’ in relation to the allegations against Monsignor Day.\(^1001\)

Mr O’Connor’s 2006 statement is inconsistent with the evidence of Mr Ryan that from mid-January he asked Superintendent O’Connor at least twice to be part of the inquiry into Monsignor Day and that both times Superintendent O’Connor told him that he was not involved in the investigations.\(^1002\) It is also inconsistent with Mr Ryan’s evidence that on the second of these occasions he told Superintendent O’Connor, ‘I guarantee that I can find a hundred more of Day’s victims in this district alone’.\(^1003\)
Mr O’Connor’s assertions that Detective Ryan did not obtain any statements and that Inspector Irwin did not take any statements from him are inconsistent with contemporaneous written reports of Inspector Irwin and Superintendent O’Connor as well as the statements of 11 alleged victims of Monsignor Day which are in evidence.

For these reasons we do not accept Mr O’Connor’s account of his investigation set out in his 2006 statement.

The deputy commissioner obtains legal advice from the department legal assistant

As requested by Superintendent O’Connor, the deputy commissioner requested advice from the legal assistant regarding the allegations of indecent assault against Monsignor Day.

Legal Assistant Grace provided the following advice in April 1972:

> Despite the large body of evidence against Day which gives rise to strong suspicion, it must be remembered that each allegation is to be examined independently and without reference to the others, since, if prosecutions were launched, Day would be entitled to a separate trial in respect of each complaint. In no particular case is the evidence such as to warrant the taking of proceedings.

Advice from the Victorian Solicitor-General

The deputy commissioner considered that the final decision should be made by someone outside the police department. Therefore, he obtained advice from the Victorian Solicitor-General, Mr Basil Murray.

Mr Murray agreed that the complaints were likely to be tried separately if they went to trial and advised that they may not make it to a jury due to the time that had elapsed and the lack of corroboration. He agreed with the ‘opinions expressed that the evidence is insufficient to warrant launching prosecutions’. However, he concluded his advice with the following observation:

> I trust that the authorities in the Church will realise that the decision not to prosecute does not arise from any conviction that the allegations are unfounded. Having regard to the similarities of the various accounts, there would appear to be little room for doubt that Day misconducted himself. With some reluctance, therefore, I agree that no prosecutions should be launched.

Mr Murray’s advice was sent to the chief commissioner towards the end of April 1972.
Bishop Mulkearns is informed of the Solicitor-General’s advice

In May 1972, Superintendent O’Connor wrote a report to the deputy commissioner in relation to the Solicitor-General’s advice. The report stated that Superintendent O’Connor had the previous day advised Bishop Mulkearns of the Solicitor-General’s comments concerning Monsignor Day. He recorded in the report that Bishop Mulkearns ‘expressed his appreciation of the notification’.

The Church parties submitted that aspects of Superintendent O’Connor’s 2006 statement were rejected by Mr Ryan as untruthful and that Superintendent O’Connor’s 1972 report is the only evidence that Bishop Mulkearns was informed of the Solicitor-General’s advice.

We do not accept those submissions. There is no reason not to accept Superintendent O’Connor’s May 1972 report. It was created at the time of the events in question and we accept its contents because it does not relate to Superintendent O’Connor’s own conduct and is not self-serving. It is more reliable evidence than those aspects of his 2006 statement that seek to present his conduct in a favourable light or are inconsistent with contemporaneous documents in evidence. Further, it is consistent with the Solicitor-General’s comment that Bishop Mulkearns should be made aware of the Solicitor-General’s advice.

Decision to transfer Detective Ryan and Detective Sergeant Barritt

On 3 February 1972 Superintendent O’Connor and Detective Chief Inspector Child interviewed Detective Sergeant Barritt in relation to allegations he had extorted money from the Catholic Church in Mildura.

Six days later, Detective Chief Inspector Child sent a report to Superintendent O’Connor about an inspection of Detective Sergeant Barritt’s divisions at Mildura. He raised various matters unrelated to the allegations against Monsignor Day, including incomplete briefs. Detective Chief Inspector Duffy concluded, ‘I am of the opinion that the delay in these matters could well institute the basis for disciplinary action against Detective Sergeant Barritt, in that he failed to comply with the provisions of Standing Orders Para.687’.

Superintendent O’Connor then wrote a report to the deputy commissioner regarding the allegations of misconduct against Detective Sergeant Barritt. He set out the results of their interviews in and around Mildura and concluded, ‘Enquiries have failed to substantiate Senior Detective Ryan’s allegations that [redacted] made a donation/contribution, presumably at Detective Sergeant Barritt’s instigation to avoid prosecution’.

Superintendent O’Connor also wrote of the ‘long standing irreparable mutual dislike’ between Detective Sergeant Barritt and Detective Ryan and commented:
Neither member is interested in transferring, particularly Ryan who is interested in a 16 ½ acre citrus block, either in his wife’s name or joint owned. Additionally, two of his three young sons suffer badly from asthma if away from the district. It is possible that extension of the citrus interests may result in his resignation in the near future.\textsuperscript{1018}

Mr Ryan gave evidence that in March 1972, at the direction of Inspector Irwin, he met with Superintendent O’Connor in Melbourne. He stated that Superintendent O’Connor advised him that he would be charged with failing to complete the outcome of an arrest in his CIB diary. However, he was never charged with this or anything else.\textsuperscript{1019}

On 17 March 1972, Deputy Commissioner Carmichael sent a report to the chief commissioner regarding the situation in Mildura. In relation to the allegations against Detective Sergeant Barritt, he wrote, ‘I am by no means convinced that the payments were not made as alleged – there is simply insufficient evidence to prove otherwise’.\textsuperscript{1020} Deputy Commissioner Carmichael recommended that both Detective Ryan and Detective Sergeant Barritt be transferred from Mildura, that the matter be pursued in Melbourne and that both officers be instructed to report to police headquarters for further interviews.\textsuperscript{1021}

Detective Sergeant Barritt and Detective Ryan were each interviewed by Chief Commissioner Jackson and Acting Chief Commissioner Carmichael later that month.\textsuperscript{1022}

Mr Ryan told us that in this meeting Chief Commissioner Jackson asked him why he could not get on with Detective Sergeant Barritt. Mr Ryan said he spoke for about 10 minutes and told them about Detective Sergeant Barritt’s relationship with Monsignor Day and his inadequacies as a detective. After he finished he was dismissed by the chief commissioner. He was not asked any questions about the investigation of Monsignor Day.\textsuperscript{1023}

In early April 1972, Mr Howden and two other Mildura parishioners wrote to Chief Commissioner Jackson about the recent events in Mildura. They wrote that they had a letter from Bishop Mulkearns that stated, ‘Following investigations by Inspector Irwin and Det. Barritt, I find that Det. Ryan and Mr Howden’s charges are unfounded’. They wrote that this is ‘a preposterous conclusion although the logical one for the Bishop to make under the circumstances’.\textsuperscript{1024}

Mr Howden and the other parishioners referred to the difficulty Detective Ryan had in ‘convincing important people in your department of the truth to the charges’ against Monsignor Day. They expressed their fear that Detective Ryan may be moved from Mildura. They said this ‘would be tantamount to a public condemnation of his part in the investigations and would lead to considerable concern in the community’.\textsuperscript{1025}

At about the same time, Acting Chief Commissioner Carmichael, with the concurrence of the chief commissioner, decided that both Detective Ryan and Detective Sergeant Barritt would be transferred from Mildura with effect from June 1972.\textsuperscript{1026}
A number of reasons were recorded as the basis for Detective Ryan’s transfer, including that no officer should remain in a country station for longer than eight years and that the decision was ‘in the interests of the maintenance of the efficiency of the Force’. 1027

Acting Chief Commissioner Carmichael also referred to Detective Ryan’s commercial interest in a 16½ acre citrus block, which he said Detective Ryan hoped to enlarge. He also said his interest in the block would ‘conflict too sharply with his primary role as a member of the Force leading to a situation where his divided interests adversely affects his work performance’. 1028

Mr Ryan gave evidence that his joint ownership with his wife of the citrus block did not affect his attention to police duties in any way. 1029 He had declared his interest in the citrus block to his employer, earned about $20 per week out of it, and neither Deputy Commissioner Carmichael nor Chief Commissioner Jackson ever raised the citrus block with him. 1030 He told us he never had plans to enlarge the citrus block or leave the police force because of it. 1031

**Detective Ryan appeals to decision to transfer him out of Mildura**

Detective Ryan appealed the decision that he be transferred from Mildura. He made an appointment with the Police Association in Melbourne. 1032

Detective Ryan met with the official, Mr Kevin Hatt, in Melbourne. When Detective Ryan told Mr Hatt about his investigations of Monsignor Day, Mr Hatt left the room suddenly and did not return. Mr Ryan told us he tried to call Mr Hatt several times after this visit, but his calls were never answered or returned. 1033

By early May 1972, Detective Sergeant Barritt had applied for, and been appointed to, Echuca CIB. 1034

**Detective Ryan resigns from Victoria Police**

On 16 May 1972, Detective Ryan submitted his resignation. He wrote in his resignation letter:

> I can only hope that any member of the Police Force who in the future performs a similar type of enquiry that I performed in relation to the Monsignor does not suffer the same fate that I have suffered. 1035

Mr Ryan told us he knew that if he resigned he would lose his pension, which was significant, and all of his benefits. He would also lose a job that had previously been his life. However, he said that if he resigned and stayed in Mildura his voice would still be heard. 1036

Mr Ryan told us he was forced out of the police force – being a police officer was his life, and he would never have left otherwise. 1037
Mr Ryan said he had ‘nightmares of Monsignor Day raping kids and the way the police force had condoned these offences’.\textsuperscript{1038} He said that after he resigned he was depressed and bitter, and he was worried about the financial situation of his family.\textsuperscript{1039} He wonders how many kids would have been saved if Victoria Police had gone on with the inquiry into Monsignor Day.\textsuperscript{1040}

We accept Mr Ryan’s evidence. We do not doubt that Detective Ryan was transferred from Mildura by Victoria Police for investigating allegations that Monsignor Day had sexually abused children in Mildura and for refusing to cease those investigations despite being instructed to do so.

**Statement of Mr John O’Connor, 9 October 2006**

A number of matters Mr O’Connor referred to in his 2006 statement in relation to the investigations of Monsignor Day have been discussed elsewhere in this report. In addition to those matters, Mr O’Connor stated as follows:

- first, that advice was sought from the Crown Prosecutor, who did not approve the brief due to lack of corroboration but who reported that the brief ‘be brought to the attention of the responsible clergyman at St Patrick’s Cathedral and that Bishop Mulkearns be instructed to transfer Monsignor Day to a smaller less populated parish a considerable distance from Mildura’
- second, that Superintendent O’Connor telephoned Bishop Mulkearns and informed him of the Chief Prosecutor’s decision and the advice to the Church authorities to transfer Monsignor Day.\textsuperscript{1041}

There is no evidence that advice was ever obtained from the Crown Prosecutor. The advice obtained from the Solicitor-General did not contain any mention that Monsignor Day should be transferred, much less to a smaller parish a considerable distance from Mildura. In our view such advice would be extraordinary for a Crown Prosecutor or Solicitor-General to give, particularly in light of the Solicitor-General’s comments that there appeared to be little doubt the Monsignor Day had misconducted himself.

As discussed elsewhere in this report, a number of matters in Mr O’Connor’s 2006 statement are inconsistent with contemporaneous documents from Victoria Police in addition to the evidence of Mr Ryan and Mr Howden. We are satisfied that Mr O’Connor’s 2006 statement was at best incorrect and most likely dishonest.
Evidence of former Chief Commissioner Mick Miller

After serving five years as Assistant Commissioner (Operations), Mr Miller went on to become Chief Commissioner of Victoria Police from June 1977 until November 1987.\textsuperscript{1042}

While he was assistant commissioner in 1972, Mr Miller told us he read newspaper reports of discord between the detective sergeant in charge of Mildura and one of his detectives.\textsuperscript{1043} He thought this was unusual, because subordinates did not usually dispute things with their superior officers.\textsuperscript{1044}

After reading these articles, Mr Miller asked his immediate superior, Deputy Commissioner Carmichael, what was happening in the Mildura CIB. He was told it was none of his business, despite the detectives at Mildura coming under Mr Miller’s jurisdiction.\textsuperscript{1045}

Deputy Commissioner Carmichael told Mr Miller, ‘You keep out of it. Reg [Chief Commissioner Reginald Jackson] is going to fix it in his own way’.\textsuperscript{1046}

After this conversation, Mr Miller went to see Mr Bill Crowley, the Assistant Commissioner (Crime), and asked him about the situation in Mildura. Mr Crowley told him it was just a ‘clash of personalities’ and, if it did not sort itself out, one or other of them would be transferred to another station.\textsuperscript{1047} Mr Miller accepted this response and assumed it was simply a case of incompatibility between the two detectives.\textsuperscript{1048}

Mr Miller later heard that Detective Sergeant Barritt had been transferred from Mildura. He did not recall hearing that Detective Ryan had resigned, that unrelated disciplinary proceedings had been taken against Detective Barritt in 1972 or anything about Monsignor Day until he read \textit{Unholy trinity: The hunt for the paedophile priest Monsignor John Day} by Mr Ryan and Mr Peter Hoysted in 2014.\textsuperscript{1049}

Mr Miller’s evidence was that, based on what he read in that book, his conversation with Deputy Commissioner Carmichael in 1972 and his knowledge of the structure of Victoria Police at the time, it is his opinion that:

\begin{quote}
[Chief Commissioner Reginald Jackson was the] architect of Victoria Police’s response to Denis Ryan’s investigations into Monsignor Day. It couldn’t have operated in the manner it did without his knowledge and consent.\textsuperscript{1050}
\end{quote}

Mr Miller gave evidence that everyone down the chain of command – from Assistant Commissioner Crowley to the Swan Hill superintendents and Inspector Irwin – appears to have fallen into line. He said that ‘The function of all of those people was to counsel Denis Ryan and to assist him in the performance of his duty ... Not one of them did this’.\textsuperscript{1051}
Mr Miller said:

In my experience, the epitome of the Police Commissioner’s administration is that he doesn’t bring a Royal Commission down on his police force. Victoria has had more Royal Commissions than the rest of the police forces in Australia put together. We average one every nine years. If I had to speculate as to why Chief Commissioner Jackson reacted as alleged in *Unholy Trinity*, it would be that he wanted to avoid another Royal Commission into Victoria Police, that investigated his administration.1052

Mr Miller continued:

This entire episode was a shameful event in the history of Victoria Police. It might well be remembered as a definite disincentive to others, confronted by a similar set of circumstances, to emulate former Senior Detective Denis Ryan’s peerless, principled performance of his sworn duty.1053

We agree.

The Diocese of Ballarat’s handling of Monsignor Day after his resignation

After Monsignor Day’s resignation from Mildura in January 1972, and during his 12-month leave of absence, there was evidence that Bishop Mulkearns and members of the College of Consultors considered at least one appointment for Monsignor Day far from the Diocese.

Proposal to send Monsignor Day to Geraldton, Western Australia

At a meeting of the diocesan council on 15 June 1972, while Monsignor Day was on leave of absence, Bishop Mulkearns suggested he ask the Bishop of Geraldton in Western Australia to invite Monsignor Day to work in his diocese.1054

With the exception of Father Melican, the consultants at this meeting were the same consultants who attended the meeting on 14 March 1972, at which we have found Bishop Mulkearns told the meeting the circumstances which led to Monsignor Day’s resignation from Mildura – that is, because the police had informed Bishop Mulkearns of allegations of sexual abuse of children by Monsignor Day.1055

Father Madden was the only attendee at this meeting who gave evidence; the other consultants are deceased. Father Madden had no recollection of this meeting,1056 but he accepted that sending a senior priest from the Diocese to another diocese on the other side of the country was not something which was normally done.1057
We are satisfied that the consultors at this meeting knew that Monsignor Day had resigned from Mildura less than five months earlier because police had informed Bishop Mulkearns of allegations of sexual abuse of children. By this time, Bishop Mulkearns also knew of the Solicitor-General’s view that, although there was insufficient evidence to prosecute Monsignor Day, there was little room for doubt that he committed the offences.

Despite this knowledge, Bishop Mulkearns considered sending Monsignor Day to the Diocese of Geraldton in Western Australia.

Monsignor Day ultimately did not go to work in the Diocese of Geraldton. However, the most likely reason for Bishop Mulkearns’ suggestion was that Monsignor Day would be far from the Diocese, where allegations of sexual misconduct were known by sections of the Mildura community, including priests. In doing so, Bishop Mulkearns was protecting Monsignor Day and prioritising his priests over children.

An article about events in Mildura appears in the Melbourne Observer

Shortly after Detective Ryan resigned from Victoria Police, an article appeared in the Melbourne Observer about the events in Mildura. While Detective Sergeant Barritt and Monsignor Day were not named, the article was undoubtedly about them.

The article was published on 13 August 1972 with the title ‘RC Priest in Govt Scandal: Sex Crimes covered up’.  

The article set out an allegation that a senior detective in Mildura had suppressed criminal charges against certain people if they made payments to the local Catholic Church and ‘It also is alleged that a priest who received the payments had indecently assaulted boys and girls over a 14-year-period’.

The article stated, ‘The Roman Catholic Bishop of Ballarat, whose diocese includes Mildura, is understood to have been told about the alleged activities of the priest’.

Knowledge in the Diocese of the Melbourne Observer article and the allegations against Monsignor Day

A number of priests in the Diocese read or heard about the Melbourne Observer article.

Father Madden told us he had not seen the article but he had heard about it, although he could not remember when. He said, ‘it was sort of spoken about’ and ‘it was a concern to everybody’ that a priest of the Diocese had these allegations made against him in such a public way. He said it was ‘a great disappointment and embarrassment to the rest of us’.
Father Madden said that ‘people were talking – asking me if I’d seen the article or referring to it or whatever’.

At the time the *Melbourne Observer* article was published, Father Melican was overseas on a three-month trip and he did not see the article at that time. However, he accepted it was likely he heard about the article when he returned from overseas and that he would expect every priest in Ballarat, and probably in Victoria, to have become aware of the story and to talk about it with each other.

Father Melican agreed it was ‘a big scandal to hit the Diocese’ and that it was well known amongst the consultors, and also more broadly amongst priests, that the priest concerned was Monsignor Day.

Father Arundell was overseas with Father Melican when the article was published, and he too did not see it at that time. He did not recall ever reading or hearing about what was in the article and said he never talked about it.

In 1972, Father Pell was an assistant priest at Swan Hill. Cardinal Pell gave evidence that he probably heard some gossip that Monsignor Day was accused of some sort of ‘paedophilia behaviour’, although he could not remember exactly what he heard or when.

Cardinal Pell told the Royal Commission that this was the first time he had heard rumour, gossip or innuendo about Monsignor Day’s sexual behaviour with children, and it was a ‘great scandal’. He said it was certainly likely that he heard this gossip from fellow priests and, although it was not regular or incessant, it was a topic of conversation.

Cardinal Pell said, ‘There was discussion in the Catholic community and more widely around Mildura, that’s for sure’; however, he ‘very rarely indulged in any such discussions’. He said, ‘The points were made to me, I would listen and say – but there wasn’t much discussion certainly in our presbytery or in any presbytery in which I lived on these topics’.

Cardinal Pell told us that Monsignor Day had ‘a strong body of supporters’. These were mainly parishioners. Cardinal Pell said that ‘One such view that was quite influential with myself was of a wonderful woman in Mildura whom I knew who insisted that he was innocent and I remember being impressed by that’. He also told us that in those days, if a priest denied such activity, he was very strongly inclined to accept the denial.

Cardinal Pell could not recall whether he heard about this controversy before or after the *Melbourne Observer* article. However, he saw this article not long after it was published in August 1972. He said he ‘certainly’ would have discussed the article with priests and probably with the other priests in the presbytery at Swan Hill – Fathers Melican and Brennan.
Father Melican did not recall discussing the allegations against Monsignor Day, although he agreed that priests gossip amongst themselves and that it is inevitable that priests talk about the things that they know and that concern them. Father Melican told us he probably heard from Father Taffe the details as to why Monsignor Day resigned, as he and Father Taffe were friends. When asked whether it was likely that he would have discussed what he had heard from Father Taffe with his assistant priests, including Father Pell, Father Melican replied, ‘Perhaps; perhaps not’, and that he has ‘no memory of having discussions about it’.

Cardinal Pell told us that Monsignor Day’s behaviour was ‘seen as completely unusual and aberrant’; however, he agreed that, because of this scandal, child sexual abuse was on his radar.

We accept the evidence of Cardinal Pell and Fathers Madden and Melican. Their evidence was not challenged, and it stands to reason that serious allegations about a Catholic priest published in a metropolitan newspaper would be the subject of widespread gossip and discussion. As Cardinal Pell put it, it was a ‘great scandal’.

The Church parties accepted some priests knew about the Melbourne Observer article by late 1972 but submitted the evidence is not sufficient to establish the extent to which the article was disseminated or known about in the Ballarat area.

We reject that submission. The article was in a Victorian weekly newspaper. It was considered a matter of great scandal. We are satisfied that knowledge of its contents were widely known in the diocesan community and, in particular, among the clergy.

The Melbourne Observer article is discussed at a meeting of the diocesan council

The month after publication of the Melbourne Observer article, on 19 September 1972, the diocesan council met. Unsurprisingly, the article and the allegations it contained were the subject of discussion.

The minutes of the meeting record:

Re Msgr. J Day. His Lordship discussed with the Council the possibility that Monsignor Day may take legal action against the Melbourne Observer. The opinion of the Council was that if Msgr. Day, after full consultation of all possibilities with the Bishop was determined to do so, no obstacle should be posed.

Bishop Mulkearns presided at the meeting. Save for Father Patrick Culligan and Father Melican, the consultors at this meeting were also present at the meetings on 14 March 1972 and 15 June 1972, at which we have found Bishop Mulkearns told the meeting the circumstances which led to Monsignor Day’s resignation from Mildura – that is, because the police had
informed Bishop Mulkearns of allegations of sexual abuse of children by Monsignor Day – and a suggestion was made to move Monsignor Day to Geraldton in Western Australia. Father Culligan was overseas at the time of the 14 March meeting and did not attend.1092 Father Melican did not attend the 15 June meeting.1093

Father Madden is the only living consultor who was at this meeting, and he told the Royal Commission that he has no recollection of what was discussed.1094

This meeting was held less than a month after the article appeared in the Melbourne Observer. The reference in the minutes to Monsignor Day’s possible legal action against the newspaper must be a reference to defamation proceedings in relation to that article.

The consultors at this meeting all knew that Monsignor Day had resigned from the Parish of Mildura because he was being investigated for child sexual abuse. Given the plain words of the minute, as the Church parties accepted,1095 all consultors present would have been aware of the contents of the article.

**Monsignor Day is appointed parish priest at Timboon**

Less than a year after his resignation from Mildura, on 12 January 1973 Monsignor Day was appointed parish priest at Timboon.1096

The Parish of Timboon is located in the far south of Victoria and is a considerable distance from Mildura in the far north of the state – over 500 kilometres away.

Bishop Mulkearns made this appointment despite knowing of the allegations that Monsignor Day had sexually abused multiple children at Mildura and that the Solicitor-General had little doubt Monsignor Day had misconducted himself.

There is no evidence that Monsignor Day received any form of treatment while he was parish priest of Mildura or following his resignation from that parish.

Cardinal Pell gave evidence that Monsignor Day’s appointment to Timboon was ‘quite unacceptable’. He agreed it was unacceptable because it was putting a priest who was the subject of serious allegations against children back in a parish.1097 He said he was aware of this reappointment soon after it happened and that it would have been circulated in the bishop’s circular news sheet.1098

Mr Torpy told us that he too was aware of Monsignor Day’s appointment to Timboon.1099 He said that the appointment came as a surprise to him. Mr Torpy said he did not speak with anyone about how it came about or where Monsignor Day had been between his resignation and appointment.1100
What the diocesan council knew

The consultors met on 12 January 1973. Present at the meeting were Bishop Mulkearns, Monsignor Gleeson, Fathers Madden and Melican and Monsignors McMahon, O’Keefe, O’Brien, Fiscalini and McInerney.

When they met on 12 January 1973, Monsignor McInerney moved that Monsignor Day be appointed parish priest of Timboon. The motion was seconded by Monsignor Fiscalini.\textsuperscript{1101}

The minutes also record a number of other appointments being made, both of parish priests and administrators. However, only the appointment of Monsignor Day to Timboon was the subject of a formal motion.\textsuperscript{1102}

Bishop Mulkearns referred to this meeting in a letter written to BPI over 20 years later. He wrote:

You asked why Monsignor Day was given another appointment. When the Parish of Timboon became vacant in 1973, he applied for it and insisted on his right to a pastoral appointment and pointed to the fact that the Police had not taken any action against him despite the complaints which had been made. The Diocesan Consultors of the time who were advising me felt that there was no alternative but to give the appointment which he sought. Accordingly, I appointed him to Timboon in January 1973.\textsuperscript{1103}

The consultors at this meeting all knew that Monsignor Day had resigned from Mildura parish because he was being investigated for sexual abuse against children. All of them had attended the diocesan council meeting in March 1972, at which we have found Bishop Mulkearns told the meeting the circumstances which led to Monsignor Day’s resignation from Mildura – that is, because the police had informed Bishop Mulkearns of allegations of sexual abuse of children by Monsignor Day.

With the exception of Father Melican, they also attended the meeting at which the \textit{Melbourne Observer} article was discussed, and the consultors were aware of the contents of the article.

Fathers Madden and Melican gave evidence about this meeting.

Although Father Madden did not remember Monsignor Day being appointed to Timboon, he accepted that he was at the meeting and that he did not say anything about Monsignor Day’s history or challenge the decision.\textsuperscript{1104}
Father Melican also could not remember what was reported or discussed at the meeting regarding Monsignor Day’s appointment to Timboon.\textsuperscript{1105} He agreed he did not speak up and oppose the appointment or give the bishop advice against making the appointment, and he could not remember anyone else doing so.\textsuperscript{1106} Though he could not recall what advice the consultors gave, Father Melican accepted that because the bishop said, in the letter to BPI, that the consultors gave the advice then ‘presumably we did’.

Father McInerney was not asked about this meeting. As set out earlier, he gave evidence that complaints about Monsignor Day relating to ‘sexual offences … against some boys’ came to his attention at some stage, but he could not remember when.\textsuperscript{1107} He accepted it could have been during his time as bishop’s secretary – a role he held between 1973 and 1979.\textsuperscript{1108}

The remaining consultors are deceased.

We are satisfied that the circumstances in which Monsignor Day was returning to parish work after a period of absence would more likely than not have led to some discussion at the meeting.

As the Church parties acknowledged, for Bishop Mulkearns to appoint Monsignor Day to the parish of Timboon despite his awareness of the allegations which had been made against him, and where he had not received any form of treatment, was unacceptable.\textsuperscript{1109}

As the Church parties also conceded,\textsuperscript{1110} it was also unacceptable for the consultors to raise no objection to the appointment, despite the knowledge they had of the allegations against him.

The appointment was to a parish as geographically far from Mildura as possible. It put a priest who was the subject of serious sexual allegations against children back into a parish where it was unlikely that there would be any suspicion of him and he would again have ongoing access to children. We are satisfied that the conduct of Bishop Mulkearns and the consultors prioritised protecting the reputation of the Catholic Church over the safety of children at Timboon.

### 4.3 Gerald Ridsdale

In this part of the report, we consider what was known by Bishop Mulkearns and other senior clergy, including the College of Consultants, about Ridsdale’s sexual offending against children. We also consider the way in which those individuals responded to allegations and complaints against Ridsdale.
Ridsdale’s background and history of appointments

Ridsdale was born in 1934. He attended the seminary at Corpus Christi College at Werribee in Melbourne for five years, between 1954 and 1958, as a candidate for the Diocese.\textsuperscript{1111}

While at the seminary, Ridsdale helped on camps for underprivileged children, where he sexually abused at least one boy.\textsuperscript{1112}

Between 1958 and 1960, Ridsdale was sent to study in Genoa, Italy. After leaving Italy, Ridsdale got a job as a housemaster at a school in Kent, England, where he sexually abused at least one boy.\textsuperscript{1113} In 1960, he spent a year at All Hallows College in Dublin.\textsuperscript{1114}

Ridsdale was ordained a priest in the Diocese in July 1961 by Bishop O’Collins.\textsuperscript{1115}

Following his ordination in 1961, Ridsdale held 16 different appointments over a period of 29 years as a priest. His appointments were typically short. He spent an average of about 1.8 years per appointment, after which he was transferred to a new role or location.\textsuperscript{1116}

Ridsdale’s appointments were discussed at no less than 18 meetings of the College of Consultors.

The frequency with which Ridsdale was moved from appointment to appointment was unusual. Cardinal Pell told us the practice with assistant priests in those days was to give them a variety of experiences over a three-year period.\textsuperscript{1117} However, he acknowledged that the frequency of Ridsdale’s transfers was somewhat unusual, and he presumed the pattern of movements would give rise to discussion.\textsuperscript{1118} What was discussed in relation to Ridsdale’s specific appointments is considered throughout this report.

A complete list of Ridsdale’s appointments is at Appendix C.

Ridsdale’s criminal convictions

By at least December 1992, Victoria Police was investigating Ridsdale in relation to child sexual offences. When Ridsdale was convicted in 1993, he was not sentenced to imprisonment. Since 1994, when Ridsdale was first sent to jail, he has been sentenced to 33 years’ imprisonment with a minimum of 28 years.

Ridsdale has since been convicted of child sexual offences in multiple parishes, including Ballarat East, Swan Hill, Warrnambool, Apollo Bay, Inglewood, Edenhope and Mortlake.
Bishop O’Collins’ early knowledge of complaints about Ridsdale

After his ordination, Ridsdale’s first appointment was assistant priest at Ballarat North in 1962. He told us that he sexually abused a boy while at Ballarat North. Bishop O’Collins, the then Bishop of Ballarat, received a complaint to that effect and confronted Ridsdale with it. The bishop told him that if it happened again he would be ‘off to the Missions’ or ‘off the mission’ – the latter meaning his removal from the priesthood. It is clear that Bishop O’Collins regarded the conduct as serious, as he should have.

In 1964 Bishop O’Collins transferred Ridsdale to the Parish of Mildura, where he was appointed assistant priest.

At the time, Monsignor Day was the parish priest of Mildura. Ridsdale lived in the presbytery with him and another assistant priest, Father Arundell. Father Arundell told us that, during the two years he lived in the presbytery with Ridsdale at Mildura, he did not hear of any complaints or rumours about Ridsdale offending against children.

Ridsdale told us that Bishop O’Collins placed no condition, restriction or supervision on him at Mildura. We accept that evidence.

Ridsdale also told us that he sexually abused a number of boys, mainly altar boys, in Mildura.

In a letter he wrote many years later, in 1989, to treatment providers in the United States, Bishop Mulkearns wrote of Ridsdale, ‘there were some signs of problems quite early in his priestly career. I have no records, but he did attend a psychiatrist, I think at some time in the 60s’. He went on to say, ‘My first first-hand knowledge of a problem came to me around 1975’.

In the 1990s, Bishop Mulkearns wrote a memorandum about a letter from psychiatrist Dr Eric Seal to Bishop O’Collins, which Bishop Mulkearns had removed from Ridsdale’s file and destroyed. He wrote:

The letter from Dr Seal made no reference to the specific reason why Gerald Ridsdale had been referred to him by Bishop O’Collins. Nor was there any letter of reference on file or any other document referring to any reason for the reference or any complaint having been made which might have occasioned the reference.

The letter from Dr Seal stated, to the best of my recollection, that Dr Seal had seen Ridsdale as requested by the Bishop, that he had found him co-operative and that he was confident that, with appropriate care, he could function well as a priest in the future.
We are satisfied that Bishop O’Collins, the then Bishop of Ballarat, received a complaint that Ridsdale sexually abused a boy, and he confronted Ridsdale with it. At around the time he was moved to Mildura, Ridsdale was sent by Bishop O’Collins to see Catholic psychiatrist Dr Seal.\textsuperscript{1133} We have no doubt that that was an attempt to deal with his sexual abuse of children.

Ridsdale was not the only priest in the Diocese referred to Dr Seal. We discuss other priests who were similarly dealt with later in this report.

It was wrong and unacceptable for Bishop O’Collins to appoint Ridsdale to another parish after receiving a complaint that he had offended against a boy at Ballarat North.\textsuperscript{1134}

The Church parties properly acknowledged this. However, they argued that it was not unreasonable for Bishop O’Collins to accept the advice of a psychiatrist that it was appropriate to put Ridsdale back into a parish.\textsuperscript{1135}

Bishop O’Collins is deceased. The only evidence which suggests that advice was given by Dr Seal is Bishop Mulkearns’ evidence that he destroyed a document many years later, which he said recorded that Dr Seal expressed confidence that Ridsdale could continue as a priest with appropriate care.\textsuperscript{1136}

We come to no conclusion as to whether Dr Seal gave that advice. We do not accept that it was reasonable for a bishop to accept the advice of a psychiatrist without himself putting in place precautionary measures. As we have said, we accept Ridsdale’s evidence that Bishop O’Collins placed no condition, restriction or supervision on him at Mildura.\textsuperscript{1137}

**Allegations emerge at Warrnambool parish**

After two years at Mildura parish, Ridsdale held a brief appointment as assistant priest at Swan Hill.\textsuperscript{1138}

While he was at Swan Hill, Ridsdale sexually abused a number of children in relation to whom he was subsequently convicted.\textsuperscript{1139} He gave evidence that, as far as he knew, no one knew about his offending when he left Swan Hill.\textsuperscript{1140}

Father Pell was assistant priest of Swan Hill in 1971 and 1972.\textsuperscript{1141} He gave evidence that no rumours of sexual misconduct about Ridsdale came to his attention while he was in Swan Hill.\textsuperscript{1142}

In January 1970, Ridsdale was appointed assistant priest at Warrnambool,\textsuperscript{1143} where allegations about his conduct emerged.
BPL’s evidence about reporting an allegation to a priest

In 1971, Monsignor Fiscalini was the parish priest at Warrnambool, and Bishop Mulkearns was the new bishop of the Diocese. Ridsdale was still an assistant priest at Warrnambool, as was Father Paul Bongiorno. They lived together in the presbytery. Father Bongiorno was the chaplain of Christian Brothers College Warrnambool.\textsuperscript{1144}

By the end of 1971, Ridsdale had been transferred out of Warrnambool. In 1972, he was replaced by Father Tom Brophy.\textsuperscript{1145}

In 1972, Father Bongiorno ceased to be the chaplain of Christian Brothers College Warrnambool and was appointed chaplain at St Ann’s.\textsuperscript{1146}

BPL provided a statement to the Royal Commission.\textsuperscript{1147} He was not required for questioning.

BPL gave evidence that he was sexually abused by Ridsdale when he was an altar server in Warrnambool from 1970 until 1971, when he was 13 or 14 years old.\textsuperscript{1148} He told us that around this time he went on a boys’ camp just outside of Warrnambool at a place called Crossley, which was organised through his school, St Joseph’s Christian Brothers College.\textsuperscript{1149} Father Bongiorno, who was a priest in Warrnambool parish at the time, came on the camp along with a couple of Christian Brothers.\textsuperscript{1150}

BPL told us that while he was on this camp he spoke briefly to Father Bongiorno. He told Father Bongiorno that Ridsdale had approached him in the presbytery bathroom and asked him how much he ejaculated. Ridsdale said he would get a teaspoon to measure it and check if he was ‘normal’.\textsuperscript{1151} He also told him that he believed similar things had happened with his younger brother, who was also an altar server.\textsuperscript{1152}

BPL gave the following evidence:

Father Bongiorno said, ‘Look, it’s a real problem. Me and Father Brophy have talked to Monsignor Fiscalini about it and he is sorting it out with the Bishop’. Father Bongiorno said he couldn’t do anything further and told me to talk to Monsignor Fiscalini about it.\textsuperscript{1153}

BPL stated that Father Bongiorno was the first person BPL had told about the sexual abuse and that Father Bongiorno left the priesthood shortly after the camp.\textsuperscript{1154}

In 2006, Ridsdale was convicted of the sexual abuse of BPL.
Mr Paul Bongiorno also provided a statement to the Royal Commission responding to BPL’s statement1155 and was not required for questioning.

Mr Bongiorno stated that he ran two camps at Crossley in 1971, which he organised for the Young Christian Students, not for St Joseph’s Christian Brothers College.1156 He said there were never any Christian Brothers at any camps he ran.1157

Mr Bongiorno denied having the conversation with BPL. He said, ‘That conversation did not happen with me. I would remember it. I would have been deeply shocked by the alleged substance of that conversation’1158

He also denied having any discussion with Father Brophy about Ridsdale or any other priest or clergy engaging in any kind of child sexual abuse,1159 and at no time while he was in Warrnambool did he and Monsignor Fiscalini discuss any allegations of Ridsdale’s sexual abuse.1160

Neither BPL nor Father Bongiorno gave oral evidence, so we have not had the benefit of hearing them give evidence. Their accounts differ significantly.

BPL’s evidence is that he spoke to Father Bongiorno in 1970 or 1971, when Ridsdale was still in Warrnambool. BPL says that Father Bongiorno responded that he and Father Brophy were ‘sorting it out’.

We do not know when Mr BPL was sexually abused by Ridsdale or whether it preceded the camp by days, weeks or months. However, we know that Father Brophy replaced Ridsdale in 1972 as assistant priest. It is unlikely, therefore, that the conversation BPL refers to took place in 1970 or 1971, before Father Brophy was appointed to Warrnambool. It is also unlikely that it took place in 1972, when Father Brophy was assistant priest, as Father Bongiorno had left his position as chaplain in 1972.

Our experience during this inquiry confirms ordinary human experience that memory can be unreliable after the passage of time. However, on the material available to us, we are unable to resolve the differing accounts of BPL and Mr Bongiorno.
BPL's evidence about reports to Monsignor Fiscalini

BPL also gave evidence of two separate reports he made to Monsignor Fiscalini about Ridsdale. He said he spoke to Monsignor Fiscalini later in 1971 and told him what Ridsdale had done to him. Monsignor Fiscalini told him that the Church was dealing with it and he was not to talk to anyone about it. BPL said he complained again to Monsignor Fiscalini several years later that nothing had been done about Ridsdale. He said Monsignor Fiscalini responded that the matter was handled by the bishop, who transferred Ridsdale to a parish where the bishop could keep an eye on him.

Monsignor Fiscalini is deceased. However, in a 1993 interview with Catholic Church Insurance Ltd (CCI), he said there were no incidents or complaints about Ridsdale’s behaviour with children while he was with him at Warrnambool.

The Church parties submitted the two accounts cannot be reconciled and there is insufficient evidence to make a finding, and that BPL’s account is unreliable.

We have not had the benefit of hearing from either witness to enable us to assess their accounts. We have a statement by BPL and an account of an interview by Monsignor Fiscalini.

We are satisfied that BPL’s account is accurate in that Monsignor Fiscalini was the parish priest at Warrnambool at the relevant time. It is also the case that Ridsdale was moved on a number of occasions over the next few years after he was at Warrnambool. Further, BPL’s account of what was said to him is consistent with other evidence that the Church’s response was often to tell people making complaints not to tell anyone about it. It was also the case that the bishop was ‘handling’ Ridsdale, albeit in an inexcusable manner.

However, that does not assist us in being satisfied as to the person BPL spoke to. Monsignor Fiscalini has said there were no complaints to him at Warrnambool. Our comments about BPL set out earlier apply equally to his accounts of his discussions with Monsignor Fiscalini. That is, we accept his evidence that he spoke to a priest; however, we cannot be satisfied that it was Monsignor Fiscalini.

BWA reports an allegation to Father Tom Brophy in 1972

BWA was an altar boy and student at Christian Brothers College Warrnambool. He gave evidence that he complained to Father Brophy in 1972 that Ridsdale had sexually abused him.

BWA gave evidence that he also told Father Brophy that he could provide a dozen names of other kids who had been sexually abused. Father Brophy assured him he would put a stop to it and that he and Monsignor Fiscalini would go to Bishop Mulkearns in Ballarat. Father Brophy never raised it with BWA again. Father Brophy died in 1974.
We have no reason not to accept BWA’s evidence. Father Brophy replaced Ridsdale as assistant priest at Warrnambool in 1972 and Monsignor Fiscalini was the parish priest. Father Brophy would have been the logical person to whom BWA would complain.

We are satisfied that BWA complained to Father Brophy in 1972 that Ridsdale had sexually abused him. There is no evidence as to what, if anything, Father Brophy did with that information, including whether he informed Monsignor Fiscalini or Bishop Mulkearns.

BWA also gave evidence that sometime after 1989 he contacted Father Finnigan in Ballarat and told him he wanted to talk to someone about forgiveness. Father Finnigan put him in touch with a clinical psychologist priest named Father Dan Torpy.

BWA said he continued to have conversations with Father Finnigan over the years and that:

> During one of those conversations I told Brian [Finnigan] what I had told Father Brophy about the abuse. I said that for many years I was under the belief that nothing had happened after I had told Broph and that the reason Ridsdale was free for all those extra years was because I wasn’t believed or I was just ignored.

> Brian told me very clearly that Tom Brophy went straight to Ballarat within days of my initial disclosure to him and told Mulkearns everything.

In Father Finnigan’s CCI interview in 1993 he said BWA had ‘mentioned’ to him that something had happened with Ridsdale in Warrnambool, which had upset him, and that Ridsdale had done something ‘sort of untoward’ to him. Father Finnigan referred him to Father Torpy, with whom he had at least one interview. Father Finnigan stated that BWA later reported he was ‘very happy’ with this interview.

In response to a question at the public hearing about his knowledge of Ridsdale’s offending, Bishop Finnigan raised the case of BWA. He said BWA had mentioned that Ridsdale ‘did nasty things to him’ but that he (Bishop Finnigan) ‘can’t recall when these things were mentioned, casually or whatever’ but that it was in ‘1995 or thereabouts’.

It was put to Bishop Finnigan that he had told BWA that Father Brophy had taken BWA’s allegations about Ridsdale to Bishop Mulkearns within days of BWA’s initial disclosure to Father Brophy. Bishop Finnigan said that he has no recollection of saying that to BWA because he did not have any information that Father Brophy had gone to Bishop Mulkearns. He said that Bishop Mulkearns never discussed the issue with him.

We accept BWA’s evidence. Bishop Finnigan did not deny, in 1993 or in his evidence to us, that BWA had spoken to him. However, the evidence is insufficient for us to conclude that Father Brophy did inform Bishop Mulkearns about BWA’s complaint in 1972.
What Father Pell knew about Ridsdale taking boys on trips in 1973

Following a meeting of the College of Consultors, Ridsdale was appointed assistant priest at Ballarat East in 1972. According to Ridsdale, he told the vicar general that he was not getting along with Monsignor Fiscalini at Warrnambool, and this prompted his move to Ballarat East.

Ridsdale told us that by this stage he would have established a pattern in relation to his offending, and a way of seeking victims was to look for or to recognise the vulnerable. Ridsdale gave evidence that he did not think it came to his attention that anyone in the parish knew or suspected he was offending, and no rumours about his conduct came to his attention.

In January 1973, Father Pell was appointed assistant priest at Ballarat East. He lived in the Ballarat East presbytery with Ridsdale for nine or 10 months in that year. Ridsdale gave evidence that he could not remember living at the Ballarat East presbytery with then Father Pell and could not remember having any dealings with him at all. Cardinal Pell told us that while he was at Ballarat East he heard that Ridsdale had taken groups of boys away on camps, including overnight trips. He said this was ‘unusual, but not improper because I – to the extent I thought about it, I thought with a big group of boys that would prevent wrongdoing, or it was a useful precaution’.

When asked if he was thinking of wrongdoing at that time, Cardinal Pell responded:

A. No, not particularly. I just thought it would have been imprudent to do otherwise.

Q. And imprudent because, if a priest was one-on-one with a child, there could be an abusive situation; is that why it was imprudent?

A. That is certainly correct, and it was also capable of provoking gossip that might or might not be justified.

Q. You were conscious of this in 1973 because of the experience with Monsignor Day, weren’t you?

A. I wouldn’t have put the two things necessarily together; I think it was a basic priestly and human prudence, but certainly Day’s activities would have been one factor in the background.

When Counsel Assisting put to Cardinal Pell that, because of the Monsignor Day scandal, child sexual abuse was at least on his radar, Cardinal Pell said, ‘It was at least on the radar, that’s for sure’.

In his submissions, Cardinal Pell accepted it was clear that ‘momentary thought’ was given to the matter of Ridsdale taking boys away on camping trips.
By this time, as we have found earlier, a year before his appointment at Ballarat East, Father Pell had heard gossip that Day was accused of some sort of paedophilia activity. Cardinal Pell agreed in his evidence that Monsignor Day’s activities would have been one factor in the background of his thinking\(^\text{1186}\) when he was at Ballarat East and his thinking about Ridsdale’s conduct in taking boys away.

We are satisfied that in 1973 Father Pell turned his mind to the prudence of Ridsdale taking boys on overnight camps. The most likely reason for this, as Cardinal Pell acknowledged, was the possibility that, if a priest was one-on-one with a child, they could sexually abuse a child or at least provoke gossip about such a prospect. By this time, child sexual abuse was on his radar, in relation to not only Monsignor Day but also Ridsdale. We are also satisfied that by 1973 Cardinal Pell was not only conscious of child sexual abuse by clergy but had also considered measures of avoiding situations which might provoke gossip about it.

Gossip in the community at Apollo Bay parish

After two years at Ballarat East parish, Ridsdale was moved in 1974 to Apollo Bay parish in the far south of the Diocese.\(^\text{1187}\) He was appointed parish priest\(^\text{1188}\) and he lived alone in the presbytery without an assistant priest.

Ridsdale was at Apollo Bay for only a year. He requested a transfer out of the parish when it came to his attention that there was gossip in the community about his conduct. Ridsdale told CCI investigators in a 1993 interview:

> [A] fellow came to see me and he was drunk and brought a lot of grog and wanted to have a drink and I got rid of him as quickly as I could and in the course of the conversation he said ‘They are saying things down at the pub about you and kids’ and I thought it was time to get out. So I put in for a transfer.\(^\text{1189}\)

In his evidence to us in 2015, Ridsdale agreed there must have been talk around the town.\(^\text{1190}\)

Ridsdale gave evidence that he did not know whether he told the bishop that this had happened and that he did not remember whether he spoke to anyone else about getting a transfer quickly.\(^\text{1191}\) He told us the usual way would be to write to the bishop and consultors requesting a transfer.\(^\text{1192}\)

Ridsdale is appointed to Inglewood parish

In early 1975, after requesting the transfer from Apollo Bay, Ridsdale was appointed parish priest at Inglewood parish. The town of Inglewood is in the far east of the Diocese near Bendigo.\(^\text{1193}\)
Undated minutes of a meeting at the College ofConsultors record thatRidsdale was appointed parish priest ofInglewood. According to those minutes, Bishop Mulkearns, FatherMadden (vicar general), Monsignors Fiscalini, O’Brien, McMahon, O’Keefe, McKenzie and Mclnerney, and Fathers Culligan, Melican and Kevin Arundell were present. Father Adrian Mclnerney was the bishop’s secretary at that time.

It is likely this meeting took place in early 1975, as Ridsdale was parish priest ofInglewood from February 1975, a little over a year after he was appointed parish priest ofApollo Bay.

Most of the consultants at this meeting had attended two or more of the consultants meetings at which Monsignor Day’s resignation and subsequent appointment had been discussed. We found earlier that Bishop Mulkearns told the meeting the circumstances which led to Monsignor Day’s resignation from Mildura – that is, because the police had informed Bishop Mulkearns of allegations of sexual abuse of children by Monsignor Day.

Fathers Culligan and Arundell were the only two consultants at this meeting who had not attended earlier meetings at which Monsignor Day had been discussed.

Of the attendees at this meeting, Fathers Madden, Mclnerney and Melican gave evidence. Father Kevin Arundell was not asked to give evidence. The remaining consultants are deceased.

Father Madden told us he had no recollection of why Ridsdale was appointed toInglewood.

Father Mclnerney was not asked about this meeting or the circumstances in which Ridsdale leftApollo Bay. He was asked by counsel for the Church parties if he had any recollection of Bishop Mulkearns ever saying anything to the effect that Ridsdale had some issue with sexual behaviour or sexual abuse, and he said he did not recall him saying that. Father Mclnerney was asked if at any meeting while he was bishop’s secretary he had ‘any recollection’ of Bishop Mulkearns or anyone else saying something to the effect that Ridsdale had or might have sexually abused children, he said no. He said he was not aware of Ridsdale’s offending before Ridsdale was charged in early 1993.

Father Melican told us he could not remember if he came to hear what was being said about Ridsdale at the time Ridsdale was transferred fromApollo Bay in early 1975. However, he said that the consultants must have known about Ridsdale’s move and the circumstances of that move. Father Melican agreed that, as he was a consultant at the time, in the normal course of things he would have been told what was going on.

Father Melican said he could not recall the circumstances of Ridsdale’s transfer or anything that was explained to the consultants in early 1975 about why Ridsdale was moving. However, he accepted that it would have been explained to him.
Father Melican told us that Bishop Mulkearns would have sought advice from the consultors on the appointment of Ridsdale to Inglewood and the appointment of a replacement parish priest to Apollo Bay, which the consultors would have given. He did not ‘totally’ agree that, in taking advice from the consultors, Bishop Mulkearns would have explained the circumstances giving rise to Ridsdale’s transfer to Inglewood. He said, ‘He would have told us what he thought was in Ridsdale’s best interests and the best interests of the parishioners; how much that was, I can’t remember’. However, Father Melican agreed that the move would have come up very quickly and unexpectedly and as a result would have needed explanation.

At the conclusion of questioning by Senior Counsel Assisting, the Church parties indicated that they had some questions for Father Melican. We were informed the following day that the Church parties did not wish to question Father Melican.

Cardinal Pell gave evidence that the number of times Ridsdale had been moved by this stage was ‘something somewhat unusual, certainly, but in those days, when there were many assistant priests, the practice was generally to give them a variety of experiences over a three-year period at a place and then put them somewhere else to broaden their experience before they became parish priest’.

Cardinal Pell agreed that he would presume that the pattern of movements would give rise to discussion but that he could not remember any discussion.

It is clear that Ridsdale’s appointment to Inglewood after only a year at Apollo Bay was unusual.

We accept Father Melican’s evidence that Ridsdale’s move would have come up very quickly and unexpectedly and, as a result, would have needed explanation. We accept his evidence that the consultors must have known about the circumstances of the move and that it would have been explained to them.

We are satisfied from his evidence that ‘in the normal course of things’ the consultors would have had the circumstances explained to them.

Allegations emerge at Inglewood parish

Ridsdale described himself as being ‘out of control’ during his time at Inglewood. He had a pool table and acknowledged it was ‘the trap’ for young boys. He did not have an assistant priest and lived alone in the presbytery.

According to Ridsdale, a woman told him one day after mass that ‘There is talk around the town that you have been interfering with the boys and … the Police have been around making inquiries’. He panicked, packed up his things and left Inglewood late in the evening. The next day, he went to see Bishop Mulkearns.
Mr Colin Mooney was a Victorian police officer and in charge of Bendigo CIB. In 1976, he obtained a statement from at least one boy in Inglewood that Ridsdale had indecently assaulted him. According to Mr Mooney, Bishop Mulkearns said he would put Ridsdale in hospital for counselling.

Bishop Mulkearns met with Ridsdale and Mr Mooney in separate meetings on the same day in mid-January 1976. According to Bishop Mulkearns, Ridsdale came to him before Mr Mooney did and warned him that a policeman was coming to see him.

When asked if he told Bishop Mulkearns in this meeting that he had been ‘offending against children’, Ridsdale gave evidence that he would have, as that was ‘the whole point’ of his going to see Bishop Mulkearns and that is why the bishop sent him for counselling.

In a letter many years later, in 1989, to a treatment facility in the United States, Bishop Mulkearns wrote regarding Ridsdale:

> My first first-hand knowledge of a problem came to me around 1975 when a complaint was made by a parishioner about interference with his son. The offence was admitted and I referred [Ridsdale] to Father Augustine Watson O.F.M, a priest-psychologist, for counselling. I, of course, removed him from his parish.

The Church parties acknowledged that it is clear that in about late 1975 Bishop Mulkearns learned of both the complaint by the policeman and the admission by Ridsdale.

Bishop Mulkearns told CCI in 1993 that when he met with Mr Mooney he was able to tell him that he was pulling Ridsdale out of the parish and would have him seek counselling.

Gossip in the Inglewood community about Ridsdale

Not surprisingly, there was gossip in the Inglewood community about the allegations against Ridsdale.

A retired Inglewood policeman said many years later that after the detectives came up from Bendigo ‘everyone around the town knew what was going on after it hit the fan’.

The policeman was cited in a 1994 article in *The Age* as saying, ‘I got a telephone call from a Detective Sergeant Mooney asking me what I knew about him [Ridsdale]’, and:

> All of a sudden, detectives came up from Bendigo, then he was gone. Everyone around the town knew what was going on after it hit the fan. After the detectives came up everyone around here knew about it.
It was pretty common knowledge all through the Catholic congregation, everyone you would speak to knew about it.\textsuperscript{1225}

Another man was quoted in that article as saying that his fellow students at the Catholic Secondary College in Bendigo risked the wrath of their teachers by enquiring of ‘the poofter priest from Inglewood’.\textsuperscript{1226} Neither of these sources gave evidence to the Royal Commission.

The Church parties agreed that there was talk in the Catholic community in 1975–1976 about Ridsdale interfering with boys and that the police were making enquiries.\textsuperscript{1227}

We are satisfied that in late 1975 and early 1976 there was talk around the Catholic congregation and community in Inglewood that Ridsdale had been interfering with boys and that the police were making enquiries.

We are also satisfied that by late 1975 Ridsdale had admitted to Bishop Mulkearns that he had offended against children. We are satisfied that Bishop Mulkearns knew that Ridsdale’s conduct was known to the police in Bendigo and it is likely he knew of the general talk in the community about Ridsdale.

There were now two communities – Apollo Bay and Inglewood – where there was talk about Ridsdale sexually offending with children.

**Ridsdale attends counselling with Father Peter Evans**

In a 1993 CCI interview, Bishop Mulkearns stated that, after he was visited by the policeman in relation to Inglewood, ‘I made some enquiries as to who would be an appropriate counsellor’.\textsuperscript{1228} He stated that Father Augustine Watson was recommended.\textsuperscript{1229} He also stated, ‘I have’nt [sic] got the dates and I didn’t take any notes about that’.\textsuperscript{1230} In a later interview in 1995, Bishop Mulkearns recalled that Ridsdale was first referred to Father Peter Evans.\textsuperscript{1231}

We are satisfied that Bishop Mulkearns did not take any notes of the 1975 complaint of child sexual abuse against Ridsdale or in relation to his subsequent treatment with Father Evans. We infer that he did so in order for there not to be a record of Ridsdale’s history of sexual abuse of children.

Father Evans was a priest in the Order of Friars Minor (the Franciscans) and a qualified psychiatrist.\textsuperscript{1232} He was located at a retreat house called La Verna in Kew, Victoria.\textsuperscript{1233} Dr Evans gave evidence to the Royal Commission about his treatment of Ridsdale in late 1975.

Dr Evans gave unchallenged evidence\textsuperscript{1234} that Ridsdale arranged the sessions himself, and he had no contact with Bishop Mulkearns.\textsuperscript{1235} We will address this issue shortly.
Dr Evans’ evidence was that Ridsdale informed him that he was parish priest at Inglewood. He said:

Ridsdale told me that an allegation had been made against him for sexual interference with a child, which the police were investigating. He denied that allegation.

Ridsdale gave no history of previous complaints about him from any one else with regard to sexual abuse of children. He revealed nothing in his past history concerning sexual abuse. He did not tell me that he had received treatment or undergone therapy in the past.\footnote{1236}

Dr Evans said this was the first priest he had heard of who had an allegation of child sexual abuse made against him.\footnote{1237} Dr Evans described Ridsdale as ‘superficially cooperative, but impatient, reticent and unforthcoming’. He said it was his ‘distinct clinical impression that he was not seeing me of his own volition’ and that Ridsdale ‘revealed next to nothing of his personal life’.\footnote{1238}

Dr Evans also gave evidence that his clinical evaluation of Ridsdale was that he ‘presented with symptoms of anxiety consequent upon his being investigated by the police and the resultant threat to his priesthood’.\footnote{1239}

After one or two sessions, Dr Evans received a phone call from someone who identified himself as the policeman from Bendigo who was investigating the allegations of sexual abuse.\footnote{1240} This policeman told him they would not be pressing charges against Ridsdale but that the police thought Ridsdale was guilty and should have therapy.\footnote{1241}

Dr Evans gave evidence that the realisation that no charges would be laid against Ridsdale caused a marked relief in his anxiety symptoms and that there was no evidence of any other psychiatric illness.\footnote{1242}

Dr Evans decided to leave the priesthood towards the end of 1975 but stayed on at La Verna until the end of January 1976.\footnote{1243} Ridsdale gave evidence that he had between one and three sessions with Father Evans and then, when he went for an appointment, he was told Father Evans had left and got married.\footnote{1244} He said he could not remember what they talked about in those sessions and that he thought he did not stay at La Verna but took day trips there.\footnote{1245}

**Bishop Mulkearns removes Ridsdale from Inglewood**

On 16 January 1976, three days after Bishop Mulkearns had met with Ridsdale and the police officer from Bendigo, Ridsdale was appointed parish priest of Bungaree – a parish on the outskirts of the city of Ballarat.\footnote{1246} That appointment was a temporary appointment until the end of February.\footnote{1247}
Many years later, in an interview with CCI, Bishop Mulkearns explained his appointment of Ridsdale to Bungaree on the basis that he received advice that it was ‘prudent’ to place him in another parish.\textsuperscript{1248} He said he only appointed Ridsdale after he ‘was given assurance that he was ready to be appointed again’.\textsuperscript{1249} This is at odds with Ridsdale being appointed three days after the police visited Bishop Mulkearns.

By contrast, Dr Evans’ evidence was that he had no communication with Bishop Mulkearns at all. He gave the following evidence:

\begin{quote}
I never spoke to Bishop Mulkearns on the phone. I was never asked by anyone about Ridsdale’s suitability to be doing parish work. I did not say to Bishop Mulkearns or anyone else, including Ridsdale, that it was OK for Ridsdale to be appointed again.\textsuperscript{1250}
\end{quote}

Ridsdale also gave evidence that he did not recall telling Bishop Mulkearns that Dr Evans said he could be returned to a parish.\textsuperscript{1251}

We accept Dr Evans’ evidence, and his evidence was not challenged. We are satisfied that Dr Evans was not asked by Bishop Mulkearns or anyone else to express a view on Ridsdale’s suitability to return to a parish and Dr Evans did not proffer any such view. The Church parties acknowledge that Ridsdale was not given clearance from a psychologist or psychiatrist before being put back into ministry.\textsuperscript{1252} It follows that the account Bishop Mulkearns gave to CCI was false and no doubt designed to protect him from criticism in relation to his protection of Ridsdale and to protect the reputation of the Church.

It follows that Bishop Mulkearns, knowing that Ridsdale had offended against children, knowing that his conduct was known to the police in Bendigo and more likely than not knowing of the general talk in the community about Ridsdale, placed Ridsdale in another parish situation.

As the Church parties acknowledged, it was inexcusably wrong for Bishop Mulkearns to have done so.\textsuperscript{1253} It was an extraordinary failure for Bishop Mulkearns to appoint Ridsdale parish priest, even temporarily, accepting Ridsdale’s assurance that he was ready to be appointed again. It showed complete disregard for the safety and welfare of children in the Parish of Bungaree.

\section*{What the College of Consultors knew}

Three days after Bishop Mulkearns met with Ridsdale and the policeman about the Inglewood allegations, on 16 January 1976, a meeting of the College of Consultors was held. Ridsdale’s temporary appointment to the parish of Bungaree was a subject of discussion.
Bishop Mulkearns, Father Madden (the vicar general), Monsignors O’Keefe, Fiscalini, O’Brien, McKenzie and McInerney, Father Melican, and Fathers Culligan and Kevin Arundell attended the meeting.\textsuperscript{1254} Father McInerney was bishop’s secretary at that time and he took the minutes.\textsuperscript{1255}

The minutes of the meeting record:

After stressing again the confidentiality of all matters dealt with in Consultors Meetings, Bishop Mulkearns announced that some matters had arisen in the diocese which might make it advisable to delay making many appointments. At this stage, moves should be kept to a minimum.\textsuperscript{1256}

The minutes then record a number of new appointments in the Diocese, including Ridsdale’s appointment as temporary parish priest of Bungaree.\textsuperscript{1257}

With the exception of Fathers Culligan and Arundell, the consultors at this meeting had attended previous meetings of the diocesan council in 1972. We have found that Bishop Mulkearns told attendees at those meetings the circumstances which led to Monsignor Day’s resignation from Mildura – that is, because the police had informed Bishop Mulkearns of allegations of sexual abuse of children by Monsignor Day – and the contents of the \textit{Melbourne Observer} article was known and discussed.

Three of the attendees at this meeting gave evidence to the Royal Commission – Fathers Madden, Melican and McInerney. Father Kevin Arundell was not asked to give evidence. The remaining attendees are deceased.

Father Madden was administrator at Inglewood for three or four months later in the year that Ridsdale left Inglewood. Even though there was talk around the Catholic congregation and community in Inglewood in late 1975 and early 1976 about Ridsdale interfering with boys, Father Madden told us that he did not know about the circumstances of Ridsdale leaving Inglewood and no one talked to him about Ridsdale’s time at Inglewood.

He also said that no one brought any allegations or complaints against Ridsdale to his attention.\textsuperscript{1258}

Father Madden told us he had no recollection whatsoever of what Bishop Mulkearns announced at the meeting\textsuperscript{1259} and he was not able to say what ‘matters’ had arisen in the Diocese that made it advisable to delay making appointments.\textsuperscript{1260} Father Madden suggested as a possible explanation for the minutes that the moves would not be announced until the people concerned had been contacted, but he had no recollection of why it was said in this particular instance.\textsuperscript{1261}
When questioned by counsel for the Church parties about his recollection of the consultor meetings, Father Madden gave the following evidence:

Q. Separately, different question: at any time during the period that you were sitting in Consultors meetings, did Bishop Mulkearns or anyone else to your recollection mention anything about Ridsdale in connection with sexual misconduct towards children or sexual abuse of children?

A. I don’t recall any occasion in which that was discussed.

Q. Apart from on the Consultors Committee meeting, but generally in your time working with Bishop Mulkearns, either as Vicar-General or otherwise, did he ever say anything to you about Ridsdale in connection with abuse of children or some related topic?

A. No, he did not.  

Father Melican also could not remember the meeting. His evidence was that it was unusual that matters had arisen which meant that it would be best to delay making appointments, and he accepted the problem that led to delayed appointments was plainly Ridsdale. He said he did not know at the time about the trouble Ridsdale had got into at Inglewood.

We have accepted Father Melican’s evidence that, at the consultors’ meeting in early 1975 where Ridsdale’s move to Inglewood was discussed, that move would have come up very quickly and unexpectedly and as a result would have needed explanation. We have accepted his evidence that the consultors must have known about the circumstances of the move and that it would have been explained to them.

We were satisfied from his evidence that ‘in the normal course of things’ the consultors would have had the circumstances explained to them. We infer that that practice was followed on this occasion.

Father McInerney also told us he had no recollection of the meeting. He gave the following evidence:

Q. You would expect, following the usual practice under Bishop Mulkearns, that he would have explained what he meant by that, and you would have recorded the outcome; is that right?

A. What he meant by the confidentiality?

Q. Yes.

A. I would expect that, yes.
THE CHAIR: Q. Was it commonplace for the Bishop to stress the confidentiality of Consultors meetings?

A. No, that’s a bit exceptional.

Q. So this tells us that something rather extraordinary was happening, does it?

A. It would indicate that, I think.\textsuperscript{1267}

His evidence continued:

THE CHAIR: Q. When we look at this minute, you’ve told us that it was unusual for the Bishop to stress confidentiality.

A. Yes.

Q. It would logically follow from that, that he was going to tell you things that needed to be kept confidential; do you agree?

A. Yes.

Q. And, in relation to what those matters might have been in January 1976, having regard to Ridsdale’s movement and short appointment, what do you think the Bishop might have been talking to you about?

A. Given what we now know of his life, it may well have been that he was talking about some sort of sexual abuse issue, but I couldn’t say that for certain at this point, but I would speculate that.

Q. When you were told or when there’s a stress on confidentiality, which you accept means that you were told things that were to be kept confidential, can you think of anything else at this time that you might have been told about?

A. I can only remember one other occasion in which the Bishop stressed the confidentiality, and that was when a priest was about to leave and get married, and that was the only other time that I heard him remind the Consultors – and I wasn’t a Consultor at the time – but I heard him remind them of their confidentiality.\textsuperscript{1268}

Father McInerney was then asked whether there was another explanation for Bishop Mulkearns stressing the need for confidentiality:

Q. Given the need for confidentiality about this, can you think of anything else other than sexual transgression which you would have talked about at that meeting?

A. No.\textsuperscript{1269}
He would have expected Bishop Mulkearns to have explained to the consultors his reasons for moving Ridsdale.\textsuperscript{1270}

Counsel for the Church parties asked Father McInerney whether Bishop Mulkearns had ever mentioned Ridsdale’s offending:

\begin{quote}
Q. Do you have any recollection of Bishop Mulkearns ever saying anything to the effect that Ridsdale had some issues with respect to sexual behaviour or sexual abuse?

A. I don’t recall him saying that.\textsuperscript{1271}
\end{quote}

He said he was not aware of Ridsdale’s offending before Ridsdale was charged\textsuperscript{1272} in early 1993.

Cardinal Pell was not a consultor until 1977 and did not attend this meeting. He gave evidence that, from his later experience in consultors’ meetings, the entry in relation to stressing confidentiality was ‘only partially’ unusual. He said, ‘There was always a great stress by the Bishop to keep the meetings of the consultors – the contents, the matters discussed, to keep it – to keep them confidential’ within the consultors.\textsuperscript{1273}

When asked whether it was unusual that Ridsdale was given a temporary appointment given he had been parish priest in a number of parishes and had been in Inglewood for a relatively short period, Cardinal Pell responded, ‘Yes, it was somewhat unusual but not completely unusual … when a priest was moving from parish to parish it’s not unusual for him to have filled a gap before taking up a new appointment’.\textsuperscript{1274} He said, ‘there’s a number of reasons possible for such a short appointment’.\textsuperscript{1275}

When asked whether a consultor, doing his job properly, would want to know why Ridsdale had so many moves, Cardinal Pell responded, ‘I think that is correct’.\textsuperscript{1276}

Cardinal Pell gave evidence that it did not come to his attention at that time that it was common knowledge in Inglewood that Ridsdale was interfering with children.\textsuperscript{1277} When asked whether he subsequently knew that Ridsdale’s offending with children in Inglewood was common knowledge, Cardinal Pell said:

\begin{quote}
I couldn’t say that I ever knew that everyone knew. I knew a number of people did. I was – I don’t know whether it was common knowledge or whether it wasn’t. It’s a sad story and it wasn’t of much interest to me.\textsuperscript{1278}
\end{quote}

He continued, ‘The suffering, of course, was real and I very much regret that, but I had no reason to turn my mind to the extent of the evils that Ridsdale had perpetrated’.\textsuperscript{1279}
Later, Cardinal Pell gave the following evidence:

Q. You said also on the second day of your evidence, on Tuesday, and we’ve heard this quote many times before and you’re probably sick of hearing it, Ridsdale ‘was a sad story and it wasn’t of much interest to me’. You remember that, no doubt?

A. I certainly said nothing of the kind, as I have endeavoured to explain already this evening.

Q. I’m actually quoting you from the transcript, Cardinal.

A. I would like you to do so.

Q. I just did. ‘A sad story and it wasn’t of much interest to me’?

A. That’s only – that’s a selective quotation. We were talking, I think, about Inglewood, about what I knew in the ’90s, what I might have known in the ’70s. I was overwhelmingly interested in the health of the Diocese and the fate of and the plight of the victims; certainly in the ’90s. I’ve explained that the use of the word ‘interested’ was a mistake and misleading and I tried to explain just what I was starting to say in a confused and inadequate way.\textsuperscript{1280}

The Church parties submitted there is no sufficient evidentiary basis to find that any of the attendees at the meeting, except Bishop Mulkearns, knew about Ridsdale’s offending before or at the meeting.\textsuperscript{1281}

There is no doubt as to Bishop Mulkearns’ reason to move Ridsdale from Inglewood. He had just received a serious complaint of sexual interference which Ridsdale had admitted. His conduct was common knowledge in Inglewood and, as a result, Bishop Mulkearns needed to get him out of Inglewood. The minutes record Bishop Mulkearns referring to the need for confidentiality. We do not doubt this was the information that the bishop would want the consultants to keep confidential.

In relation to Ridsdale’s move to Inglewood, we have accepted Father Melican’s evidence that that would have come up very quickly and unexpectedly and, as a result, it would have needed explanation. We also accepted his evidence that the consultants in early 1975 must have known about the circumstances of the move to Inglewood and that it would have been explained to them. We were satisfied from his evidence that ‘in the normal course of things’ the consultants would have had the circumstances explained to them. We inferred that that practice was followed on that occasion. We also infer that that practice was followed in relation to the January 1976 meeting at which Ridsdale’s move from Inglewood was discussed.
All of the consultors at this January 1976 meeting where Ridsdale’s move from Inglewood was discussed were present at the early 1975 meeting at which Ridsdale’s move to Inglewood was raised.

We accept Father McInerney’s evidence that the discussion at this January 1976 consultors’ meeting must have been about sexual transgressions and that he would have expected Bishop Mulkearns to have explained to the consultors his reasons for moving Ridsdale. We agree that that must have been the case, as there is no other reasonable conclusion available.

We note that this is consistent with Father McInerney’s response to questions from the Church parties about his lack of actual recall of what Bishop Mulkearns said about Ridsdale. We reject his evidence that he was not aware of Ridsdale’s offending before he was charged, if by that he meant he was not aware of allegations against him or admissions made by him.

We reject Father Madden’s evidence that he did not know about the circumstances of Ridsdale leaving Inglewood.

We are satisfied that, at this meeting, Bishop Mulkearns told the consultors that the ‘matters [which] had arisen in the dioceses’ related to sexual transgressions by Ridsdale.

The Church parties offered an alternative theory for the words appearing in the minutes. They submitted that Father Madden’s evidence supports that the need for confidentiality might have related to the need to first check the series of moves would be feasible and to inform the priests affected before any official announcement. It was submitted that this theory is supported by a document in evidence – a letter from Bishop Mulkearns shortly after the meeting suggesting the delay in making appointments was due to a drop in the number of priests. In short, the Church parties argued the stressing of confidentiality related to the process of making appointments and announcing the moves and not the actual matters discussed at the meeting.

We do not accept that this is the most likely explanation for the words appearing in the minutes. If that were the case, we would expect to see the stressing of confidentiality appear in many, if not all, minutes of consultors’ meetings where appointments were made. Instead, Father Melican and Father McInerney told us this was ‘unusual’, ‘exceptional’ and ‘extraordinary’.

In any event, the Church parties did not ask the three consultors who gave evidence about this alternative explanation, so it remains speculation.

The Church parties acknowledged that it was inexcusably wrong for Bishop Mulkearns to have made this appointment. That is clearly so.
Ridsdale is appointed to the Parish of Edenhope

Two months after his temporary appointment to Bungaree, on 18 March 1976, Ridsdale was given another temporary appointment as administrator at Edenhope.\footnote{1290}

Edenhope is in the far west of Victoria, approximately 280 kilometres west of Ballarat and Inglewood. The parish extends to the South Australian border. Ridsdale has been convicted in relation to a number of child sexual offences there.\footnote{1291}

Ridsdale told us he could not recall any discussion with Bishop Mulkearns or any consultor about whether he was ready to go into a parish, and he did not think there were any restrictions or conditions placed on how he should operate as administrator or parish priest at Edenhope.\footnote{1292}

In a 1993 interview with CCI loss adjustor Mr O’Connor, Bishop Mulkearns stated that after Inglewood ‘I had insisted that he [Ridsdale] have professional counselling and to my knowledge, he was doing that while he was in Edenhope’.\footnote{1293} In a later interview Bishop Mulkearns recalled that it was Father Evans, not Father Watson, who Ridsdale saw after Inglewood.

There was no evidence that Bishop Mulkearns sent Ridsdale to counselling while he was at Edenhope, and Ridsdale’s evidence was that he did not see a counsellor at that time.

On 19 July 1977, just over a year after he was appointed administrator of Edenhope, Ridsdale was formally appointed parish priest of Edenhope.\footnote{1294} By August 1978, Ridsdale had foreshadowed possible interest in a more central parish in the January moves.\footnote{1295}

We are satisfied that Ridsdale was appointed temporary parish priest of Edenhope just over two months after he was removed from Inglewood parish following a complaint of child sexual abuse, without Bishop Mulkearns having received any assurance from the psychiatrist he had been sent to that it was suitable for Ridsdale to be put back into ministry. We are satisfied that Bishop Mulkearns did not place any restrictions or conditions on how Ridsdale should operate in Edenhope.

Ridsdale did not think he was engaged in any regular counselling after he left Inglewood.\footnote{1296} Ridsdale did not see Father Watson for treatment until 1981 or 1982. Contrary to Bishop Mulkearns’ assertion in a 1993 CCI interview, we are satisfied that Ridsdale was not engaged in professional counselling while he was in Edenhope parish.

Returning Ridsdale to a parish without any restrictions or conditions, and without ongoing professional counselling, showed complete disregard for the safety and welfare of the children of Edenhope parish.
The Church parties acknowledged that it was inexcusably wrong for Bishop Mulkearns to have appointed Ridsdale to another parish after he became aware of Ridsdale’s offending at Inglewood.1297 Again, that is clearly the case.

What the College of Consultors knew

Meeting of the College of Consultors on 18 March 1976

When the College of Consultors met on 18 March 1976, Ridsdale’s temporary appointment to Edenhope was recorded. The minutes record, ‘Edenhope – G. Ridsdale – pro tem’ 1298

Bishop Mulkearns presided at the meeting. The same consultors and bishop’s secretary attended this meeting as the meeting on 16 January 1976, when Ridsdale was appointed to Bungaree.1299

Of those present at this meeting, Fathers McInerney, Madden and Melican gave evidence. Father Kevin Arundell was not asked to give evidence. The remaining consultors are deceased.

Father McInerney, the bishop’s secretary who took the minutes, told us ‘pro tem’ means ‘for the time being’.1300 He agreed he would expect that Bishop Mulkearns would have explained why Ridsdale was moving to Edenhope and why it was a temporary position, but he could not now recall what he said.1301 When asked questions by counsel for the Church parties, Father McInerney confirmed his lack of actual recall of what was said by Bishop Mulkearns about Ridsdale:

Q. Does it follow that at no previous time, either in any meeting or otherwise, did anyone ever tell you or suggest to you that Ridsdale was abusing children or suspected of abusing children?

A. I think what follows is that I have absolutely no recollection of any – of such conversation.1302

His evidence continued:

Q. At any meeting while you were the Bishop’s secretary, that is, between about 1973 and 1978, do you have any recollection of anyone, whether Bishop Mulkearns or anyone else, saying such a thing, ie something to the effect that Ridsdale had abused children or might have done so?

A. In those meetings?
Q. Yes.

A. No. 1303

Father McInerney said he was not aware of Ridsdale’s offending before Ridsdale was charged in early 1993. 1304

Father Melican did not remember what was discussed or why Ridsdale was appointed pro tem. 1305 He said a pro tem appointment was ‘not uncommon’ and people are sometimes temporarily put in parishes. 1306 He was asked the following questions by Counsel Assisting:

Q. In this particular case, with Ridsdale and what we know about him having to leave Apollo Bay one year later, having to leave Inglewood, and then appointed, as it was put in the previous one, ‘Bungaree – temporary appointment’ until the end of February, and now we have Ridsdale pro tem.

A. Yes.

Q. This is a problem peculiar to Ridsdale, isn’t it?

A. Yes, it is.

Q. And that was well-known to the Consultors?

A. Yes. 1307

Father Madden had no recollection of what Bishop Mulkearns told the meeting. 1308 However, he recalled that it had been intended that he (Father Madden) would go to Edenhope as parish priest when he returned from six months’ sabbatical leave in October 1976 and replace Ridsdale, who was sent there pro tem. He said that, as it happened, when he returned from sabbatical he was sent for a short while to Inglewood and from there to the cathedral. 1309

The Church parties submitted that Father Melican’s answers to the propositions put to him provide no assistance to the Royal Commission, as the ‘problem’ which was ‘well-known’ to the consultors was not identified. 1310 They also submitted that, while Father McInerney could not recall what was said at the meeting, he gave evidence that he only learned of Ridsdale’s offending in 1993. 1311

The Church parties submitted that there is no sufficient evidentiary basis for a finding that before or at the meeting any of the attendees had any knowledge of actual or suspected offending by Ridsdale. 1312
In relation to Ridsdale’s move to Inglewood, we have accepted Father Melican’s evidence that that would have come up very quickly and unexpectedly and as a result would have needed explanation. We also accepted his evidence that the consultors in early 1975 must have known about the circumstances of the move to Inglewood and that it would have been explained to them. We were satisfied from his evidence that ‘in the normal course of things’ the consultors would have had the circumstances explained to them. We have inferred that that practice was followed on that occasion and in relation to the January 1976 meeting at which Ridsdale’s move from Inglewood was discussed.

All of the consultors at this March 1976 meeting where Ridsdale’s move from Inglewood was discussed were present at the early 1975 and January 1976 meetings at which Ridsdale’s moves to and from Inglewood were raised.

We have accepted Father McInerney’s evidence that the discussion at the January 1976 consultors’ meeting must have been about sexual transgressions and that he would have expected Bishop Mulkearns to have explained to the consultors his reasons for moving Ridsdale. We agreed that that must have been the case, as there is no other reasonable conclusion available.

We were satisfied that at this meeting, Bishop Mulkearns told the consultors that the ‘matters [which] had arisen in the dioceses’ related to sexual transgressions by Ridsdale.

We further accept his evidence that, at the March 1976 meeting, he would expect that Bishop Mulkearns would have explained why Ridsdale was moving to Edenhope and why it was a temporary position.

Fathers Madden, Melican and Father McInerney said that they did not recall what was said at this meeting.

We have no reason not to believe that the usual practice of explaining the circumstances of a move to the consultors, referred to by Father Melican, was not followed at this meeting, particularly as those present were already aware of Ridsdale’s sexual transgressions.

**Meeting of the College of Consultors on 19 July 1977**

Over a year later, Ridsdale was given a permanent appointment at Edenhope as parish priest. The appointment was recorded at a meeting of the College of Consultors on 19 July 1977.

Bishop Mulkearns, and four of the consultors at this meeting – Monsignor Fiscalini and Fathers Madden, McKenzie and Arundell – attended the January 1976 meeting. Father McInerney was at this and the January 1976 meeting as bishop’s secretary and took the minutes. The same individuals were at the 18 March 1976 meeting, where Ridsdale was appointed pro tem to Edenhope.
The remaining two consultors at this meeting – Father Pell and Father Torpy – were new and had not attended the earlier meeting.

The minutes of the meeting record:

Fr G. Ridsdale was formally appointed as parish priest of Edenhope. His original appointment was as Administrator and he should have been confirmed P.P. on 14/1/77. Bishop Mulkearns is to write to Fr Ridsdale.  

Fathers Madden and McInerney and Cardinal Pell gave evidence about this meeting. Father Kevin Arundell was not asked to give evidence. The other attendees are deceased.

Father Madden had no recollection of the meeting, but he explained that Ridsdale was confirmed as parish priest at Edenhope once that parish was no longer being held for Father Madden on his return from sabbatical.

Father McInerney told us that, when compared with a parish priest, an administrator does not have a right of tenure at a parish, and an appointment as administrator is sometimes made to make it possible to move that person from one parish to another. He agreed it can be used as a period of probation. Father McInerney also agreed that, if the appointment is being used in that way, he would expect Bishop Mulkearns to explain to the consultors why the priest was being appointed as an administrator when he had been a parish priest before. He accepted it was an unusual step but said it was not unheard of.

When asked questions by counsel for the Church parties, Father McInerney confirmed his lack of actual recall of what Bishop Mulkearns said about Ridsdale. He said he was not aware of Ridsdale’s offending before Ridsdale was charged in early 1993.

Mr Torpy did not give evidence about this meeting. He told us that sexual abuse was never discussed at consultors’ meetings he attended and it would have come as a shock to him, as a junior priest, for that kind of matter to emerge. He said he was not aware of any suggestion that Ridsdale had engaged in child sexual abuse until after he was charged in the 1990s. Mr Torpy also said that it may have been that he knew less than what others knew because of his geographic distance at the time: he was at Hamilton in western Victoria.

Mr Torpy’s evidence that he was not aware of any suggestion that Ridsdale had sexually abused children until the 1990s is inconsistent with a letter he wrote to Bishop Mulkearns in 1981, which we discuss below. Our conclusions about the reliability of Mr Torpy’s evidence are set out below.

Cardinal Pell gave evidence that he knew each of the consultors at this meeting. He agreed that Bishop Mulkearns, Monsignor Fiscalini, Father Madden and Father McKenzie were all aware of serious sexual assault complaints against Monsignor Day and with that knowledge moved him to another parish.
Cardinal Pell accepted he would have had some knowledge at the time of the number of Ridsdale’s prior moves from parish to parish. When asked why he thought Ridsdale had been moved in this irregular way, he said, ‘Because, obviously, there was a series of difficulties, but it certainly was not stated that those difficulties touched on paedophilia and crimes’.  

Cardinal Pell said that when a person is moved from being administrator to parish priest it is an expression of confidence. Cardinal Pell was not asked about Father Madden’s evidence that Ridsdale was confirmed as parish priest at Edenhope once that parish was no longer being held for Father Madden on his return from sabbatical.

Cardinal Pell told us that Bishop Mulkearns said nothing at this meeting of earlier allegations against Ridsdale, and he could not remember what reasons were given for Ridsdale’s appointment as an administrator. He said there would have been some ‘generalised explanation’ and ‘it would have been quite clear that there were difficulties of some sort’. They might have been ‘difficulties with the school principal; there might have been difficulties of personalities; there might have been a difficulty of an inappropriate adult relationship; it could have simply been that the man was perpetually restless. These are all possibilities.’

The following exchange with the Chair took place:

Q. Well, did someone tell you that those possibilities had materialised in Ridsdale’s case?

A. Well, they certainly did not mention that the reason he was being shifted was because of paedophilia.

Q. Cardinal, would you answer my question, please?

A. Could you repeat it, please?

Q. Yes. Did someone tell you that the possibilities that you have referred to had materialised in Ridsdale’s case?

A. I can’t remember exactly what was said, but it would have been quite clear that there were difficulties of some sort.

Q. Well, if the difficulties were identified but paedophilia was not, the deception becomes a lie, doesn’t it?

A. My – I think that’s correct.  

Cardinal Pell agreed that, if Bishop Mulkearns and Monsignor Fiscalini were doing their job properly, they would have told the consultors of the allegations. He gave the following evidence:
Q. And you say that none of those people shared with you any knowledge they had about Ridsdale?

A. That is correct. And these matters were not discussed at the Consultors Meetings and I think that is the – very close to the unanimous evidence of the consultors.

THE CHAIR: Q. Cardinal, as I understand your evidence, the consequence is you say the Bishop deceived you; is that right?

A. Unfortunately, correct.

Q. And also, Monsignor Fiscalini deceived you as well?

A. Yes.

Q. It is surprising, isn’t it, that a Bishop and a senior cleric, who joined with you in a committee to advise in relation to appointments, would deceive a member of that committee?

A. It is – it is surprising.

Q. It is even more surprising, isn’t it, if they deceived you in relation to allegations that the priest under consideration had been said to have sexually abused children?

A. Yes.

Q. It’s hard to imagine a greater deception, isn’t it?

A. Well, it probably would be possible to imagine a greater deception, but it is a gross deception.1338

Although Cardinal Pell accepted that Monsignor Fiscalini knew by this time, we found earlier that we could not be satisfied that BPL spoke to Monsignor Fiscalini about Ridsdale in 1971 and again several years later, as BPL alleged.

The Chair asked Cardinal Pell why Bishop Mulkearns would choose to deceive him about Ridsdale’s behaviour when that behaviour was common knowledge in at least two parishes in the Diocese. Cardinal Pell said:

A. Yes, I can. He might have wanted to protect us from his wrongdoings. He might have feared that if he told us the truth, that people like myself would have said ‘Well, look, is that correct? I’m not sure we should be going in that direction at all.’ The reasons why he did these things repeatedly are a great mystery to me.
Q. I don’t understand your explanation as to why the Bishop would choose to deceive you or, indeed, lie to you, a member of his consultors, about Ridsdale’s behaviour when it was common knowledge in at least two of the parishes. Given that it was common knowledge amongst many people, why would he choose to deceive you?

A. Because he would realise that I didn’t know and he did not want me to share in his culpability. And also, I think he would not have wanted to mention it to me and some – at least some other members of the consultors because, at the very minimum, we would have asked questions about the propriety of such a practice.

Q. Well, what is wrong with that? That was your job, wasn’t it?

A. I’m trying to explain why he didn’t do it. Of course it was our job, and almost certainly it would have been done.

Cardinal Pell was then asked about his earlier evidence about what other consultors had told the Royal Commission:

MS FURNESS: Q. Cardinal, you said:

And these matters were not discussed at the Consultors meetings and I think that is the – very close to the unanimous evidence of the consultors.

Are you referring to the evidence of the consultors before this Royal Commission, or somewhere else?

A. I was referring to the evidence of the consultors before this Royal Commission in relation to Ridsdale.

Q. You understand, don’t you, that the evidence of the consultors – that is, other than you – as to what was said is not relevant to your account as to what was said; isn’t that right?

A. I would have thought that it had some corroborative strength.

Q. Your job, Cardinal, with respect, is to give evidence about what you know. What you are seeking to do is to effectively make submissions about the findings that should be made based on other people’s evidence. Is that a fair proposition?

A. No, I don’t think so. I have repeatedly told you what I know.
Q. Your answer that the questions asked of the other consultors and their answers had some corroborative strength to your evidence suggests that your evidence is affected by the evidence of others rather than telling us just simply what you know. What do you say about that?

A. It suggests nothing of the kind. It suggests nothing of the kind. I express what is the truth about my position and I think there is a set of facts about what they said too. Whether they are corroborative or not is for others to judge, but those facts are on the table.1340

The Church parties submitted that there is no evidence that any of the attendees, other than Bishop Mulkearns, knew before or at this meeting of actual or suspected offending by Ridsdale.1341

Cardinal Pell submitted the minutes confirm, retrospectively, that Ridsdale became administrator in January 1977 when Father Madden did not take up the position. He submitted it is likely there was little or no discussion at the meeting other than an acknowledgement of the arrangement which had been in place for some time.1342

Cardinal Pell provided a variety of possibilities of what he expected may have been said. His evidence was more emphatic as to what was not said. He gave evidence that he would be surprised if Bishop Mulkearns deceived him.

We share that surprise. It does not logically follow that a bishop would deceive his appointed consultors, particularly in circumstances that it would be likely that they would find out elsewhere.

Furthermore, given that Cardinal Pell would have been surprised if Bishop Mulkearns had deceived him, it is likely that he knew of Ridsdale’s sexual transgressions.

We refer to our findings in relation to the previous consultors’ meetings. We are satisfied that by this time the consultors who had attended previous meetings, including Father Madden and Father McInerney, had been told of Ridsdale’s sexual transgressions. It is inconceivable that the consultors did not know by this time, given the usual practice and the general knowledge in the community.

Talk about Ridsdale at Edenhope parish

Ridsdale remained at Edenhope parish for three years, until September 1979. During that time, there was evidence of talk in the community and among clergy about Ridsdale’s conduct.
Ridsdale also told us he did not tell anyone in the Diocese about his offending at Edenhope and, as far as he could remember, he did not know of any rumours about his conduct with children. He did not think anyone made a complaint to him about his conduct at Edenhope.\textsuperscript{1343}

\textbf{Sister Kathleen McGrath hears talk among parents}

Sister Kathleen McGrath provided a statement to the Royal Commission in which she gave evidence that in 1978 she began teaching at St Malachy’s Primary School in Edenhope.\textsuperscript{1344} She said, ‘Ridsdale was then parish priest at Edenhope, and in this role I had regular dealings with him’.

\begin{quote}
One day early in my time at Edenhope, a parent of a student at St Malachy’s told me that her friend (who was also a parent of a child at the school) had said to her in relation to Ridsdale, words to the effect of ‘just mind your children’. I remember being told that something had happened when Ridsdale was stationed at Inglewood although I do not recall that any specific incident or issue was mentioned.\textsuperscript{1346}
\end{quote}

Sister McGrath also recalled observing children staying in the presbytery at Edenhope, although she was not aware of any concerns that he was molesting students and it did not occur to her this was a possibility.\textsuperscript{1347}

Sister McGrath’s evidence was not challenged, and we accept her evidence.

\textbf{Father Torpy hears ‘whispers’ about the ‘Edenhope situation’}

In 1981, Father Torpy was studying in Rome. In a letter to Bishop Mulkearns in January 1981, a year after Ridsdale had left Edenhope, he wrote:

\begin{quote}
Hope you haven’t run out of steam yet. Have heard a few whispers on the Edenhope situation. Very nasty but H. Nolan will stand no nonsense. Murph was here for a few days.\textsuperscript{1348}
\end{quote}

Mr Torpy’s evidence in a private hearing was that ‘Murph’ was Father Peter Murphy, who had informed him ‘that there was a delicate situation at Edenhope’.\textsuperscript{1349} He told us the delicate situation was that Ridsdale was asked to leave that parish because there had been allegations of sexual abuse of young children.\textsuperscript{1350} Father Murphy is deceased.

Mr Torpy said he assumed that Bishop Mulkearns knew about the situation. Mr Torpy accepted that, through some of the priests, knowledge of what Ridsdale was up to was by then ‘out and about’.\textsuperscript{1351}
In a subsequent statement to the Royal Commission, Mr Torpy said:

> When I briefly met with Father Murphy in Rome there was no ‘discussion’ about Edenhope. I do not recall why or how Father Murphy commented on the Edenhope situation, except to say that he made a passing comment in conversation. I was totally unaware of any ‘situation’ at Edenhope at the time. All that Father Murphy said to me was to mention briefly that Bishop Mulkearns was very very busy dealing with parishioners who were unhappy with the local parish priest, Ridsdale. I recall him saying that Monsignor Nolan, Vicar General had had to also speak with local parishioners. ... My reference to Monsignor Nolan not taking any nonsense was a remark made by me knowing Monsignor Nolan to be an honest and forthright straight talker. He had a reputation for not taking any nonsense from anyone.\(^{1352}\)

In three interviews with CCI between 1993 and 1995, Bishop Mulkearns said he was not aware at the time of any problems or complaints arising about Ridsdale at Edenhope.\(^{1353}\) Bishop Mulkearns passed away before his evidence to the Royal Commission was completed, and he was not asked about Father Torpy’s 1981 letter.

As we said earlier, in relation to Monsignor Day, we give significant weight to documents created contemporaneously where they are inconsistent with Torpy’s oral evidence and his statement.

Mr Torpy submitted that there is no inconsistency between his oral evidence and his statement when read together. Mr Torpy submitted that he stands by his private hearing evidence ‘that at January 1981 the total extent of what he did know about the “Edenhope situation” was limited to what he had been told by Father Murphy in a brief meeting as Father Murphy was passing through Rome’ and that he consequently knew ‘very little’ about the allegations against Ridsdale. He submitted that did not know about the ‘allegations’ against Ridsdale until Ridsdale was brought to trial in the early 1990s. He submitted he was made aware ‘only of rumours about Ridsdale and sexual abuse of children in a very limited manner by Father Murphy’.\(^{1354}\)

We do not accept Mr Torpy’s submissions that there is no inconsistency between his oral evidence and his statement. In our view, the 1981 letter and Mr Torpy’s oral hearing evidence are consistent in that they acknowledge that Mr Torpy knew of allegations against Ridsdale in 1981. The account he gave in his statement is that he did not have that knowledge.

Mr Torpy’s letter and oral evidence is also consistent with what we have set out earlier in this report. Knowledge, rumours and discussion about Ridsdale’s conduct abounded in the Diocese.

The Church parties put forward an alternative theory of the ‘Edenhope situation’. They submitted that, based primarily on documents not in evidence, it was more probable that the issue related to a dispute about a new church building project between Edenhope
parishioners and the incoming parish priest, Father Claridge, who replaced Ridsdale in January 1980. This theory is inconsistent with the terms of the letter, which is consistent with Mr Torpy’s oral evidence.

We do not accept the Church parties’ theory.

**Ridsdale completes a study year at the National Pastoral Institute, Elsternwick**

In September 1979, Ridsdale resigned as parish priest of Edenhope. He was granted a year of study leave at the National Pastoral Institute (NPI) in Elsternwick, Victoria, for the following year. Ridsdale explained his reasons for taking a year off from parish work in 1993. He said:

> I knew my life was all screwed up and I appreciated or thought that I had worked out for myself that part of my problem was that I couldn’t mix comfortably and relate comfortably with adults, so I thought if I could go to some kind of a program or course and spend a year … with adults I might be able to sort of help myself that way.

In interviews with CCI in 1994 and 1995, Bishop Mulkearns said Ridsdale ‘went from Edenhope to the National Pastoral Institute at Gardenvale simply because he asked for sabbatical leave for renewal and updating his pastoral education’, and he ‘wasn’t moved out of Edenhope for any misdemeanour, he asked to go and went to the NPI’.

In a 1993 report about Ridsdale, Professor Richard Ball wrote that in 1979, because of the psychosexual difficulties Ridsdale felt he was having in relation to adult interaction, he attended the NPI to receive some assistance. Professor Ball wrote, ‘However, this institute was basically an academic institute and when Ridsdale endeavoured to bring up his problem with Father Brian Gray of that institute, he felt that he was rejected and did not continue with any assistance at that place’.

Ridsdale told the Royal Commission that when Father Gray, who he thought was a psychologist, gave a session at the NPI, he asked if he could talk to him about his life. Father Gray responded, ‘No, I’m too busy’.

Mr David Ridsdale, Gerald Ridsdale’s nephew, told us he was sexually abused by his uncle during the period Ridsdale was at the NPI. He gave the following account:
In 1980, Gerald was sent to Elsternwick in Victoria for a year, supposedly to study. In Elsternwick, he lived with other clergy. He used to take me and other boys to stay with him there. There was no effort to conceal us and we would meet the other students in the common room before heading back to his room. One time there was I and another boy sleeping in separate beds. Gerald would move between us from bed to bed in the same room.\textsuperscript{1362}

**Meeting of the College of Consultors on 25 September 1979**

The College of Consultors met on 25 September 1979. Bishop Mulkearns presided. Also present were Monsignors Fiscalini and McKenzie; and Fathers Pell, K Arundell, Keating and Melican.\textsuperscript{1363} Father Madden was an apology.\textsuperscript{1364} Father Finnigan took the minutes at this meeting as bishop’s secretary.\textsuperscript{1365}

The minutes of that meeting record:

Rev. G Ridsdale, Edenhope, has applied for study leave in 1980. He wishes to resign as P.P. of Edenhope and on his return, desires a central parish from which to operate as spiritual director of the Catholic Womens’ League. If permission is granted, the year will probably be spent at N.P.I.\textsuperscript{1366}  

Monsignor Fiscalini moved that permission be granted, which was seconded by Father Arundell.\textsuperscript{1367}

Of the attendees at this meeting, Father Melican, Bishop Finnigan and Cardinal Pell gave evidence. Father Kevin Arundell was not asked to give evidence. All other attendees are deceased.

Father Melican said he had no recollection of the meeting.\textsuperscript{1368}

Father Finnigan was appointed bishop’s secretary from January 1979.\textsuperscript{1369} In a 1993 CCI interview, Father Finnigan was asked, ‘The Bishop would naturally have been keeping an eye on him [Ridsdale] after the Inglewood incident’, to which Father Finnigan responded, ‘Yes’.\textsuperscript{1370} Later in this interview, Father Finnigan said that while Ridsdale was in Mortlake in 1981 and 1982 his ‘record’, including the Inglewood complaint, would not have been known to him.\textsuperscript{1371}

Bishop Finnigan gave evidence that he had no recollection of the discussion at the consultors’ meeting.\textsuperscript{1372} Bishop Finnigan was asked whether he had knowledge at the time Ridsdale requested study leave in 1979 that the bishop was keeping an eye on him because of an earlier incident. He responded, ‘Not to my knowledge, no’.\textsuperscript{1373} He continued:
No. I mean, this business of saying, trying to read into the fact that the Bishop was keeping an eye on him, some sinister – whatever. But one could say quite honestly, when I was in – overseas studying, the Bishop kept an eye on me. That just means he’s showing an interest and being aware of what’s going on. It doesn’t infer that there’s something very sinister and the Bishop has to go out of his way to monitor and examine and – what’s going on.1374

Bishop Finnigan told us that he did not know at the time about Bishop Mulkearns having received a complaint about Ridsdale in Inglewood and that he has no memory of hearing about that later, when he became secretary to the bishop in January 1979.1375

Cardinal Pell said that with the minutes in front of him he recalled the meeting and in particular that Ridsdale asked for study leave. He told us the bishop very much encouraged priests to take study leave.1376 Counsel Assisting asked Cardinal Pell if he knew that the reason Ridsdale had applied for study leave ‘was to remove himself from parish work’. Cardinal Pell replied:

I think that is something much influenced – that view is much influenced by hindsight. I think it’s a jaundiced view. At the time, what we knew was that he wanted to take a course of spiritual and intellectual and personal renewal at the NPI.1377

Cardinal Pell said that, although it was not ‘completely unusual’ for a priest to be in a parish for only two years, he accepted that moving Ridsdale from Edenhope after such a short period extended the pattern of unusual movements in his case.1378

Cardinal Pell accepted that, by that time, both Bishop Mulkearns and Monsignor Fiscalini had knowledge of Ridsdale’s offending and that ‘the secret was out’ in at least two parishes in the Diocese. However, he said that in the period 1977 to 1979 he never heard anything in relation to the misbehaviour of Ridsdale.1379 Although Cardinal Pell accepted that Monsignor Fiscalini knew by this time, we found earlier that we could not be satisfied that BPL spoke to Monsignor Fiscalini about Ridsdale in 1971 and again several years later as BPL alleged.

Cardinal Pell gave the following evidence when questioned by the Chair:

Q. And are you saying to this Commission that between 1977, when you say you were deceived, and 1979, you never heard anything in relation to the misbehaviour of Ridsdale?

A. I am saying that. I would like to remind your Honour, of course we are talking about a different age. There was no social media; I don’t think there were mobile telephones; we are talking about a country diocese. There was certainly not the flow of information in society that there is now, and certainly on a topic like this, there were enormous social inhibitions on discussing such matters.
Q. But there were telephones in the Diocese, weren’t there?

A. Of course.

Q. And priests spoke to each other by telephone, I assume?

A. Of course.1380

The Church parties submitted that there is no sufficient evidentiary basis for a finding that any of the attendees, other than Bishop Mulkearns, had any actual or suspected knowledge of Ridsdale’s offending.1381

Our conclusions about this meeting are set out below.

**Meeting of the College of Consultors on 18 January 1980**

The minutes of a meeting of the College of Consultors on 18 January 1980 record that Ridsdale ‘will be attending the N.P.I. in 1980’ and under ‘Staffing’ it was recorded ‘N.P.I.: Rev G Ridsdale’.1382 Those are the only references to Ridsdale in the minutes. Bishop Mulkearns presided over this meeting. The consultors who were present at this meeting were the same as those present at the September 1979 meeting, with the addition of Fathers Madden and Downes.1383

Of the attendees at this meeting, Fathers Madden and Melican and Bishop Finnigan gave evidence. Father Kevin Arundell was not asked to give evidence. All other attendees are deceased.

Father Madden said that he did not recall anything about the meeting but that Ridsdale going to NPI would not have caused ‘any great kind of comment’ because two or three other priests had gone to NPI before that for a year.1384

Father Melican did not recall the reasons for Ridsdale’s appointment to the NPI, but he accepted that it stands to reason that it was to get him out of parish work and to keep him away from children.1385 Father Melican also accepted that the consultors knew at that time that the reason for Ridsdale going to NPI was to get him out of parish work and to keep him away from children.1386

Bishop Finnigan said that he had no recollection of any discussion with regard to Ridsdale attending NPI.1387

Cardinal Pell was not asked about this meeting. However, we accept his evidence in relation to the previous meeting that ‘the secret was out’ in at least two parishes by 1978.
The Church parties submitted that there is no sufficient evidentiary basis for a finding that any of the attendees, other than Bishop Mulkearns, had any actual or suspected knowledge of Ridsdale’s offending.\(^{1388}\)

We accept that there is nothing unusual of itself in a priest applying for a year of study leave, and the circumstances where Ridsdale was voluntarily moving out of a parish environment may not have generated much discussion. However, we accept Father Melican’s evidence that the consultors knew at the time that the reason was to get Ridsdale out of parish work and away from children.

**Ridsdale is appointed to the Parish of Mortlake**

Although he knew of the admissions Ridsdale made at Inglewood parish, after Ridsdale completed his study year Bishop Mulkearns appointed Ridsdale as parish priest at Mortlake in January 1981.\(^{1389}\)

Mortlake is in southern Victoria, approximately 120 kilometres south-west of Ballarat. There were no other priests appointed to Mortlake while Ridsdale was there. According to Ridsdale, Bishop Mulkearns did not impose any conditions on how he should conduct himself at Mortlake parish.\(^{1390}\) There is no evidence to the contrary. Ridsdale’s evidence about this was not challenged, and we accept it.

**What the College of Consultors knew**

Ridsdale’s appointment to Mortlake parish was recorded at a meeting of the College of Consultors on 16 January 1981.\(^{1391}\)

Under the heading ‘Staffing’ is recorded, ‘It was agreed that the following appointments be made’. One of those appointments was Ridsdale’s, to the parish priest of Mortlake.\(^{1392}\)

Bishop Mulkearns presided at the meeting. Also present were Monsignors Fiscalini and McKenzie; and Fathers Downes, K Arundell, Madden and Melican. Father Pell was an apology. Father Finnigan was the bishop’s secretary and took the minutes.\(^{1393}\)

Of the three consultors at this meeting who gave evidence – Fathers Madden and Melican and Bishop Finnigan – none could recall what was discussed at the meeting.\(^{1394}\) Father Kevin Arundell who was not asked to give evidence. The other attendees are deceased.

The Church parties submitted that there is no sufficient evidentiary basis for a finding that any of the attendees, other than Bishop Mulkearns, had any actual or suspected knowledge of Ridsdale’s offending.\(^{1395}\) We do not accept this submission.
Of the consultors present at the meeting on 16 January 1981, Monsignors Fiscalini and McKenzie and Fathers Melican, Madden and K Arundell were also at meetings:

- where Ridsdale’s resignation from Inglewood was discussed in January 1976
- where Ridsdale’s temporary appointment to Edenhope was discussed in March 1976
- where Ridsdale’s move to the NPI was discussed in January 1980.

Monsignors Fiscalini and McKenzie and Fathers Madden and K Arundell were also at the meeting in July 1977 at which Ridsdale was formally appointed to Edenhope.

We have found that, by July 1977, the consultors who had attended previous meetings had been told of Ridsdale’s sexual transgressions. It is inconceivable that the consultors did not know by then, given the usual practice and the general knowledge in the community.

At the meeting in January 1981 Ridsdale was appointed a parish priest. It is inconceivable that this appointment did not invite discussion.

It is clear that Bishop Mulkearns should not have appointed Ridsdale parish priest of Mortlake, given his knowledge of the priest’s history.

**Allegations emerge at Mortlake**

During his time at Mortlake parish, Ridsdale sexually abused a large number of children, including Mr David Ridsdale, BPS, BPT, BPW, BPU, BPX, BPR and Mr Paul Levey.  

Many years later, Ridsdale himself described his behaviour at Mortlake as ‘out of control’. He said he ‘went haywire there. Altar boys mainly. They came over to the presbytery’. Ridsdale told CCI interviewers in 1993 that ‘it was no secret around Mortlake eventually about me and my behaviour; there was talk all around the place. Amongst the children and one lot of parents came to me’.  

In his evidence to us, Ridsdale said he did not remember this and he did not know why he said it. He said he did not know how he came to hear about the talk around Mortlake about his offending.

There was also evidence that Bishop Mulkearns and other senior priests in the Diocese received numerous reports of Ridsdale sexually offending against children. The Church parties acknowledged that in 1981 and 1982 Bishop Mulkearns either received or learned of numerous reports or complaints about Ridsdale at Mortlake. They also acknowledged that, at least by August 1982, reports or allegations about Ridsdale in Mortlake had been made to Monsignor Fiscalini, Sister McGrath, Father Finnigan and Father Nolan.
We consider this evidence in the following section.

**Father Finnigan receives several reports about Ridsdale’s conduct at Mortlake**

**Mrs BAI’s report**

Not long after Ridsdale was appointed to Mortlake, likely in early 1981, Mrs BAI’s son, BPS, came home from the presbytery looking very pale and unsettled. He told her, ‘I think our friend, Father Gerry, is gay’ and said Ridsdale had grabbed him, but he would not elaborate.  

Mrs BAI told her husband, and they decided to approach Bishop Mulkearns to find out if Ridsdale had a history of problems with boys and whether they should be concerned. When they telephoned the bishop’s office the following day, they spoke to Father Finnigan, who at that time was the bishop’s secretary.

Father Finnigan told Mrs BAI and her husband that Bishop Mulkearns was not available. They told Father Finnigan their inquiry was related to the safety of their son and asked if they needed to be concerned about the welfare of their child in relation to Ridsdale. Mrs BAI’s evidence was that Father Finnigan told them there had been no reports of improper behaviour by Ridsdale and there was no need for concern.

Mrs BAI did not speak further with anyone from the Church until about 18 months later. Bishop Finnigan had no memory of the telephone call from Mrs BAI, and he did not deny it occurred. We accept Mrs BAI’s evidence.

**Three or four people report to Father Finnigan about Ridsdale’s conduct**

In 1993, Father Finnigan told CCI investigators that, when Ridsdale was in Mortlake, three or four people came to him and were ‘disturbed by [Ridsdale’s] behaviour in that he used to invite all these lads around to his place to play pool and those sort of things and they felt he was over friendly to them’. Father Finnigan said he ‘confronted’ Ridsdale and ‘it was a very hard thing to do in the sense that he was most crestfallen. He said, “I thought I was going along very well.”’

Bishop Finnigan said he had nothing specific to confront Ridsdale with, and he passed on to Ridsdale the fact these people were concerned and unhappy.

Bishop Finnigan said that he had limited recall of these events by the time he gave evidence to the Royal Commission. However, he accepted that what was in the interview was ‘basically what I said’. In his evidence to us, Ridsdale did not recall the discussion with Father Finnigan.
As we have said, Bishop Finnigan’s evidence was highly unsatisfactory. He gave the clear impression that he was seeking to protect himself and the Church, or the bishop at the time, and he made no effort to give clear and honest evidence. The result is that we have not accepted Bishop Finnigan’s evidence except where it is corroborated by other evidence or where it is inherently probable and not contradicted by other evidence.

**Was Bishop Mulkearns told?**

In his private hearing, the transcript of which was subsequently tendered, Bishop Finnigan gave further detail of his discussion with Ridsdale. He said he told Bishop Mulkearns about the people from Mortlake who came to see him, and the bishop told him to phone Ridsdale and tell him that the bishop wanted to see him. That was the conversation in which he told CCI that he confronted Ridsdale.\(^{1410}\)

When asked at the public hearing whether he passed the information about Mrs BAI’s telephone call to Bishop Mulkearns, Bishop Finnigan responded, ‘I can’t remember really. Probably being a bit defensive; I mean, the fact of the matter is that they wanted to come and speak to the Bishop, so I presume that was going to happen’.\(^{1411}\) He later said, ‘I don’t recall, and I doubt whether I would have’.\(^{1412}\)

When asked whether he should have passed information about this telephone call to Bishop Mulkearns, Bishop Finnigan responded:

> Yes, I would agree with that, but as I said before, probably was maybe a bit defensive, but I thought if they were that keen to see the Bishop, that they would follow that up ASAP; I didn’t need to be concerned about it, so to speak.\(^{1413}\)

Bishop Finnigan did not agree that his response to Mrs BAI’s call brought to an end her efforts to see the bishop. He said, ‘I wasn’t being asked by her then, “You make an appointment for me to see the Bishop”?’. He also stated, ‘as far as I know, there was no concern about him, but obviously she, like anyone else, was free to make an appointment with the Bishop and speak to him’.\(^{1414}\)

Bishop Finnigan accepted now that, when a member of his Church tells him they are concerned about the safety of their child, it is incumbent on him to do whatever he can to ensure the child is safe. However, he said that, at the time, ‘they were going to follow it up with the Bishop and they weren’t going to tell me the detail apparently, because they said they wanted to speak to the Bishop privately, so I left it at that’.\(^{1415}\)

In his private hearing, Bishop Finnigan accepted that, if he reassured Mrs BAI that there was no problem, this would have been dishonest because at that time he did know of complaints against Ridsdale.\(^{1416}\)
However, in his public hearing evidence, Bishop Finnigan agreed that, insofar as he said to Mrs BAI that there had been no reports of improper behaviour by Ridsdale, he could only have been speaking from his own knowledge.\textsuperscript{1417} He told us that he was not aware of any complaints received before that time.\textsuperscript{1418}

The timeline is not clear, and it is possible that Mrs BAI’s complaint came before Bishop Finnigan received the complaints of the three or four people in Mortlake. If that was the case, Father Finnigan’s response to Mrs BAI would not have been dishonest.

Cardinal Pell gave evidence that, as bishop’s secretary, Father Finnigan ‘should certainly have checked with the Bishop what the situation was if he didn’t know what the situation was’.\textsuperscript{1419} Mr and Mrs BAI were entitled to expect that, as bishop’s secretary, Father Finnigan either would know of any previous complaints or, if he did not, would take steps to find out and answer their query honestly.

Bishop Finnigan may have had the thought that the parents would follow up. If he did, that thought was not reasonably held. His response to Mr and Mrs BAI as told to us by them was, in our view, clearly intended to reassure them and to discourage further action.

Regardless of whether he passed the information on to Bishop Mulkearns, he clearly did not satisfy himself that there was no cause for concern before offering that reassurance to Mr and Mrs BAI. This was reckless as to the safety of Mr and Mrs BAI’s son. The Church parties rightly acknowledged that Father Finnigan’s failure to report Mrs BAI’s complaint to Bishop Mulkearns was unsatisfactory and unacceptable.\textsuperscript{1420}

Mrs BAI gave evidence that later the same day, around 5 pm, Ridsdale visited their house unannounced.\textsuperscript{1421} He said, ‘there must be some misunderstanding’ in relation to the previous night at the presbytery.\textsuperscript{1422} Mrs BAI’s son, BPS, replied, ‘I think we’ll agree to disagree, Father Gerry’, and left the room.\textsuperscript{1423} Mrs BAI said after this event they had little contact with Ridsdale outside of the Church.\textsuperscript{1424}

Bishop Finnigan said that he did not get in touch with Ridsdale in response to the telephone call from Mrs BAI, although he accepted that someone must have done so.\textsuperscript{1425} On Bishop Finnigan’s own evidence, he did not inform anyone else about this conversation. Mrs BAI’s evidence is that she did not speak to anyone from the Church about it until some 18 months later.

It is probable that Bishop Finnigan spoke to Ridsdale following the telephone call from the BAI. That is more likely than Mr and Mrs BAI having spoken to someone else from the Church as well – which conversation they since forgot about – who then spoke to Ridsdale. It is also consistent with how Bishop Finnigan responded when he received another complaint about Ridsdale from Mortlake, considered later in this report.
Father Finnigan’s understanding

In his private hearing, Bishop Finnigan accepted that the concern of the people who came to see him was that Ridsdale was behaving inappropriately with their children. It was put to Bishop Finnigan that he would have to be blind and stupid not to realise that parents coming to complain about the behaviour of a priest with children were concerned about what that priest might do to the children. He responded:

Yes, I suppose I was blind and stupid and naïve, but you know, they didn’t give any – I asked them, ‘What’s going on that causes you concern? Do they stay overnight?’ ‘No.’ ‘Are they there in a group?’ ‘Yes.’ ‘Does he touch them in any way?’ ‘Oh, well, when they’re going home he might give them a hug.’

Bishop Finnigan was also asked in his private hearing, ‘And if they weren’t complaining about his sexual conduct with their children, what else could they be complaining about in the priest’s conduct?’. He responded, ‘Well, as I was trying to hint, they were saying, well, he was spending too much time with them and dominating their lives, as it were, interfering with their social life – all sorts of things like that’. Bishop Finnigan subsequently agreed that the parents never said this to him.

It was put to Bishop Finnigan that the only reason he could have asked the parents the questions he did was that he was concerned to understand the sexual nature of the contact. He responded, ‘No, I don’t – I don’t follow that line of logic’.

In the public hearing, Bishop Finnigan said he had ‘no clear memory of the people’ and ‘no memory of them coming’. He continued, ‘The memory that prompts me is what I said to Mr O’Connor [the CCI loss adjustor] in 1993’. Later, he said:

[F]ollowing this, I reported to the Bishop that these people came and I was bewildered by – and didn’t understand what they were on about, and he said, ‘Tell Father to ring me’, and I presume he must have said, I can’t recall this, ‘Well, you tell him to ring the Bishop.’

In the public hearing, Bishop Finnigan said he did not remember using the word ‘confront’ in his CCI interview, but he did not deny that he may have said it. He said, ‘I had nothing to confront him about’. It was put to Bishop Finnigan that his use of the words ‘confronted’ and ‘it was a hard thing to do’ conveys that he knew it was a serious matter concerning an improper relationship that Ridsdale was having with the children. He responded, ‘I don’t see that all follows. It was a hard thing seeing that he seemed so disappointed to be told to come and see the Bishop’.

Bishop Finnigan gave evidence in the public hearing that he did not know exactly when these people came to see him, but it was before Ridsdale left Mortlake in about October of 1982.
He also said that with the benefit of hindsight he had to acknowledge that he was ‘quite stupid’ not to see that the parents were complaining about something more serious than he thought at the time.  

Bishop Finnigan’s evidence that he simply told Ridsdale to call Bishop Mulkearns in response to this complaint is inconsistent with his comments to CCI in 1993 that he ‘confronted’ Ridsdale, that ‘it was a hard thing to do’ and that Ridsdale was ‘crestfallen’. Father Finnigan’s response is consistent with him speaking to Ridsdale about serious concerns – namely, concerns about improper relationships or sexual misbehaviour with children.

The Church parties submitted that Father Finnigan did not recognise what lay behind the concern that Ridsdale was ‘over-friendly’ with children and that his evidence that he was ‘blind and stupid and naïve’ not to realise the sexual nature of the parents’ concerns should be accepted.

We reject the Church parties’ submission, and we do not accept Bishop Finnigan’s evidence that he did not recognise the nature of the complaints. Given the questions he asked of the parents, and the need to ‘confront’ Ridsdale, we are satisfied that he understood the complaints to be serious matters concerning an improper relationship that Ridsdale was having with the children.

An allegation of sexual molestation is reported to Monsignor Fiscalini and Bishop Mulkearns

**Mrs BPF reports an allegation to Monsignor Fiscalini**

Mrs BPF had two sons, who stayed overnight in the presbytery with Ridsdale in November 1981. Mrs BPF gave evidence that afterwards she sensed something was wrong and asked one of her sons if Ridsdale had touched him. The boy hung his head and would not make eye contact.

The same day, Mrs BPF and her husband drove to neighbouring Terang parish, where Monsignor Fiscalini was the parish priest. At the time, Monsignor Fiscalini was the vicar general for the Diocese.

Mrs BPF gave the following evidence:

> We met Monsignor Fiscalini at the front door of the presbytery. I don’t think we went inside. I said to him, ‘we’ve got a problem in Mortlake’.
That was as far as we got. We didn’t even get a chance to say that it was Father Gerry who was involved. He told us that Bishop Mulkearns was not in the diocese at the time. He said ‘I will deal with it’ and dismissed us. He did not ask us any questions.  

Not long after this confrontation, Mrs BPF’s son came home with a letter from Ridsdale apologising, although he did not admit to anything. Mrs BPF destroyed the letter.

We accept Mrs BPF’s evidence.

**Monsignor Fiscalini reports the allegation of ‘sexual molestation’ to Bishop Mulkearns**

Monsignor Fiscalini is deceased; however, he was interviewed by CCI investigators in 1993. In that interview he recalled being visited by Mr and Mrs BPF and said they were ‘very distressed about a sexual molestation of their son at Mortlake by Ridsdale’. He said he did not get the explicit details of the molestation, but it was reported to Bishop Mulkearns and Ridsdale was immediately removed from Mortlake.

In his interview with CCI in 1993, Bishop Mulkearns recalled that there was ‘an approach to Monsignor Fiscalini ... by people from Mortlake complaining about [Ridsdale’s] behaviour’. Monsignor Fiscalini’s account was that Ridsdale was removed from Mortlake immediately after Mrs BPF’s report. Mrs BPF’s evidence was that the incident occurred on the first Sunday in November 1981 – the day of the school fete. Ridsdale was not removed from Mortlake until September 1982.

The Church parties submitted it was not possible to resolve the differences between Mrs BPF’s and Monsignor Fiscalini’s recollections about when Ridsdale was removed.

There is no dispute that the visit occurred and that Monsignor Fiscalini said it concerned sexual molestation by Ridsdale. The issue is the timing and therefore the speed with which the bishop acted. Mrs BPF’s recollection of the date was clear and linked to the day of the school fete. In our view, it is highly likely such a significant event as discovering the sexual abuse of her son would stand out in her memory. We are satisfied Mrs BPF reported to Monsignor Fiscalini in November 1981 that her son had been sexually molested by Ridsdale.

Ridsdale could not recall either Bishop Mulkearns or Monsignor Fiscalini telling him about a complaint received by Monsignor Fiscalini. However, to have prompted Ridsdale’s letter of apology to Mrs BPF’s son, one of them probably did.

We are satisfied that in November 1981 Monsignor Fiscalini and Bishop Mulkearns knew of a complaint that Ridsdale had sexually molested a boy in Mortlake. Despite this, Ridsdale remained in the parish for another nine months, until September 1982. This was wrong and permitted Ridsdale to continue to access boys at Mortlake parish.
Father Finnigan’s knowledge of the complaint to Monsignor Fiscalini

In his 1993 CCI interview, Father Finnigan said:

I think there may have been something more serious than what I mentioned, because again, as I mentioned to you earlier, people from Mortlake approached the then Vicar General Monsignor Fiscalini. So I would imagine from those comments and from what was said to me, it was thought appropriate to withdraw him from parish ministry.\textsuperscript{1445}

In his private hearing, Bishop Finnigan gave the following evidence:

Q. So Monsignor Fiscalini told you, at the time that he was approached about complaints from Mortlake, what those complaints were, didn’t he?

A. Yes.

Q. And that was the reason that you were told that he was withdrawn from parish ministry and sent to the Catholic Enquiry Centre? You knew that, didn’t you?

A. Yes.\textsuperscript{1446}

In the public hearing, however, Bishop Finnigan said that he could not remember Monsignor Fiscalini telling him these things at the time and that he does not think that he did.\textsuperscript{1447}

The Church parties submitted that Father Finnigan’s CCI interview did not place a time on when he acquired the knowledge of the complaint to Monsignor Fiscalini and that Father Finnigan’s answers appear to be based on what he knew at the time of the interview in 1993.\textsuperscript{1448}

We accept the submission that Father Finnigan does not specify in his CCI interview when he knew about the complaint to Monsignor Fiscalini. However, we accept Bishop Finnigan’s evidence in his private hearing that he knew at the time why Ridsdale was moved from Mortlake. That evidence was clear, direct and unequivocal. We reject Bishop Finnigan’s later evidence in the public hearing, which was equivocal and uncertain.

The boy in the presbytery

Mr Paul Levey gave evidence that he first met Ridsdale when he went on a camping trip to White Cliffs with his mother, Ridsdale and others.\textsuperscript{1449} Ridsdale was studying at the NPI at the time. Ridsdale sexually abused Mr Levey at this camp. Mr Levey was 12 years old at the time.\textsuperscript{1450}
Mr Levey’s parents had separated in March 1980. One day his father rang his mother and said Ridsdale had offered to take him to live in the presbytery and Paul would attend the Catholic Regional College.1451

At around Easter 1982, when he was 14 years old, Mr Levey went to live in the Mortlake presbytery with Ridsdale.1452 Mr Levey told the Royal Commission he was sexually abused ‘all the time, just about every day’ while he lived with Ridsdale.1453 He told us:

There was a housekeeper at the presbytery who was there just about every day. There were always people coming and going, and I remember people having parish meetings at the presbytery ... Ridsdale took me to visit a lot of families in the area, especially families with children. It was common knowledge in Mortlake that I lived at the presbytery.1454

Mr Levey remained living there until about October 1982.1455 He told us that on one occasion Bishop Mulkearns visited the presbytery while he was there.1456 While Mr Levey had his own bedroom, he told us he always slept in Ridsdale’s bedroom.1457

We accept Mr Levey’s evidence.

Ridsdale gave evidence that anyone who came visiting could have seen the living arrangements and that he did not hide it.1458

In the early 1990s Ridsdale pleaded guilty to a number of charges relating to Mr Levey.1459

**Mrs Levey asks Bishop Mulkearns to remove her son from the presbytery**

Mrs Beverley Levey told us that not long after Paul was moved to live with Ridsdale she telephoned Bishop Mulkearns and said, ‘How can you let a child live in a presbytery with a priest? That’s not appropriate. I want Paul taken out of there’.1460 Bishop Mulkearns told her there was nothing he could do, as the arrangement had Paul’s father’s approval. Mrs Levey had at least two similar conversations with Bishop Mulkearns, but each time she was ignored.1461

On one occasion, Mrs Levey was angry and upset and telephoned the bishop’s office. She asked Bishop Mulkearns, ‘Do you think it’s appropriate that a boy is living at the presbytery with the priest?’ He did not answer, and she said, ‘I will get the police involved if you don’t do something about Paul and Ridsdale’.1462 We accept Mrs Levey’s evidence.
Bishop Mulkearns denies knowledge of the boy in the presbytery before August 1982

When interviewed by CCI in 1993, Bishop Mulkearns said he learned of the boy living with Ridsdale in the presbytery at Mortlake in August 1982, when he attended the parish for a confirmation. He said that was something he ‘didn’t think was appropriate’ and he pulled Ridsdale out of Mortlake.\(^{1463}\)

We say more about Bishop Mulkearns’ CCI interview later in this report.

The Church parties properly conceded that Bishop Mulkearns knew Mr Levey was living in the presbytery with Ridsdale in early 1982 and that Mrs Levey raised the issue with him on several occasions, but Bishop Mulkearns did not remove the boy.\(^{1464}\)

We are satisfied that, by about April 1982, Bishop Mulkearns knew that Mr Levey was living with Ridsdale in the presbytery at Mortlake. He knew that the boy’s mother was concerned about the situation and sought his assistance, but he ignored her.

By this time, Bishop Mulkearns knew of Ridsdale’s admission of offending against boys. It is inconceivable that it would not have occurred to him that Ridsdale should not have had a boy living with him and that the boy was, at least, at risk of sexual abuse by Ridsdale. Bishop Mulkearns’ response to Mr Levey living with Ridsdale in the Mortlake presbytery demonstrated a total absence of concern for the welfare of that boy. Bishop Mulkearns deliberately left Mr Levey in danger. The Church parties properly conceded that the possibility that Ridsdale was abusing Mr Levey should have occurred to Bishop Mulkearns and, given the knowledge he already had about Ridsdale by this time, he should have insisted that the boy be removed from the presbytery immediately.\(^{1465}\)

This was an extraordinary and inexcusable failure by Bishop Mulkearns, and his failure to act subjected Mr Levey to ongoing sexual abuse by Ridsdale. Bishop Mulkearns’ conduct was appalling.

What the clergy knew about the boy in the presbytery

Sister Patricia Vagg, the Parish Pastoral Associate at Mortlake, knew a ‘lad from Melbourne’ was staying with Ridsdale. When she walked through the presbytery to get to the meeting rooms, she walked past Ridsdale’s bedroom and noticed that the boy had a stretcher bed in the same room.\(^{1466}\)

Sister McGrath gave evidence that in 1982 Father Nolan came to Mortlake and spoke to the three Sisters at the convent.\(^{1467}\) Her evidence about Father Nolan’s visit is set out in more detail later in this report. She gave evidence that:
Father Nolan also said that he was concerned about a boy who was not a student of St Colman’s and who was living with Ridsdale at the time. … Fr Nolan said that when he had been over to the presbytery to speak to Ridsdale, he had seen that the boy had been sleeping on a stretcher in Ridsdale’s bedroom at the Presbytery. Fr Nolan said he had demanded of Ridsdale that the child be removed immediately. As far as I can recall being aware at the time, the child was moved to the immediate short term care of a couple in Mortlake who … were friends of Fr Nolan.\textsuperscript{1468}

Father Lawrence O’Toole, who at the time was assistant priest at Warrnambool, was aware in 1982 that a boy was living in the presbytery at Mortlake with Ridsdale. Although Father O’Toole said he ‘naïvely’ thought perhaps Ridsdale was trying to be a father figure to the child,\textsuperscript{1469} he nevertheless thought the situation was unusual and strange.\textsuperscript{1470} Despite this, he did not do anything with this knowledge. As conceded by the Church parties, Father O’Toole should have spoken to the bishop and told him the situation was unusual and strange.\textsuperscript{1471}

In 1982 Cardinal Pell was director of the Aquinas campus and principal of the Institute of Catholic Education. He gave evidence he did not know a boy was living in the presbytery at Mortlake while he was a consultor.\textsuperscript{1472} He told us he would have thought it most unusual for a 14-year-old boy to be living in a presbytery with a priest and imprudent for any priest to do that. He said, ‘even in the most innocent of relationships, it could have given rise to gossip’.\textsuperscript{1473}

\textbf{Father Finnigan’s knowledge of the boy in the presbytery}

In his CCI interview in 1993, Bishop Finnigan said that when Ridsdale was at Mortlake ‘some family friends from Melbourne broke up their marriage and he had their son living with him’. He said he understood that Ridsdale was a friend of the parents; however, he would not even recognise the name if it was mentioned to him.\textsuperscript{1474}

In his private hearing, Bishop Finnigan was asked whether he knew that there was a boy living with Ridsdale at Mortlake. He gave the following evidence:

Q. In fact, you knew that there was a boy living with him at Mortlake, didn’t you?

A. Yes.

Q. You must have known, Bishop, that what was happening was that Ridsdale was sexually abusing children and when the parents came and told you they were concerned about him being over friendly, you knew what that meant?
A. No, because the boy that was staying there – now, again, it gets all a bit confusing, the boy that was staying there, as I understood – not at that time, this is subsequently – was the son of people he had met when he was down at the NPI. They had broken up. The mother was friendly – and I said – well, I don’t know what she said, but anyhow, as a result of that, the boy came and lived at Mortlake.

Q. He lived at the presbytery with a priest?

A. Mmm.

Q. And you didn’t think that there was anything untoward about a priest having a child living with him in the presbytery?

A. It was a bit unusual, but not unusual. I mean, we have had recently where a priest has – granted, they are not young boys, but relations staying in the presbytery.

Q. This isn’t a relation, this is a young boy staying at the presbytery. I suggest to you, Bishop, you deliberately minimised the conduct that was brought to your attention so as not to harm the reputation of the church?

A. Well, I don’t subscribe to that.

Q. So as to protect Ridsdale from being publicly outed as an abuser of children while he was a priest in your church and your diocese?

A. I don’t subscribe to that.

Q. There is no other rational explanation for your conduct, Bishop, is there?

A. Well, I think there is, but of course we can disagree on that point.1475

In the public hearing Bishop Finnigan said that he did not recall knowing at the time that there was a boy living in the presbytery.1476 When his private hearing evidence was subsequently read to him, Bishop Finnigan said, ‘Yes, well, this statement was made. But you know, when I look at it now, I’m not sure I knew that the boy was living at the presbytery at that time’. He later said that he was ‘not absolutely sure’ that he knew this.1477

The Church parties submitted that Bishop Finnigan gave consistent evidence that he learned that a boy was staying in the presbytery with Ridsdale sometime after 1982.1478
We do not accept that submission. Bishop Finnigan’s evidence was ambiguous and inconsistent. Father Finnigan did not specify in his CCI interview at what point he knew about the boy living with Ridsdale in the Mortlake presbytery. Bishop Finnigan’s first answer in his private hearing was that he knew about the boy, although he was not explicit about when he knew. He went on to tell us he knew about it subsequently but not at the time. In his evidence to the public hearing, Bishop Finnigan was unsure whether he knew at the time about the boy living in the presbytery.

Given Bishop Finnigan’s ambiguous evidence, we cannot be satisfied that he knew in 1982 that Mr Levey was living with Ridsdale in the presbytery at Mortlake.

Mortlake parents report the sexual abuse of their children to Bishop Mulkearns

Mrs BAI and Mrs BPF schedule a meeting with Bishop Mulkearns

About 18 months after she first spoke to Father Finnigan about Ridsdale and was assured there was nothing to be concerned about, Mrs BAI’s sons again disclosed to her that Ridsdale had touched them in the church and in the presbytery. Her sons told her ‘just about the whole school’ was involved, and they identified two boys from another local family.\textsuperscript{1479}

When Mrs BAI contacted the mother of the other boys, Mrs BPF, she told Mrs BAI her boys had also been ‘affected’.\textsuperscript{1480} Mrs BPF gave evidence which was consistent with Mrs BAI’s account.\textsuperscript{1481}

Mrs BAI’s husband, BPO, rang Bishop Mulkearns and insisted on a meeting, which was arranged for later in the week.\textsuperscript{1482}

Mrs BAI tells her doctor and Sister McGrath about sexual abuse by Ridsdale

Before the meeting with Bishop Mulkearns, Mrs BAI said she spoke to her doctor and asked him what he could tell her about people who molested children.\textsuperscript{1483} The doctor eventually got from her that she was talking about a priest.\textsuperscript{1484} She was unsure if she named Ridsdale, but he was the only priest in Mortlake at the time. The doctor told her it was important that something be done. When she next saw the doctor, he told her he had called Bishop Mulkearns after their conversation.\textsuperscript{1485}

In his 1993 interview, Bishop Mulkearns said a doctor in Mortlake contacted him about the problem and said that people were concerned about what was going on.\textsuperscript{1486}
In 1982, Sister McGrath was the principal of St Colman’s School in Mortlake. Before the meeting with Bishop Mulkearns, Mrs BAI said she telephoned Sister McGrath and said, ‘I believe we’ve got a practising paedophile priest’ and arranged to see her later that afternoon. Sister McGrath met with Mrs BAI, who told her Ridsdale had been ‘molesting half the boys in the school’.

**Sister Vagg speaks to Bishop Mulkearns**

Sister McGrath told us she was horrified and immediately told Sister Vagg, the Parish Pastoral Associate at St Colman’s. Sister Vagg did not give evidence to the Royal Commission.

In an interview in 1993, Sister Vagg said she rang Bishop Mulkearns and told him the reports seemed to be true. He said, ‘Probably is’. The bishop told her he could not come immediately but to ring if she needed to and said, ‘Go and tell Gerry and that might stop him at the moment’.

Sister Vagg went to see Ridsdale and told him what people were saying. He responded that it was ‘in his past’. When she said people were talking about it now, Ridsdale became upset. Ridsdale told us that he could not remember this discussion.

**Mrs BAI and Mrs BPF meet with Bishop Mulkearns**

On 12 August 1982, Mrs BAI and her husband travelled to the bishop’s office with Mrs BPF and her husband.

Before the meeting, both Mrs BAI and Mrs BPF received phone calls from parishioners asking them not to go to the bishop and ‘destroy’ Ridsdale.

Each couple saw Bishop Mulkearns separately. Mrs BPF’s evidence that either she or her husband said, ‘We’ve got big problems in Mortlake’. Before they could say anything more, Bishop Mulkearns replied, ‘How am I to take the word of a child over one of my priests?’ They were in Bishop Mulkearns’ office for less than five minutes, and Mrs BPF could not recall anything else being said.

Mrs BAI’s evidence was that she and her husband told Bishop Mulkearns they had been put in a situation because of the actions of Ridsdale, and other boys had been affected. She told Bishop Mulkearns next time they would go straight to the police. Mrs BAI told us Bishop Mulkearns just sat there and stared at them, was devoid of emotion and was totally dismissive.
We accept the evidence of Mrs BAI and Mrs BPF. Neither was asked to be made available for questioning by any party, and their evidence was not challenged. Bishop Mulkearns told CCI investigators in 1994 and 1995 that his meetings with the BAIs and BPFs were noted in his diary in August 1982.1504

We are satisfied that in August 1982 Bishop Mulkearns received reports from Mrs BAI, Mrs BPF and Sister Vagg that Ridsdale had sexually abused multiple boys in Mortlake parish. He responded dismissively to these reports. This was grossly inadequate. His response to Mrs BPF that he could not take the word of a child over that of a priest was particularly wrong in light of his knowledge of Ridsdale’s admission to him of offending against children. Bishop Mulkearns not only failed in his duty to the children about whom he received reports; his failure also allowed Ridsdale to continue to offend.

Monsignor Henry Nolan assists Bishop Mulkearns to deal with the situation in Mortlake

Monsignor Henry Nolan was appointed vicar general of the Diocese in July 1982. Immediately before this, he was the parish priest at Edenhope. He was Cardinal Pell’s cousin. He is now deceased.

Monsignor Nolan speaks to Ridsdale and Sister McGrath about the allegations

Shortly after Sister Vagg informed Bishop Mulkearns of the allegations against Ridsdale, Monsignor Nolan travelled to Mortlake to speak with Ridsdale. Ridsdale told CCI in 1993 that the first he knew of the problems in Mortlake was when Monsignor Nolan came to see him at the request of the bishop. Ridsdale said Monsignor Nolan told him there were rumours, and people were going to the bishop.1505

After meeting with Ridsdale, Monsignor Nolan met with the Sisters at the convent. Sister McGrath told CCI that she told Monsignor Nolan what Mrs BAI had said about Ridsdale molesting children.1506 Monsignor Nolan replied that he had spoken to Ridsdale about the matter and that he could not stay in Mortlake and would be moving.1507

Mr BPE reports the Mortlake allegations to Monsignor Nolan

Mr BPE was the president of the school council at St Colman’s in Mortlake in the early 1980s and father of three boys at the school.1508 He gave evidence that he received a phone call from Sister McGrath, who said they had ‘a serious problem’.1509 He met with Sister McGrath, and she informed him there had been inappropriate conduct with the children by Ridsdale.1510 She mentioned a young boy named Paul who lived with Ridsdale in the presbytery who was also being sexually abused.1511
That afternoon, Mr BPE said he asked his own children about Ridsdale. One of them disclosed that Ridsdale had fondled him. The other disclosed that Ridsdale had attempted to sexually abuse him.\textsuperscript{1512}

Mr BPE telephoned the bishop's office that day and was referred to Monsignor Nolan. Mr BPE said that, when he told Monsignor Nolan about the allegations, Monsignor Nolan ‘seemed quite shocked’ but said he would deal with it.\textsuperscript{1513}

Within a couple of weeks, Mr BPE became aware through ‘general talk with other parents in the town’ that many more boys, particularly altar boys, had been affected.\textsuperscript{1514}

After making an appointment to meet with Bishop Mulkearns a few weeks later, Mr BPE was told he was not available. He met with Monsignor Nolan instead. Mr BPE’s evidence was that Monsignor Nolan was ‘horrified’ to learn how widespread the sexual abuse was, and he told Monsignor Nolan that he heard on the grapevine that that Ridsdale had engaged in similar offending in other parishes but had just been moved from place to place once it had been identified.\textsuperscript{1515}

BPE gave evidence that:

\textit{[Monsignor Nolan s]eemed quite shocked and told me that they would deal with it. He said that Ridsdale had gone off the rails because his brother had died. He said he thought this was a one-off and couldn’t imagine it ever happening again.}\textsuperscript{1516}

BPE’s evidence was that Monsignor Nolan said:

\textit{‘do nothing, leave it with me, I’ll talk to the Bishop about it’. The meeting was fairly brief. Monsignor Nolan did not get back to me with any further information about this matter and I did not speak to him again.}\textsuperscript{1517}

In 1993, when interviewed by CCI, Monsignor Nolan gave a different account of his involvement in dealing with the Mortlake allegations. He said that in 1982 or 1983 he ‘just happened’ to visit Mortlake. He said the nuns ‘never said explicitly what was happening’, and he ‘never knew exactly at any stage then who was involved or what Ridsdale was supposed to have done’.\textsuperscript{1518}

The transcript of a 1993 interview with Monsignor Nolan records him as saying:

1982 or 1983 I just happened to visit Mortlake and if I had known what was happening there I would not have gone near it. \ldots\ I was over at the Convent and the Nuns were fairly on edge, I suppose, about what was happening, but they never said explicitly what was happening. So there was supposed to be something about the place that was inappropriate, that there were a lot of kids hanging around the Presbytery. In fact, I think one of them, the kid from Melbourne might have been staying at the Presbytery and I then, I am not sure whether I didn’t say to him ‘What’s
all this’, I don’t know what I said to him ... It wasn’t very easy for me to tackle him on that and I didn’t know what sort of response I was going to get, but he responded quite easily and talked very openly and easily and assured me there was no problem, everything was alright and what was everybody getting excited about. So I never knew exactly at any stage then who was involved or what he was supposed to have done exactly. It was just a kind of nod and a wink situation, where I was supposed to know, but no one was really going to tell me and when I did say something, he just said ‘Well what’s the problem’.1519

We do not accept that account Monsignor Nolan gave to CCI in 1993.

We accept the evidence of Sister McGrath and BPE. Their accounts were similar. BPE was an impressive witness and Sister McGrath was not required to give evidence. Their evidence was not challenged, and the Church parties agreed their evidence should be accepted.1520

We are satisfied that Monsignor Nolan’s description of his knowledge of and involvement in the events in Mortlake in his 1993 CCI interview, particularly when compared with other evidence set out above, gives the impression that he was being evasive and minimising his own involvement in and therefore responsibility for the events in Mortlake.

The Church parties submitted that we should not make findings of impressions based on words chosen by an investigator to reflect answers given by an interviewee.1521 We do not accept that submission. Monsignor Nolan’s CCI interview is in transcript, not a summary prepared by the investigator.

We are satisfied that in about mid-1982 Monsignor Nolan came to Mortlake to speak with Ridsdale about the allegations. We are also satisfied that, when he met with Ridsdale, Monsignor Nolan became aware of Mr Levey living in the presbytery and had him moved to short-term care with a local family.

We are satisfied that Monsignor Nolan was informed of Mrs BAI’s allegations by Sister McGrath, and he told Sister McGrath that Ridsdale would be moving from Mortlake. We are satisfied that Mr BPE twice reported to Monsignor Nolan allegations that Ridsdale had sexually abused children in Mortlake. On the second occasion, he told Monsignor Nolan the problem was widespread.

Monsignor Nolan’s responses to BPE, namely:

- that Ridsdale ‘had gone off the rails because his brother had died’ and that it was a ‘one-off’ that he could not imagine ever happening again
- ‘do nothing, leave it with me, I’ll talk to the Bishop about it’ and not contacting Mr BPE about the matter again, are consistent with an intention to reassure BPE and therefore discourage any further action in relation to Ridsdale’s sexual abuse of children in Mortlake.
Talk in the Mortlake community

Between 1980 and around May 1982, Father Brian McDermott was a priest at Camperdown, about an hour south-west of Ballarat. Father McDermott told us in about 1981 or early 1982 he became aware of rumours that some parish priests around Mortlake met to discuss Ridsdale’s activities in Mortlake. He presumed it was sexual activity. He said he did not know what happened at the meeting.

Father McDermott said Ridsdale’s behaviour became clearer to him when he encountered a Mortlake parishioner at some point while he was at Camperdown. He said the parishioner told him ‘there had been a big meeting and it was about Ridsdale and it had become common knowledge in Mortlake that Ridsdale’s behaviour was with children’.

Father McDermott told us he did not know if other priests in Ballarat would have known about this meeting. He said the locals of Mortlake would have all been talking and very concerned about what was happening and that it was a wider Catholic community concern. He thought Monsignor Fiscalini, who was at nearby Terang parish at the time, would have been part of the meeting and he presumed he would have spoken to the bishop about it.

Father McDermott also told us the consultors would not share this sort of information with each other at a consultors’ meeting. When asked if they would do so outside of consultors’ meetings, he said, ‘Possibly, yes. Most possibly, I would think, there would have been some conversation’.

Father McDermott agreed that, at the time he heard about the meeting of priests around Mortlake about Ridsdale’s behaviour, Ridsdale was a public problem in the community. He told us this was when he became aware that there was ‘a big issue’ with Ridsdale. He said no one said it directly, but he assumed the issue was sexual activity with ‘younger people’. Neither Father Arundell nor Father O’Toole, who was an assistant priest at the neighbouring parish of Warrnambool at the time, heard of the meeting that Father McDermott referred to.

Our findings thus far in this report

- In 1973, Father Pell had heard of Ridsdale taking groups of boys away on overnight camps, which he thought was unusual.
- In 1974, there was gossip in the community of Apollo Bay about Ridsdale and children
• In 1975 and 1976:
  ° there was talk in Inglewood parish that Ridsdale had been interfering with boys
  ° the police were investigating a complaint of indecent assault against Ridsdale
  ° it was common knowledge all through the Catholic congregation in Inglewood
    that the police were investigating Ridsdale
  ° Ridsdale admitted to Bishop Mulkearns that he had offended against children.
    Even before that admission, Bishop Mulkearns had sufficient belief in the various
    complaints brought to him that he sent Ridsdale for treatment.

• In early 1975, Ridsdale’s move would have come up very quickly and unexpectedly
  and as a result would have needed explanation. The consultors must have known
  about the circumstances of the move and it would have been explained to them.

• ‘In the normal course of things’ the consultors would have had the circumstances
  explained to them at that time.

• In January 1976, Bishop Mulkearns told the consultors of sexual transgressions
  by Ridsdale.

• At the March 1976 meeting, Bishop Mulkearns would have been expected
  to have explained why Ridsdale was moving to Edenhope and why it was a
  temporary position.1533

• In 1978 while at Edenhope:
  ° a nun teaching at the local school was told of a warning to ‘mind your children’
    with Ridsdale
  ° the nun was told ‘something’ that happened at Inglewood
  ° students at the Catholic secondary school called Ridsdale that ‘poofter priest’.

• In January 1980, the consultors knew that the reason Ridsdale was attending the
  NPI was to get him out of parish work and away from children.

• In 1981:
  ° Father Torpy, a psychologist used by the Church to counsel priests against whom
    allegations of child sexual abuse had been made, was in Rome. He heard from
    Father Murphy that there was ‘a delicate situation at Edenhope’, which was that
    Ridsdale was asked to leave that parish because there had been allegations
    of sexual abuse of young children
  ° complaints were made to Father Finnigan by several parents about Ridsdale’s
    conduct in Mortlake
  ° a complaint was made to Monsignor Fiscalini of sexual molestation by Ridsdale
    which was reported to Bishop Mulkearns.
In 1982:

- Bishop Mulkearns, two nuns and two priests knew that Ridsdale had a boy living with him in the presbytery at Mortlake
- more reports were made to Bishop Mulkearns
- the principal and a teacher at the local Catholic primary school told Bishop Mulkearns of concerns
- Monsignor Nolan received complaints against Ridsdale
- there were rumours that some parish priests around Mortlake met to discuss Ridsdale and the concern of the locals of Mortlake and the wider Catholic community, which was a ‘public problem’.

Ridsdale is removed from Mortlake parish

Bishop Mulkearns met with Ridsdale in Terang on 15 August 1982. Bishop Mulkearns was there for a confirmation. According to Bishop Mulkearns, Ridsdale said, ‘If these complaints are made then it is better that I get out’.

Bishop Mulkearns said in a 1995 interview, ‘that is pretty much what it came to. He still wasn’t admitting that there was any serious offence to me’. Later in that interview, Bishop Mulkearns said, ‘as a result of that conversation he was out of Mortlake’.

Mrs BAI said that, within weeks of her meeting with the bishop, Ridsdale announced during mass that he was being transferred. Mr Daniel Ewing, another Mortlake parishioner who provided a statement to the Royal Commission, said that after Ridsdale was moved there were some rumours circulating around the town that he had been interfering with children.

In a letter many years later to a treatment facility in the United States, in 1989, Bishop Mulkearns wrote regarding Ridsdale:

[Ridsdale] was appointed to another parish, when it was considered responsible to make such an appointment, but there were further problems around 1981–2. (In fact, after these problems surfaced, there were rumours that they were not isolated). He was removed from his Parish and referred again for counselling. After some time of inactivity, he was given the position of a full-time priest at the Catholic Enquiry Centre, located in Sydney, New South Wales. This position was an office one which involved replying by mail to interested enquirers. It was specifically chosen to ensure he had no contact with ordinary parish work.
What the College of Consultors knew

Ridsdale’s removal from Mortlake parish was discussed at the College of Consultors meeting on 14 September 1982. Bishop Mulkearns presided at the meeting. Also present at this meeting were Monsignor Fiscalini and Fathers Henry Nolan (vicar general), Pell, Martin, Daniel Arundell and Bryant. Father Finnigan attended the meeting as bishop’s secretary.

The minutes of the meeting record, under the heading ‘Staffing’:

The Bishop advised that it had become necessary for Fr. Gerald Ridsdale to move from the Parish of Mortlake. Negotiations are under way to have him work with the Catholic Enquiry Centre in Sydney. A new appointment to Mortlake will be necessary, to take effect after October 17th.

The Catholic Enquiry Centre was located in Maroubra in Sydney, and its main work was to run a correspondence course for non-Catholics who were interested in the faith. It also published a series of books on religious matters for use by Catholics.

Four of the eight attendees at this 14 September meeting gave evidence: Father Bryant, Bishop Finnigan, Father Daniel Arundell and Cardinal Pell. While Bishop Mulkearns gave evidence, he passed away before resuming his evidence and he was not asked about this meeting. The remaining consultors are all deceased.

Father Bryant was the consultor with the most detailed recollection of what occurred at the meeting; it was his first consultors’ meeting. He told us this was the first he recognised something was ‘going on’ with Ridsdale. He said, ‘we were told at the start of the meeting – I remember this because it was my very first meeting – that there was a problem with homosexuality in the Diocese’. He said there was ‘no talk about the age of the victims’.

When asked about Bishop Mulkearns’ reference to the ‘problem with homosexuality’, Father Bryant gave the following evidence:

A. That’s all he said, because – even if you read the minute, there was no discussion about it, he just came in and that’s how he – and as I say, that was my very first meeting, that’s the only reason I think I can remember it, because I can’t remember many other meetings, and he came in and I just remember him saying, we have a problem with homosexuality, and then he referred to Ridsdale and what he’d done, but there was no discussion whatsoever.

Q. Minutes are very often brief, as you would expect minutes to be, aren’t they?

A. Yes.
Q. Are you saying that he came in and said there was a problem with homosexuality and absolutely not a word more except Ridsdale?

A. Not a word more except that he had to move Ridsdale and there was no further discussion.\textsuperscript{1546}

Father Bryant said, ‘it was quite a shock and the Bishop said that this is what he had done and that was it’.\textsuperscript{1547} When asked if he asked the bishop what he meant, Father Bryant replied, ‘No, you don’t necessarily get a chance in – well, in those occasions because, as I say, he just informed us what he was doing and that was it, full stop’.\textsuperscript{1548} Father Bryant was asked what it was the bishop said Ridsdale had done, and he responded:

[A]ll the Bishop said at the meeting was, ‘We have a problem with homosexuality’, and then he made reference to the fact that he had the need to – I forget the exact wording of the minute – he had the need to ...

Q. Become necessary for Father Gerald Ridsdale to move from the Parish of Mortlake?

A. Mortlake, yes.\textsuperscript{1549}

Father Bryant understood what the bishop was talking about in the sense that Ridsdale was accused of being homosexual, and some homosexual activity must have been brought to the bishop’s notice. However, he said they were not told whether it was adults or children.\textsuperscript{1550} He said that it did not occur to him at that stage that it could have been children.\textsuperscript{1551}

Father Bryant told us he presumed Ridsdale was being sent to the Catholic Enquiry Centre to receive some sort of counselling ‘and working there where he’d be away from children, supposedly’.\textsuperscript{1552} When it was put to him that being away from children was significant, Father Bryant said, ‘well, at that stage ... I didn’t think at that stage, but since then’.\textsuperscript{1553} When questioned about his reference to children, Father Bryant said that he used the word ‘children’ because of what he believes now but that at the time he does not think that he would have used that word. Rather, he would have said that Ridsdale ‘would have been away from parish work or influence’.\textsuperscript{1554}

It was put to Father Bryant that if Ridsdale’s problem was homosexuality then sending him to the Catholic Enquiry Centre was not going to do any good. Father Bryant answered, ‘No, unless he was receiving counselling’.\textsuperscript{1555} When it was put to him that sending him to the centre would have done some good in that it would have kept Ridsdale away from children, Father Bryant said, ‘Well, maybe so if that was the case. But in hindsight, as I say, I know now what the problem was’.\textsuperscript{1556}
Father Bryant said that Bishop Mulkearns did not tell them the full story in that he did not tell them whether Ridsdale’s conduct was with children or adults. However, he questioned whether Bishop Mulkearns was obliged to.

Father Bryant accepted that, if the bishop had told the truth to the meeting, he would have said that the problem was child sexual abuse, not homosexuality. He accepted that the bishop’s failure to articulate the true problem was a failure of an organ of governance of the Church.

Father Bryant told us he accepts responsibility on behalf of the Diocese for what happened, ‘even though at the time not fully aware of the circumstances, but being part of the Consultors at that stage’. He said, ‘as things emerged down the line’, there were ‘personal situations in which I was involved in which I feel extremely guilty’. Father Bryant explained that sometime between about 1975 and 1978 he recalled staying with Ridsdale at his property at White Cliffs, that Ridsdale had ‘a couple of young fellows from Edenhope with him’ as well as a number of other people, and the kids looked ‘very glum and morose’. He did not think it odd at the time, as there were a number of other people there and ‘they obviously had their parents’ approval’. He told us if he had known what was happening at that time he could have done something about it.

Counsel Assisting asked Father Bryant at what point he made the connection between what the bishop had said in 1982 about the problem with homosexuality, and the need to move Ridsdale, and what he had seen at White Cliffs in the late 1970s. He said:

> At some stage it would have come to me, yes. It was 83; as I say, I became aware of it at some stage and I advised people against mixing with Ridsdale and so on. Again, it’s one of those hazy areas of the time that I can’t remember; whether I said something to Bishop Mulkearns or something at any stage, I probably did, but I can’t remember what.

When asked if he had made this connection by the end of September 1982, Father Bryant said:

> I can’t say that I had. I don’t believe I made that connection immediately for some reason. I really believe it was later than after my time as a Consultor even.

Later, Father Bryant’s evidence was that he did not become aware about ‘problems’ with Ridsdale until the late 1980s, after he ceased being a consultor. He agreed that his evidence was that by January 1986 he had some thoughts as to what was happening, and by 1988 or 1989 he became convinced as to what Ridsdale’s problem was. That evidence is considered later in this report.
When Father Bryant was questioned by Cardinal Pell’s counsel, he agreed that Bishop Mulkearns told the meeting that Ridsdale was homosexual and nothing more. He agreed he did not conclude from that in any way that he had been interfering with children, ‘despite the pressure on [him] to say that, [he] did not at that stage.’

Bishop Finnigan took the minutes of the meeting, and he agreed they are his words appearing in the minutes. He agreed that his record of the bishop’s advice that it had become necessary for Ridsdale to move from the parish of Mortlake followed a discussion. It was put to Bishop Finnigan that he knew the reason that Ridsdale was moving, and he gave the following evidence:

A. Well, I would have – I presume I knew at that stage, because that was after those people came to see me from Mortlake.

Q. You don’t have to presume, Bishop. You knew that Ridsdale was being moved from Mortlake because complaints had been made against him and to you of child sexual abuse of boys in Mortlake?

A. I’d have to say no to that, because the complaints I had heard from those people who came to see me, they didn’t mention child sexual abuse.

Q. They told you that they were concerned about Ridsdale and their children, didn’t they?

A. Yes.

Q. And the concern about Ridsdale and their children was that Ridsdale was behaving inappropriately with their children, is that right?

A. Well, yes, yes, I suppose.

THE CHAIR: Q. Bishop, it’s not a matter of supposing. What else could they be coming to complain about?

A. Well, my vague memory of it all was they came to say that he had these children around the place and they felt that it wasn’t a healthy thing for him to have these children around the presbytery. Now, of course, you could say, yes, now we know what they were probably complaining about, but did I know at the time? No.

Q. But they weren’t complaining about him taking children to healthy enterprises, were they?

A. No.
Q. They had a reason to complain?

A. Correct.$^{1573}$

Although Bishop Finnigan initially agreed that Bishop Mulkearns told the consultors why it was necessary to move Ridsdale,$^{1574}$ he then said that he did not know whether the bishop gave reasons why it had become necessary for Ridsdale to move.$^{1575}$ He also said that he is not in a position to deny that the bishop gave the reasons to the consultors at the meeting.$^{1576}$

The following exchange with the Chair took place:

Q. Now, certainly, there were priests who said they would like to move, who made a request. That’s a very different thing to the bishop saying it’s necessary to move someone, isn’t it?

A. Yes.

Q. And the fact that it was necessary to move someone – that was not a frequent event, was it?

A. Well, it’s – the same wording is used in subsequent meetings when I wasn’t secretary, mmm.

Q. It’s not a frequent event that the bishop says it’s necessary to move someone, is it?

A. Well, if you want to say it didn’t happen every week or every meeting, you are right, yes.

...  

Q. But when the bishop says it’s necessary, obviously those around the table would say to themselves, ‘Why?’, wouldn’t they?

A. Probably, yes.

Q. And they would be curious to know, given that they are the consultors, why the bishop is telling them that it’s necessary to move this priest?

A. Yes.$^{1577}$

It was put to Bishop Finnigan that he knew why it was necessary to move Ridsdale because he ‘had been involved in the process’, and he responded, ‘Yes, well, this would have been after those people came to see me, from Mortlake’. $^{1578}$
Bishop Finnigan said that he does not recall the bishop having told the meeting that there was a problem with homosexuality in the Diocese. He agreed that if it had been mentioned that there was a problem in the Diocese of sexual activity with children he certainly would not have put that in the minutes. That was because he would have been concerned that the minutes not record any problems that were happening in the Diocese by way of allegations of sexual abuse or touching of children.

Bishop Finnigan agreed there would be discussion about the individual suitability of priests for appointments. However, when asked if he would have recorded those comments in the minutes, he said, ‘definitely not’.

Bishop Finnigan agreed that it follows from the words in the minutes that the reason Ridsdale was sent to the Catholic Enquiry Centre rather than to a parish was to remove him, to the extent possible, from access to children. He said he could not recall any clear instruction about it or how Ridsdale came to be at the Catholic Enquiry Centre.

Father Daniel Arundell told us he had no recollection of the meeting and does not remember any discussion at the meeting. He did recall thinking to himself that the appointment of Ridsdale to the Catholic Enquiry Centre to ‘office-type work’, whatever the reason, might be a good appointment for him. He said he thought Ridsdale was good at office work.

Cardinal Pell was asked if he remembered the meeting, and he said:

A. Not explicitly, no. I don’t remember any of the meetings – I didn’t remember before I came – I didn’t remember any of the meetings at which Ridsdale was discussed before I came to study the minutes.

Q. Well, since you have come to study the minutes, do you now have a recollection of that meeting?

A. Yes, in the light of the minutes, certainly.

Q. And that is based on a reconstruction of what happened based on what you have read in the minutes; is that how we are to understand that?

A. Yes, based on what I’ve read in the minutes and on – there is some other evidence that has been presented which I think is also of interest.

Cardinal Pell accepted that three of the seven consultors knew of complaints about Ridsdale at the time of the meeting, and two had significant knowledge. Cardinal Pell agreed that it was necessary to move Ridsdale from Mortlake because of the knowledge among parts of the community, as well as three of the consultors, about child sexual abuse by Ridsdale in Mortlake.
Cardinal Pell told us that to nominate a person with a record like Ridsdale to a position at the Catholic Enquiry Centre was completely misleading and that if he had known for a minute that there were five or six charges (complaints) against Ridsdale he would not have tolerated the legitimacy of such an appointment.1590

There was the following exchange with Counsel Assisting:

Q. I suggest, Cardinal, that it is implausible that those others, consultors at that meeting, including yourself, were not told why it had become necessary.

A. It would only be implausible if there was evidence that they had been told in some way or other.

Q. I suggest, Cardinal, that it is implausible, given the knowledge of three of those consultors and given the conduct of Ridsdale and the wording of those minutes, that the consultors, including you, did not know why it had become necessary for him to be moved?

A. That is a complete non sequitur. We can conclude about those who had that knowledge; we cannot conclude about the minds of those who were not privy to that knowledge.1591

When asked by Counsel Assisting if he asked why it had become necessary for Ridsdale to move, Cardinal Pell gave the following evidence:

A. I can’t remember explicitly asking. One of the priests present said that the reason given was homosexuality. I don’t have a recollection of that, but that would be entirely possible.

Q. When you say ‘one of the priests said the reason given was homosexuality’, are you saying the reason given for it becoming necessary for Ridsdale to move; is that right?

A. That is what that priest said, and that would be quite compatible with my not remembering it explicitly one way or the other.

...  

Q. Well, when you say what the priest said as to one of the reasons given for it being necessary to move was compatible with your not remembering it explicitly one way or the other, what are you not remembering explicitly?

A. That – I didn’t remember explicitly that the Bishop said it was because of homosexuality.
Q. Well, what else do you remember from the meeting?

A. Very little.

Q. Well, you remember what Father Bryant said. What else do you remember?

A. I remember what Father Bryant said because I studied the evidence he presented.

Q. So are you saying that you had a recollection at the time in 1982 of what Father Bryant said?

A. No, I can’t say that. I have – don’t have a clear recollection of this meeting at all, except to the effect that paedophilia was never mentioned.

Q. So you don’t have a clear recollection, save for in one respect, and that is that something wasn’t mentioned; is that how we are to understand your evidence?

A. Yes, that there was no reference by Bishop Mulkearns to acts of paedophilia by Ridsdale at that meeting.  

Cardinal Pell explained that by referring to paedophilia he intended to include language that would generally describe sexual activity with children, such as interfering with children and being overly affectionate with children. Cardinal Pell said that, because of Ridsdale’s unusual number of appointments, the meeting would have discussed why he was being moved yet again. He presumed that people in the meeting would have said, ‘yes, well, what’s happening?’, and that the bishop would have given some reason.

When asked if the bishop lied to him in not giving the true reason that Ridsdale was being moved again, Cardinal Pell said, ‘Yes, and every time this is done I think it worsens the fault’.

Cardinal Pell gave the following evidence:

Q. I suggest, Cardinal, that you failed in your responsibility as a consultor if, as your evidence is, you knew nothing about Ridsdale and you didn’t inquire. Do you accept that failing?

A. I have never suggested that I knew nothing. I’ve never suggested that I didn’t inquire generally. We were being informed implicitly or explicitly by the Bishop that this man was open and available for an appropriate transfer or promotion.

...
Q. So what do you say you knew in 1982 about Ridsdale?

A. I knew nothing about his paedophilia. I knew that he was a somewhat difficult person and obviously that he had been shifted around quite a bit. There were other priests who were shifted perhaps not as frequently as him but for one reason or another moved frequently.

Q. In order for you to properly carry out your duties as a consultor, Cardinal, I suggest it was incumbent upon you to seek from the Bishop why Father Ridsdale was being moved yet again.

A. I was happy to take the Bishop’s word that it was appropriate for him to be shifted. It was necessary but appropriate.

... 

Q. So when you say that you were happy to take the Bishop’s word that it was appropriate for him to be shifted, I take it you are saying that you recall that’s what the Bishop said at the meeting?

A. I’m happy to accept the minutes.

Q. No, no, I’m just referring to your answer, Cardinal. You said that you were happy to take the Bishop’s word that it was appropriate for him to be shifted. So is it the case you now recall that the Bishop provided his word to that effect in the meeting?

A. In the light of the minutes I certainly do.¹⁵⁹⁶

Counsel Assisting put to Cardinal Pell that his evidence was that he does not have any recollection of what was said at the meeting, although he does have a recollection of what was not said. Cardinal Pell responded:

A. I have studied the minutes of this meeting that took place over 30 years ago, and in the light of those minutes I am quite happy to accept them.

Q. That was not my question. I will repeat it, Cardinal. You do not have any recollection of what was said at the meeting, although you have a recollection of what was not said; is that right?

A. I wonder whether that is misleading. In the – independent of the minutes, I do know the basis on which we proceeded, and that was that when the – a priest could be shifted for non-criminal activities and the reasons would not necessarily
be given. The clear expectation was if there was criminal activity, that would be mentioned. Now, it could be that the consultors would decide to give another chance, but as, for example, in Day’s case, the – his moral failures were explicitly mentioned to the consultors. I would have expected that exactly the same thing would be provided to us as was given to the consultors about John Day.\textsuperscript{1597}

When asked what the basis of this expectation was, Cardinal Pell responded, ‘From my experience, from my general way of thinking and such a conclusion is justified from the minutes of the Ballarat Consultors’.\textsuperscript{1598}

However, Cardinal Pell did not agree that he had been at a Ballarat consultors’ meeting where criminal activity by priests had been mentioned.\textsuperscript{1599} When asked again about the basis of this expectation, Cardinal Pell responded, ‘Because of the danger that such criminal activity presented to children’.\textsuperscript{1600} He continued, ‘that is a commonsense expectation, and the basis upon which we have always moved in the Church, we do not propose to shift priests, promote them, when it’s been shown they have engaged in criminal activity’.\textsuperscript{1601}

Counsel Assisting submitted there is no reason not to accept the evidence of Father Bryant that Bishop Mulkearns said to the meeting that there was a problem with homosexuality in the Diocese and that this was the reason it had become necessary to move Ridsdale from Mortlake. Father Bryant’s testimony on this point was clear and straightforward and was not contradicted by the other witnesses who were present at the meeting.\textsuperscript{1602}

Bishop Finnigan’s evidence was that, as the minute-taker, if the bishop had given child sexual abuse as reason it would not have been recorded in the minutes. Counsel Assisting submitted that this evidence was convincing and should be accepted. It was submitted that the absence of a recorded reason in the minutes is not inconsistent with the evidence that the bishop gave at least homosexuality as a reason and that he may have gone further and mentioned the problem as being one in relation to children.\textsuperscript{1603}

Counsel Assisting submitted that Father Bryant’s evidence that he believed Ridsdale was being moved to the Catholic Enquiry Centre to be away from children should be accepted as being his understanding at the time of this meeting.\textsuperscript{1604}

It was submitted that the ‘clear expectation’ about which Cardinal Pell gave evidence could only have arisen in the context of a discussion between consultors about priests engaging in criminal activity. Allegations of sexual abuse of children are allegations of criminal behaviour. However, the evidence indicates that Cardinal Pell’s ‘commonsense expectation’ was not realised in relation to the movement of some priests in Ballarat when he was a consultor.\textsuperscript{1605}

Submissions have been made about the recording of information in the minutes. The evidence is clear that all matters discussed were not always minuted. Therefore, it cannot be concluded that the absence of reference to criminal activity in the minutes reflects the discussions held.\textsuperscript{1606}
Counsel Assisting submitted that it was the common understanding of the meeting that complaints that Ridsdale had sexually abused children was the reason it had become necessary to move him, for the following reasons:

1. Father Bryant’s evidence that he understood Ridsdale was being moved to the Catholic Enquiry Centre to be away from children is consistent with this common understanding.

2. If the true ‘problem’ was adult homosexuality, there is no reason a posting to the Catholic Enquiry Centre might have been seen as a solution.

3. At the time of this meeting, Father Finnigan knew that problems had been raised about Ridsdale’s sexual conduct with children in Mortlake.

4. Monsignor Fiscalini knew that problems had been raised about Ridsdale’s sexual conduct with children in Warrnambool, Inglewood and Mortlake.

5. Father Nolan (vicar general) knew that problems had been raised about Ridsdale’s sexual conduct with children in Edenhope and Mortlake.

6. Father Pell knew of allegations that Monsignor Day and Brothers Fitzgerald and Dowlan had sexually abused children.

7. Father Pell was also aware that, when he was assistant priest of Ballarat East, Ridsdale used to take groups of boys away on overnight camps, which was unusual. Father Pell thought about the prudence of this in the context of an awareness that priests could sexually abuse children if one-on-one.

8. There was rumour and talk in the Catholic communities in the parishes of Apollo Bay, Inglewood, Edenhope and Mortlake of Ridsdale’s sexual abuse of children. It is likely the other consultors present at this meeting had heard something of this.

9. The consultors would have been aware that Ridsdale had been moved frequently between parishes in a manner which was ‘unusual’.

10. Cardinal Pell’s recollection that ‘paedophilia was not mentioned’ is not inconsistent with the knowledge of those at the meeting of the true reason for Ridsdale having to be moved.

It was further submitted by Counsel Assisting that there is no reason that Bishop Mulkearns would have been dishonest when he explained to those at the meeting why it had become necessary to move Ridsdale. That was particularly because:
• Bishop Mulkearns had previously told the consultors at the time about Monsignor Day having to resign following allegations and complaints that he had sexually offended against children.

• Bishop Mulkearns had previously told the consultors at the time about Ridsdale’s being moved from Inglewood following allegations of child sexual abuse.

• Cardinal Pell expected and understood that if the reason for moving a priest was criminal activity then the true reason would be given.

• Several of those in the meeting already knew the true reason Ridsdale was being moved and Bishop Mulkearns would have been aware of this.

The Church parties submitted that Bishop Mulkearns, Monsignor Fiscalini, Father Nolan and Father Finnigan knew of allegations or complaints about Ridsdale’s conduct with children before the 14 September 1982 meeting. They submitted that there is no evidence that any of the other consultors at the meeting – Fathers Daniel Arundell, Martin, Pell and Bryant – knew before or at the meeting of any actual or suspected offending by Ridsdale. Three of those consultors – Fathers Pell, Bryant and Arundell – gave positive evidence that they did not have any such knowledge.

The Church parties submitted that the words of the minutes are consistent with Father Bryant’s recollection that the bishop was announcing a decision he had already made.

The only witness with an actual recollection of what Bishop Mulkearns said to the meeting was Father Bryant. The Church parties submitted that his evidence that Bishop Mulkearns announced there was a problem with homosexuality in the Diocese and it had therefore become necessary to move Ridsdale, without further discussion, should be accepted. The Church parties acknowledged that the reason Bishop Mulkearns gave the meeting, relating to homosexuality, was false to the bishop’s knowledge.

The Church parties submitted that Bishop Mulkearns did not pass on to the consultors at the meeting his knowledge of the various complaints and admissions from Inglewood and Mortlake. Neither Monsignor Fiscalini nor Monsignor Nolan passed on to the other consultors what they knew about Ridsdale’s past conduct.

Cardinal Pell submitted that his evidence that Bishop Mulkearns never mentioned Ridsdale and paedophilia during his time as a consultor, and that Bishop Mulkearns never told the consultors at the September 1982 meeting that Ridsdale had engaged in sexual misconduct with children, is consistent with his evidence that he first suspected something was ‘gravely wrong’ with Ridsdale when he learned he was receiving treatment in the United States in the late 1980s.
Cardinal Pell submitted that Counsel Assisting’s submission as to the common understanding of the meeting – that it had become necessary to move Ridsdale because he had sexually abused children – rises no higher than surmise. He gave a number of reasons in support of that submission.\footnote{1614}

(1) Father Bryant understood Ridsdale was being moved to the Catholic Enquiry Centre to be away from children

Cardinal Pell submitted this is surmise based on a false premise. It was submitted that, even if Father Bryant had this understanding, it was never communicated to any consultor and cannot be attributed to Father Pell. Cardinal Pell also submitted that Father Bryant’s evidence of this understanding was given with the benefit of hindsight and not at the time of the meeting. Father Bryant was adamant he did not conclude from anything said at the September 1982 meeting that Ridsdale was a paedophile, and it was not open to Counsel Assisting to suggest from his evidence that Father Bryant had this understanding at the time of the meeting.\footnote{1615}

(2) If the true ‘problem’ was adult homosexuality then there is no reason why a posting to the Catholic Enquiry Centre might be seen as a solution

Cardinal Pell submitted this does not assist in determining what was said at the September 1982 meeting. He submitted such a posting for a priest who was an active homosexual might be to remove them from the vicinity of the person with whom they were having an adult homosexual relationship or to remove the priest from parish work with greater interaction with the community. Cardinal Pell submitted that Counsel Assisting’s submission is unhelpful conjecture.\footnote{1616}

(3) The knowledge of Fathers Finnigan, Nolan and Monsignor Fiscalini

Cardinal Pell submitted that, as bishop’s secretary, Father Finnigan would not have spoken at the meeting. His knowledge is irrelevant. He submitted that there is no evidence that Father Finnigan, Father Nolan or Monsignor Fiscalini imparted their knowledge to Father Pell. Cardinal Pell’s evidence that he was not aware of the allegations against Ridsdale is uncontradicted and there is no basis on which to reject it.\footnote{1617}

(4) Father Pell’s knowledge of Monsignor Day and Brothers Fitzgerald and Dowlan

Cardinal Pell submitted that the unstated premise of Counsel Assisting’s submission is that, because Father Pell knew of allegations against other clergy, he knew that clergy had a propensity or tendency to sexually abuse children and therefore he knew that Ridsdale was being moved because he was a child sexual abuser. He submitted that the argument demonstrates the absence of probative evidence on which the Royal Commission could be comfortably satisfied of the existence of a fact.\footnote{1618}
(5) **Father Pell was aware when an assistant priest in Ballarat East that Ridsdale had taken boys away on camp and he had considered the prudence of doing that if one-on-one**

Cardinal Pell submitted that Counsel Assisting overstates the importance of this evidence, which was that momentary thought was given to the matter. He submitted he did not see anything wrong with Ridsdale taking a group of boys camping, and there is no reason it might have played on his mind in September 1982.

Cardinal Pell submitted that it is speculation that, because of a fleeting thought in 1973, in a meeting 10 years later, when told it had become necessary to move Ridsdale, he must have concluded Ridsdale was a paedophile.1619

(6) **There were community rumours about Ridsdale in Apollo Bay, Inglewood, Edenhope and Mortlake**

Cardinal Pell referred to his evidence that he had been to Apollo Bay ‘a few times’ but never visited Ridsdale there and did not hear of the circumstances which led to Ridsdale’s move out of Apollo Bay.1620 He referred to his evidence that he did not think he had ever been to Inglewood, and he did not hear about Ridsdale interfering with children in the parish.1621 He referred to his evidence that he did not think he had ever been to Edenhope and, while he passed through Mortlake and may have called in and stopped, he had never stayed overnight there.1623

Cardinal Pell submitted that his evidence demonstrates why no community member has come forward and said they spoke to Father Pell about Ridsdale abusing children. He submitted that it is conjecture that, because members of a particular community may have engaged in rumour about Ridsdale, all of the consultors must have heard the rumour.1624

(7) **The consultors would have been aware of Ridsdale’s movements**

Cardinal Pell submitted that, while it was unusual for Ridsdale to have been moved so many times, in September 1982 this did not make it obvious to those unaware of his behaviour that he was a child sexual abuser. He submitted it is easy to be wise after the fact, with knowledge and hindsight about Ridsdale’s conduct.1625

(8) **Cardinal Pell’s recollection that paedophilia was not mentioned is consistent with knowledge of the meeting of the true reason for Ridsdale being moved**

Cardinal Pell submitted that the fact paedophilia was not mentioned is also consistent with Fathers Pell, Bryant, Arundell and Martin having no knowledge that Ridsdale was being moved because of child sexual abuse.1626
(9) There is no reason why Bishop Mulkearns would have been dishonest

Cardinal Pell submitted that Counsel Assisting made a number of submissions directed towards Bishop Mulkearns’ dishonesty, duplicity and secrecy. He gave a number of examples, including Bishop Mulkearns destroying documents or not wishing to keep too much in writing, giving untruthful responses to CCI, failing to inform parish priests with whom Ridsdale was placed of his history, and withholding information from parishes and the community (including Mortlake) about the true reason for Ridsdale’s removal.1627

Cardinal Pell submitted that Counsel Assisting cannot rely on a litany of examples of Bishop Mulkearns’ deceptive behaviour and also overlook such matters in relation to the September 1982 meeting. He submitted that his evidence that the meeting was not told and did not know the true reason it had become necessary to move Ridsdale was the only scenario supported by the evidence. It is entirely consistent with Bishop Mulkearns’ years of cover-up.1628

It was submitted that the evidence also demonstrates that Mulkearns concealed the truth from his secretary, Father Murphy, in 1990; concealed the truth about Ridsdale from Father Madden when he was his assistant priest in Horsham in 1986; and operated on a ‘need-to-know’ basis.1629

(10) Common understanding

Cardinal Pell submitted that the phrase ‘common understanding’ is ambiguous and groups those with and without knowledge together. It was submitted that the reasons supporting Counsel Assisting’s common understanding rise no higher than speculation because there is no direct evidentiary support whatsoever for the proposition that those at the meeting were given to understand that Ridsdale was being moved because he was or might be a child sexual abuser. All of Counsel Assisting’s grounds to support the proposition are based entirely on surmise and conjecture.1630

We set out above the evidence of the consultors concerning the meeting on 14 September 1982. We have carefully considered that evidence in light of our findings of relevant conduct and knowledge by that time. We have also carefully considered the helpful and detailed submissions of those representing the Church’s interests and those of individuals within the Church. We have not set out all of those submissions, but each has received close attention.

None of the consultors had a clear and consistent memory of what occurred at the meeting. The meeting happened 30-odd years earlier and was one of many consultors’ meetings each had attended.

First, it is clear from the minutes that the moving of Ridsdale was out of the ordinary and that there was some urgency to his being moved. That there was a need to ‘negotiate’ an appointment in Sydney, outside the Diocese and not in a parish, makes plain that the context was to remove Ridsdale from both the Diocese and from parish work. It is also clear from the minutes that one or more events had caused that to become necessary.
Second, there is no doubt why Bishop Mulkearns wanted him out of the Diocese.

By this time, Bishop Mulkearns knew Ridsdale had offended against children in various parishes and was likely to have done so over years. He knew that there was knowledge of his offending in the community and among priests. We are satisfied that he wanted to remove him from the Diocese and preferably from access to children to avoid further complaints and public scrutiny. It had the effect of protecting Ridsdale.

Third, Cardinal Pell said that, because of Ridsdale’s unusual number of appointments, the meeting would have discussed why he was being moved yet again. He presumed that people in the meeting would have said ‘yes, well, what’s happening?’ and that the bishop would have given some reason. Bishop Finnigan said that he is not in a position to deny that the bishop told those at the meeting the reasons.

Fourth, Father Bryant said the consultors were told ‘there was a problem with homosexuality in the Diocese’ and the bishop then ‘referred to Ridsdale and what he’d done’. Bishop Finnigan did not recall that being said, and Cardinal Pell said it was entirely possible that that was the reason given.

There is no reason not to accept the evidence of Father Bryant that Bishop Mulkearns said to the meeting that there was a problem with homosexuality in the Diocese and that this was the reason it had become necessary to move Ridsdale from Mortlake. Father Bryant’s testimony on this point was clear and straightforward, and it is not contradicted by the other witnesses who were present at the meeting.

Bishop Finnigan, the minute-taker, explained that if the bishop had given child sexual abuse as the reason it would not have been recorded in the minutes. That is convincing and is accepted. Bishop Finnigan was equivocal on whether he would have recorded homosexuality as the reason had that been given. However, the absence of a recorded reason in the minutes is not inconsistent with the evidence that the bishop gave at least homosexuality as a reason and that he may have gone further and mentioned the problem as being one in relation to children.

We are satisfied Bishop Mulkearns gave reasons for it being necessary to move Ridsdale. We are satisfied that he referred to homosexuality at the meeting in the context of giving reasons for Ridsdale’s move. However, we are not satisfied that Bishop Mulkearns left the explanation there.

As Cardinal Pell said, there would have been a discussion.

First, with the reference to homosexuality, logically, homosexuality was not a reason alone to move Ridsdale out of the parish, the Diocese and the state. There is no rational connection between homosexuality and his appointment to the Catholic Enquiry Centre. That position
would not provide a solution to that perceived ‘problem’ of homosexuality, unless it was or included a reference to children. We are satisfied that the belief was that the centre would reduce Ridsdale’s access to children – access which was freely available in a parish. As Bishop Mulkearns acknowledged in his 1989 letter, the centre was ‘specifically chosen to ensure he had no contact with ordinary parish work’.

We do not accept the submission that Ridsdale might have been sent to the Catholic Enquiry Centre to remove an active homosexual from the person who he was having an adult relationship with or to remove him from work which provides greater interaction with the parish community. There is no evidence that Ridsdale had an adult relationship with a male and no evidence that anyone thought he did.

Second, did Bishop Mulkearns deceive his consultors? Cardinal Pell gave evidence that the Bishop did not give the true reason for moving Ridsdale – namely, his sexual activity with children – and that the bishop lied in not giving the true reason to the consultors. Father Bryant told us that Ridsdale was sent to the centre to be away from children. He said he was referring to his more recent knowledge. Father Finnigan’s evidence was that Ridsdale was sent to the centre to remove him from access to children.

We do not accept that Bishop Mulkearns lied to his consultors. Monsignor Fiscalini, Father Nolan and Father Finnigan all knew before the meeting about allegations or complaints about Ridsdale’s conduct with children. They knew why it was necessary to move Ridsdale from Mortlake and take him out of the parish and Diocese to a position where access to children was restricted.

It is inconceivable in these circumstances that Bishop Mulkearns deceived his consultors by not telling them the true reason. There would be little utility in doing so. The secret was out in at least two parishes by 1978. Moreover, his efforts to deceive the consultors who did not know the true reasons would have been apparent to those who did. He would have been exposing himself to some of his consultors as being deceptive, which he is not likely to have done unless there was a good reason to. Here there was no good reason because knowledge of the problem with Ridsdale was so widespread.

Bishop Finnigan told us that he would not have recorded a problem involving sexual activity with children in the minutes. He said he would have been concerned that the minutes not record any problems that were happening in the Diocese by way of allegations of child sexual abuse or touching of children.

We are satisfied that Bishop Mulkearns’ overwhelming concern was to protect his Diocese and the Church from further scandal. Limiting the information about Ridsdale to those outside of the Church was necessary to protect the reputation of the Church. That concern did not apply to insiders, and Bishop Mulkearns had no reason to think his consultors would speak publicly about the reasons for moving Ridsdale. The minutes of these meetings were not made public.
Bishop Mulkearns told a number of significant people in the Church of Ridsdale’s conduct. He generally did so, as set out below, when it became necessary to do so because of his desire to get rid of Ridsdale from the Diocese. There is no reason to believe he did not do that at the meeting:

- Bishop Mulkearns told the Archbishop of Sydney there were conditions on Ridsdale being in that archdiocese.
- A note by Cardinal Edward Clancy, the Archbishop of Sydney, records that Bishop Mulkearns told Cardinal James Freeman, the previous archbishop, that one of the conditions of Ridsdale being in the Archdiocese of Sydney was that he would not be in contact with children and continue with his counselling. In 1983, Bishop Mulkearns told Cardinal Clancy that Ridsdale had ‘certain sexual problems, was under professional treatment’ and been sent to Sydney to get away from the problems in Victoria. This evidence is discussed below.
- Father James FitzPatrick, who ran the centre, told us that Bishop Mulkearns told him that Ridsdale had some problems with young people and that he had been in a bit of personal trouble and it could be serious.
- Later in this report, we set out evidence that Bishop Mulkearns told Father Peter Lechner, the director of Villa Louis Martin, a treatment facility in the United States, about Ridsdale’s history in some detail. That included signs of problems early in Ridsdale’s priestly career, when Bishop Mulkearns first became aware of the complaints about Ridsdale in 1975, and complaints in subsequent parishes.
- We have also set out later in this report evidence that in 1990 Bishop Mulkearns explored with 15 or 16 bishops the possibility of an appointment for Ridsdale after he was sent for treatment in the United States. Bishop Mulkearns noted that a bishop might not be prepared to take the risk with Ridsdale. We find later that Bishop Mulkearns must have been forthcoming with the other bishops about Ridsdale’s history of allegations of sexual misconduct with children.
- We also set out later in this report evidence that Bishop Mulkearns told Father Finnigan in 1977 that Ryan was in the United States receiving treatment related to homosexuality.

We are satisfied that Bishop Mulkearns did not deceive his consultors.

Cardinal Pell’s evidence that ‘paedophila was not mentioned’ and that the ‘true’ reason was not given is not accepted. It is implausible given the matters set out above that Bishop Mulkearns did not inform those at the meeting of at least complaints of sexual abuse of children having been made.
We accept the evidence of Bishop Finnigan that, as minute-taker, he would not have recorded that the reason was child sexual abuse if the bishop had given that reason. We infer that this was to safeguard the discussions inside the room with the consultors. All matters discussed were not recorded, and we would not expect them to be.

As Cardinal Pell accepted, the secret was out in at least two parishes by 1978. We are satisfied that Bishop Mulkearns told the consultors that it was necessary to move Ridsdale from the Diocese and from parish work because of complaints that he had sexually abused children. A contrary position is not tenable.

Cardinal Pell gave evidence that Bishop Mulkearns and Monsignor Fiscalini’s conduct of appointing Ridsdale to Inglewood knowing of earlier allegations of child sexual against him was ‘unacceptable’, ‘Because of the risk that it presented to the children in Inglewood and that was exacerbated by the fact it doesn’t seem as though any effort was made to withdraw Ridsdale at least for a period of counselling or advice or help’. It follows that the conduct of any consultor who did not advise against the appointment and who knew the reason Ridsdale – or, indeed, any priest with knowledge of allegations of child sexual abuse made against them – was being moved is unacceptable.

The response to Mortlake parish

Ridsdale remained in Mortlake parish for over a month after the Mortlake parents met with Bishop Mulkearns.

By the end of September, Bishop Mulkearns had finalised arrangements for Ridsdale’s appointment to the Catholic Enquiry Centre in Sydney. He informed the consultors of this at a consultors’ meeting on 30 September 1982. He told them that Father Denis Dennehy would replace Ridsdale at Mortlake.

On 30 September 1982, Bishop Mulkearns wrote to Father Dennehy, confirming his appointment as parish priest of Mortlake, which was to take effect on 23 October.

Ridsdale told the Royal Commission, ‘it seems to me that I would have been given a date to leave the place [Mortlake] and not pulled out straight away, because there was a parish send off when I was leaving’. There is no reason for us not to accept Ridsdale’s evidence that he was not pulled out of the parish straight away, which is consistent with the bishop’s letter to Father Dennehy.

In 1994, Bishop Mulkearns wrote to the Warrnambool Standard, ‘Ridsdale was removed from the Parish of Mortlake as soon as possible after complaints were made against him’. This was not the true position. Bishop Mulkearns’ letter to the Warrnambool Standard was dishonest or, at best, misleading. The Church parties did not dispute this.
Father Dennehy replaces Ridsdale as parish priest at Mortlake

Father Dennehy told CCI investigators in 1993 that, while he knew something had occurred in Mortlake, he did not know the details. According to BPE, Father Dennehy told him when he first arrived that he had not been briefed on what had gone on at Mortlake.

However, within a short time of his arriving at Mortlake, Father Dennehy learned from a number of sources that Ridsdale was alleged to have sexually abused a large number of children in the parish.

BPE told us that he and his wife met with Father Dennehy soon after his arrival. They informed him that there ‘was a lot of anger and hurt in the town’, that the abuse was sexual and that it involved a large number of children. Sister McGrath gave evidence that shortly after Father Dennehy was appointed she raised with him the issue of Ridsdale molesting children and her concerns about supporting them with some pastoral care or counselling. He responded with words to the effect of ‘That is part of growing up and if it didn’t happen to them there, it would happen to them behind the toilets at the football’. Sister McGrath gave evidence that she was shocked and did not raise the matter with Father Dennehy again.

A transcript of a CCI interview with Father Eugene McKinnon in April 1993 records Father McKinnon as saying that Father Dennehy said that the first night he was at Mortlake there was a knock on the door and four men stood him up against the wall and told him if he interfered with any of the children he would be gutted. Father Dennehy talked with these parents ‘and it came out that nearly every boy in the school, Ridsdale had attempted to do something with’.

Father McKinnon is also recorded as saying that Father Dennehy invited a Uniting Church counselling couple from Ballarat to Mortlake. He told people that it was nothing to do with the Church but that anyone who had been hurt could use that facility.

According to a report of a CCI interview with Father Dennehy in September 1993, Father Dennehy stated, ‘I went to Mortlake and I knew something had occurred, but I didn’t know the details. I discussed my position there with Bishop Mulkearns on at least two occasions and he knows what action I took’.

Father Dennehy is recorded as indicating that he had no clear recollection of what had occurred at Mortlake during his period as parish priest and did not reply when asked whether he was threatened by a group on his first night in Mortlake. He is recorded as saying that every male child between the ages of 10 and 16 years who was at the school in Mortlake was molested by Ridsdale.

In December 1986, Father Dennehy wrote to Bishop Mulkearns from Mortlake that he would like an opportunity to have a chat with him. In January 1987, Bishop Mulkearns wrote to Father Dennehy appointing him parish priest of Charlton. He wrote, ‘I take the opportunity of thanking you for your work in Mortlake in somewhat difficult circumstances’.

Report of Case Study No. 28
In a 1995 interview, Bishop Mulkearns said that when Father Dennehy went to Mortlake he ‘made contact with this Protestant counsellor and made it known that counselling was available … having seen that there was some lasting effect of this in the Parish’. Bishop Mulkearns also said, ‘I had no idea about the psychological effect of these interferences on children’ and ‘certainly if anyone had asked for counselling we would have been happy to provide it, but it just didn’t arise’.

The CCI interviews with Father Dennehy in 1993 and Bishop Mulkearns in 1995 indicate that, on at least two occasions, Father Dennehy discussed the situation in Mortlake with Bishop Mulkearns. They also indicate that Bishop Mulkearns was aware that Father Dennehy had made counselling available ‘having seen that there was some lasting effect’ of Ridsdale’s sexual abuse of children in the parish.

We are satisfied that sometime after Father Dennehy became parish priest of Mortlake, at the latest, Bishop Mulkearns was aware that Ridsdale had sexually abused a large number of children in Mortlake and that this had a lasting effect in the parish. The Church parties agreed.

**Bishop Mulkearns instructs Sister McGrath to keep the matter very quiet**

In the weeks after Ridsdale’s removal from Mortlake, a ‘stream of parents’ went to see Sister McGrath to disclose that Ridsdale had sexually abused their children. Sister McGrath told us that between seven and nine parents came to see her.

Sister McGrath’s evidence was the Bishop Mulkearns instructed her and Sister Vagg to ‘keep the matter very quiet’, and her understanding was that she was not to discuss the matter with other staff or parents.

A number of parents wanted to have a public forum to discuss the situation. Sister McGrath told us she arranged to meet with Bishop Mulkearns and that:

> I do recall that I asked Bishop Mulkearns whether a public meeting could be held. He said there was to be no meeting. I also asked him what could be done for the children. He said nothing would be done for the children because that would be admitting guilt.

BPE also approached Bishop Mulkearns shortly after Ridsdale left Mortlake and asked if he would let the community know the Church was sorry the sexual abuse had taken place. Bishop Mulkearns told BPE this would not be an appropriate thing to do at that time.

We accept the evidence of Sister McGrath and BPE. The Church parties agreed their evidence should be accepted.
In November 1989, Bishop Mulkearns wrote to Ms Ann Ryan, a former schoolteacher at Mortlake. He was responding to a letter Ms Ryan had sent to him expressing concern about the events in Mortlake years earlier. He wrote:

I am sure that you will appreciate that it is simply not possible to enter into correspondence in any detail concerning the matters to which you allude. I assure you of my own concern for all members of the diocesan community. However, it is difficult to reach out to specific people when one hears only vague rumours of a very general kind.1665

At around this time, Bishop Mulkearns was arranging for Ridsdale to be sent to the United States for treatment for issues relating to child sexual abuse. We discuss this later in this report.

Bishop Mulkearns’ response to the people of Mortlake was completely inadequate. We are satisfied that his priority was to protect the reputation of the Church and to avoid scandal rather than to respond to the pastoral needs of the children Ridsdale had sexually abused and the wider community.

Bishop Mulkearns response is also at odds with his interview in 1995, in which he said that counselling would be provided if anyone asked for it. We are satisfied that his response at that time was to shut down all talk about sexual abuse and its effects inside the parish.

**Bishop Mulkearns’ CCI interviews in 1993, 1994 and 1995**

From April 1993, the Catholic Church insurer, CCI, began investigating Ridsdale’s sexual abuse of children and the knowledge of that abuse within the Diocese.

In his April 1993 interview with CCI loss adjustor Mr O’Connor, Bishop Mulkearns stated that complaints of inappropriate behaviour with young children were made about Ridsdale in Mortlake.1666 When asked whether they were boys or girls, he said:

I never got any names, but I knew there were specific complaints that he was engaging in inappropriate behaviour with young children and I think, boys. As I said there were no specific complaints made, but there was an approach to Monsignor Fiscalini, who was Vicar General at the time by people from Mortlake, complaining about his behaviour and there was also a Doctor in Mortlake who contacted me about it and that people were concerned about what was going on.1667

He also stated that, as a result, Ridsdale was taken out of Mortlake and again received counselling from Father Watson.1668
In a letter to Ms Ryan, a former schoolteacher at Mortlake, in October 1993, Bishop Mulkearns wrote in relation to Mortlake:

If the two couples [from Mortlake] concerned state that they saw me personally at that time, then of course I accept that fact. It may be making excuses to say that this whole affair has been something of a nightmare and I cannot be clear about all its aspects. But my statement to you in my letter was the truth as I recollected it. In fact it remains the truth, because I could not name now the Mortlake people concerned. My recollection when I wrote to you was that there were complaints made at the time, but that they were relayed to me by someone else and that I did not have names or details, but was simply alerted to the need to take action.\textsuperscript{1669}

In the CCI interviews in 1994 and 1995, Bishop Mulkearns stated that he had looked at his diary and could say that he saw the BAlS and the BPFs together in August 1982. He stated, ‘I had not remembered that, my memory of it had been that it came to me through the Vicar General and it was only when I looked up the diaries, I realised I had seen them’.\textsuperscript{1670} He said, ‘as far as I can recall, I acted on it pretty much straight away’.\textsuperscript{1671}

Later in his 1994 CCI interview, Bishop Mulkearns stated, ‘When the complaints were made at Mortlake, without being very specific in the nature of the actions that took place, it was still complaints of inappropriate behaviour, which was sufficient for me to say “Well this is not good enough”’.\textsuperscript{1672}

In his 1994 CCI interview, Bishop Mulkearns stated that when he went to Mortlake for a confirmation:

I became aware that this young fellow was living at the presbytery, the boy Levey, and that was something I didn’t think was appropriate. However, it sort of finished very quickly, because I pulled Ridsdale out of there anyway, so it didn’t become an issue, in a sense of having to confront him with that. It was a question of pulling him out of the parish, because at that stage there was no suggestion that there had been any interference whatsoever with this person in the house.\textsuperscript{1673}

In a 1995 CCI interview, Bishop Mulkearns stated, ‘There were no details about Mortlake, except that he had interfered in some way with these children, no specific details or the extent of that interference and I must admit I had no idea about the psychological effect of these interferences on children’.\textsuperscript{1674} In that interview, Bishop Mulkearns also stated that he had no recollection of complaints coming from the Sisters in Mortlake and that he did not recall a complaint from Sister McGrath.\textsuperscript{1675}

We do not accept that Bishop Mulkearns’ statements in interviews with CCI in 1993, 1994 and 1995 are an accurate description of his knowledge of and involvement in the events in Mortlake. He only remembered that he had received direct complaints from the BAlS and
BPFs in relation to Mortlake after being reminded by Ms Ryan in October 1993, and he had no memory of complaints coming from the Sisters of Mercy.

We reject Bishop Mulkearns’ statements in CCI interviews in 1993, 1994 and 1995 to the effect that the complaints he received about Mortlake were ‘relayed’ to him by someone else, that he did not have names or details, that there were no specific complaints or specific details and that he did not know the extent of the interference.

Not only did Bishop Mulkearns personally receive complaints from the BAIs, the BPFs and the doctor from Mortlake; he must also have discussed the situation with various Church officials, including Sister Vagg, Sister McGrath, Monsignor Fiscalini the vicar general, Father Nolan the vicar general, Father Finnigan and Father Dennehy. At the very least, those individuals were avenues through which Bishop Mulkearns could have ascertained the names of individuals who may have been affected and details of the extent of the interference.

We reject Bishop Mulkearns’ statement in his 1994 CCI interview that ‘at that stage there was no suggestion that there had been any interference whatsoever with this person in the house’.

It is utterly inconceivable that, knowing of serious allegations that Ridsdale had sexually abused boys in Inglewood and Mortlake at least, it would not have occurred to Bishop Mulkearns that Father Ridsdale may have and, indeed, was likely to have sexually abused the boy living with him. As we said earlier, Bishop Mulkearns’ response to Paul Levey living with Ridsdale in the Mortlake presbytery demonstrated a total absence of concern for the welfare of that boy.

We are satisfied that Bishop Mulkearns made false statements in interviews with CCI in 1993, 1994 and 1995 of the extent of his knowledge of the events in Mortlake in order to limit his responsibility for his handling of Ridsdale at that time and subsequently.

Report about Ridsdale from White Cliffs

In his CCI interview in 1993, Bishop Finnigan explained that Ridsdale had a dugout at White Cliffs and had established a home there where he spent his holidays and where he would often take ‘lads’. Bishop Finnigan said that he had a vague recollection of a report coming through, possibly from the parish priest or a visiting priest at White Cliffs, that he was not happy with Ridsdale.1676

In his private hearing, Bishop Finnigan said that he knew at the time that Ridsdale was taking lads with him to White Cliffs and that it was common knowledge because parents would be sending them with him thinking it was a good thing to do.1677 Bishop Finnigan also accepted that because of his knowledge at that time of Ridsdale’s problems at Mortlake he should have been concerned about Ridsdale housing boys overnight at White Cliffs.
In the public hearing, Bishop Finnigan said that he is not sure that he was aware of the report of a problem with Ridsdale at White Cliffs at the time and that he may have only became aware of it afterwards.\textsuperscript{1678}

Bishop Finnigan’s private hearing testimony and his interview with CCI are consistent with his knowledge of ‘lads’ being taken to White Cliffs by Ridsdale when he knew of the complaints from Mortlake.

We agree that he should have been concerned about Ridsdale housing boys overnight at White Cliffs.

**Ridsdale is moved to the Catholic Enquiry Centre in Sydney**

**Meeting of the College of Consultors**

On 15 September 1982, Bishop Mulkearns wrote to the priests of the Diocese advising that negotiations were in progress for Ridsdale to ‘take up an appointment to serve the Australian Church’ and that the parish of Mortlake had become vacant.\textsuperscript{1679}

Two weeks later, on 30 September 1982, the College of Consultors met. Bishop Mulkearns presided. Also present were Monsignors Fiscalini and McKenzie; and Fathers Nolan (vicar general), Daniel Arundell, Bryant and Martin. Father Pell was an apology.\textsuperscript{1680} Bishop Finnigan was the bishop’s secretary.\textsuperscript{1681}

The minutes of this meeting record:

> Minutes of the meeting held on 14 September 1982, were confirmed – moved Fr D Arundell, seconded Fr E Bryant.\textsuperscript{1682}

Under ‘Matters arising’ the minutes record that the bishop ‘advised that arrangements for Father G Ridsdale to work with the Catholic Enquiry Centre were finalised. He would begin about 10 Nov ‘82’. The minutes also record, ‘It was moved by Fr H Nolan, seconded by Mons L Fiscalini that: Fr Denis Dennehy be appointed P.P. of Mortlake’.\textsuperscript{1683}

**Ridsdale attends treatment with Father Augustine Watson**

Ridsdale received treatment from Father Watson monthly from about November 1981 until around the end of 1986, with some gaps in visits.\textsuperscript{1684}
When he gave evidence in 2016, Bishop Mulkearns remembered that he referred Ridsdale to Father Watson. He could not recall where he got the information that Father Watson was an appropriate person to refer Ridsdale to. He also could not recall whether he spoke to Father Watson in advance and whether he received a written report from Father Watson. No written report is in evidence.

However, in his 1993 interview with Mr O’Connor, Bishop Mulkearns said that, after he received the complaint from Inglewood, ‘I made some enquiries as to who would be an appropriate counsellor and it was recommended Father Augustine Watson ... who at that stage of history, was counselling a number of religious with any psychological difficulties or problems’.

In 1993, Mr Anthony Darvall, solicitor for the Diocese, asked Catholic psychiatrist Professor Ball to report on the success or otherwise of Ridsdale’s therapy. Professor Ball wrote in response to Mr Darvall’s request that Ridsdale’s treatment with Father Watson ‘was interesting but clearly of little or no benefit’ and that ‘It is also clear that people within the Church did know about his problems and might be regarded as remiss in not making certain that he could not continue with that behaviour’.

Professor Ball also observed in a later report that ‘Father Watson’s treatment whilst helpful was in no way specifically remedial in any sense and, as already indicated, if helpful at all was only partially so’.

**Ridsdale is granted faculties in the Archdiocese of Sydney**

Ridsdale commenced at the Catholic Enquiry Centre in Sydney on 10 November 1982.

Father FitzPatrick was the director of the Catholic Enquiry Centre at the time of Ridsdale’s transfer. In 1982, Bishop Mulkearns approached Father FitzPatrick about a posting for Ridsdale. He said he had a priest he could release to work as Master of Studies at the Catholic Enquiry Centre.

Father FitzPatrick told us that Bishop Mulkearns told him the priest ‘had been in a bit of personal trouble here and it could be serious, so I’d like to get him out of the place and away’. He told Father FitzPatrick the priest had had some problems with young people.

Father FitzPatrick agreed to take Ridsdale because it was an office role and Ridsdale would not be mixing with people. He said he did not like to inquire any further with the bishop, and he was satisfied the bishop obviously had enough confidence in Ridsdale.

Father FitzPatrick was not aware of any conditions agreed between the bishops in relation to Ridsdale’s presence at the Catholic Enquiry Centre. He said that during office hours he was responsible for Ridsdale, as his employer, but at other times Ridsdale was answerable to Bishop Mulkearns.
Ridsdale told us he did not recall any conditions or restrictions being put on him while he was at the Catholic Enquiry Centre, including a condition that he not be in contact with children.1699

During his time at the Catholic Enquiry Centre, Ridsdale told us he continued to sexually abuse children.1700

Cardinal Clancy, who became Archbishop of Sydney in 1983, said many years later that the arrangement for Ridsdale’s appointment to the Catholic Enquiry Centre was initially agreed between Bishop Mulkearns and his predecessor, Cardinal Freeman.1701 Documents in evidence indicate that Bishop Mulkearns and Cardinal Clancy, on his becoming archbishop, agreed to certain conditions of Ridsdale’s stay in the archdiocese – Ridsdale would work at the centre, he would not be in contact with children and he would continue with his counselling.1702 These were the same conditions originally agreed between Bishop Mulkearns and Cardinal Freeman.1703 According to Cardinal Clancy, the arrangements were informal and were not documented.1704

Cardinal Clancy came to Sydney as archbishop in April 1983.1705 According to a file note of Cardinal Clancy’s interview with a solicitor, Mr Williamson, in 1993, Bishop Mulkearns took him aside during the bishops’ conference in 1983 and explained that Ridsdale ‘had certain sexual problems, was under professional treatment’ and had come to Sydney to get away from the problems in Victoria.1706


Ridsdale was granted faculties of the Archdiocese of Sydney for the duration of his stay.1707

We are satisfied that Bishop Mulkearns told each of Cardinal Freeman and Cardinal Clancy that Ridsdale’s access to children needed to be restricted and that he needed counselling. We are also satisfied that Bishop Mulkearns told Cardinal Clancy in 1983 that Ridsdale had ‘certain sexual problems, was under professional treatment’ and had been sent to Sydney to get away from the problems in Victoria. We accept Father FitzPatrick’s evidence as what Bishop Mulkearns told him.

The reasons Bishop Mulkearns gave to each were true.

However, the informal nature of the communications and Bishop Mulkearns not personally imposing conditions on Ridsdale meant Ridsdale was unsupervised in relation to children. Further, Bishop Mulkearns did not report Ridsdale to the police and he did not tell the parents to go to the police. As he told us, Ridsdale offended while he was at the centre. Bishop Mulkearns again was derelict in his duty in failing to take any effective action to have Ridsdale referred to police and to restrict Ridsdale’s contact with children.
Supervision of Ridsdale at the Catholic Enquiry Centre and his ongoing contact with children

While he was at the Catholic Inquiry Centre, Ridsdale continued to have contact with children, including altar boys and school students.

After he arrived at the Catholic Enquiry Centre, Ridsdale started attending prayer groups once a week at the homes of various families. Father FitzPatrick thought this was a positive thing.  

He also started participating in community activities and saying mass regularly on Tuesday evenings at Yarra Bay. Then president of the Yarra Bay Eucharistic Prayer Community, Ms Marika Gubacsi, gave a statement in which she said a 10-year-old boy, BAO, became Ridsdale’s altar boy. She said the fact that Ridsdale was celebrating mass at Yarra Bay was well known to the Catholic Church, including by the community newsletter which was sent to Church authorities.

Ridsdale also relieved for three consecutive weekends at a parish at Bulli, which Ridsdale told us would have required permission from Father FitzPatrick as the relevant parish priest.

Ms Val Leal, who worked at the Catholic Enquiry Centre, said that when Ridsdale arrived at the Centre he ‘virtually made it known generally among the staff that he was released from his Diocese by the Bishop as he had had a personal break down, and following the untimely death of his brother. It was a situation he could not cope with’.  

Ms Leal told us that Ridsdale had children visit him at the centre without their parents, and sometimes children stayed overnight or for the weekend. Ms Leal said she did not think this was the right sort of thing for priests to do and felt increasingly uncomfortable with Ridsdale. She thought she mentioned an incident in which Ridsdale had children sitting on his knee at the centre to Father FitzPatrick but could not recall what was said.

At some point, Father FitzPatrick also received a phone call from the principal of St Gregory’s College in Campbelltown, who told him Ridsdale had called in a few times visiting some of the boarders at the college. When Father FitzPatrick asked Ridsdale about it, he said some children from his previous parish were now boarders at the college. Although he could not recall it, Father FitzPatrick thought he spoke to Bishop Mulkearns about the matter.

Ridsdale’s appointment at the Catholic Enquiry Centre is twice extended

After Ridsdale had been at the Catholic Enquiry Centre for about seven months, Father FitzPatrick requested his services for a further 12 months, until the end of 1984. Bishop Mulkearns replied to Father FitzPatrick’s request two days later, saying, ‘I will, of course, have to discuss this matter with my Diocesan Consultors. I will do so at the next opportunity and let you know the result of this discussion’.

Report of Case Study No. 28
The College of Consultors in Ballarat met on 8 August 1983. Before the meeting, on 2 August 1983, Bishop Mulkearns wrote to Father Pell about the upcoming consultors’ meeting. He listed the matters for consideration at that meeting, including the request from Father FitzPatrick for the services of Ridsdale in 1984.1721

The day after the consultors’ meeting, Bishop Mulkearns wrote to Father FitzPatrick that Ridsdale had asked to spend a further year at the Catholic Enquiry Centre.

Bishop Mulkearns said he was prepared to allow Ridsdale to continue with the centre for a further year in 1985. He referred to an unspecified ‘problem’ which arose earlier in the year about which he and Father FitzPatrick had spoken and said that Ridsdale had spoken to the Melbourne priest who was advising him and he hopes it is something that will not ‘crop up’ again.1722 The Melbourne priest advising Ridsdale was most likely to have been Father Watson. In that circumstance, we are satisfied the ‘problem’ related to Ridsdale’s contact with children.

Father FitzPatrick thought the ‘problem’ mentioned by Bishop Mulkearns was presumably the phone call he received from the principal of St Gregory’s.

We are satisfied that in 1984 Father FitzPatrick spoke to Bishop Mulkearns about a problem involving Ridsdale’s contact with children. The Church parties agreed.1723 That problem was most likely to do with his sexual conduct towards boys, and Bishop Mulkearns spoke to Ridsdale about this. Ridsdale remained at the Catholic Enquiry Centre.

It must have been plain to Bishop Mulkearns that Ridsdale still had access to children while he was at the centre. Despite this, he permitted Ridsdale to remain there for a further year. This was wrong.

Ridsdale is asked to leave the Catholic Enquiry Centre

By December 1985, Ridsdale was permitted to work at the Catholic Enquiry Centre part-time so he could assist at nearby parishes.1724

In a letter to Father FitzPatrick in December 1985, Bishop Mulkearns wrote that he had spoken to Father Watson, the priest who had been provided counselling to Ridsdale since late 1982 when he left Mortlake, about the matter.1725

Bishop Mulkearns also wrote that he had discussed the matter with Cardinal Clancy and Bishop Heaps of the Archdiocese of Sydney.1726 In 1993, Cardinal Clancy said he had forgotten the arrangements concerning Ridsdale which had been in place.1727 Ridsdale went on to assist at the Parish of Narraweena.1728
Father FitzPatrick asked Ridsdale to leave the Catholic Enquiry Centre in early 1986 after he learned that a young boy or teenager had stayed overnight at the centre. Ridsdale explained to Father FitzPatrick that he had volunteered to drive the boy home after prayer group, but something happened to his car and he instead brought the boy to the centre for the night.\textsuperscript{1729}

Father FitzPatrick told us he immediately called Bishop Mulkearns and said, ‘Get him out of here, I don’t want him’.\textsuperscript{1730} He told Ridsdale he did not want this happening at the centre and told him he would have to go.\textsuperscript{1731} Father FitzPatrick’s evidence was that he did not tell anyone other than Bishop Mulkearns about the incident.\textsuperscript{1732}

There is no evidence Bishop Mulkearns informed Cardinal Clancy or anyone else in the hierarchy of the Archdiocese of Sydney that Ridsdale had been asked to leave the Catholic Enquiry Centre or the reasons for it. There is no evidence that Bishop Mulkearns advised anyone to speak to the boy, the parents or the police.

Ridsdale is permitted to undertake parish work in the Archdiocese of Sydney

After leaving the Catholic Enquiry Centre, Ridsdale was given temporary parish appointments at Woy Woy and Forestville in the Archdiocese of Sydney. These appointments were recorded in minutes of meetings of the College of Consultors for the Archdiocese of Sydney on 15 January 1986\textsuperscript{1733} and 5 March 1986\textsuperscript{1734} respectively.

Ridsdale’s temporary appointment as assistant priest at Woy Woy parish took effect on 28 January 1986.\textsuperscript{1735} In April 1986, he was transferred to Forestville parish as temporary administrator, where he remained until June.\textsuperscript{1736}

After his Forestville appointment ended, Ridsdale wrote to Bishop Mulkearns in June 1986 saying that he would be spending the next six weeks at White Cliffs.\textsuperscript{1737}

Bishop Mulkearns knew that Ridsdale was providing temporary assistance at parishes in the Archdiocese of Sydney. He knew that Ridsdale had left the Catholic Enquiry Centre and had not returned to Ballarat, and he had previously agreed with Cardinal Clancy that Ridsdale could assist in parish work when he was not at the centre. The Church parties acknowledged that Bishop Mulkearns must have been aware of this appointment.\textsuperscript{1738}

The Church parties acknowledged that it was inexcusably wrong for Bishop Mulkearns to permit Ridsdale to take up these short-term appointments at Woy Woy and Forestville given his knowledge of Ridsdale’s offending and numerous allegations in the Diocese and of the incidents at the Catholic Enquiry Centre.\textsuperscript{1739} It plainly was.
Ridsdale returns to the Diocese of Ballarat and is given an appointment at Horsham parish

Bishop Mulkearns gave Ridsdale another appointment in the Diocese when he returned to Ballarat in July 1986.

At the time, Father Madden was the parish priest of Horsham parish in the western part of Victoria, approximately 190 kilometres from Ballarat. Father Madden was a former vicar general and former consultor.

Ridsdale’s evidence was that when he returned to Victoria he asked to be placed at Horsham as Father Madden’s assistant, as he had been a good friend. Bishop Mulkearns explained in 1993 that the idea was to put Ridsdale with a priest he knew and got along with so that he would not be on his own in a parish.

In 1994, Bishop Mulkearns said he made the appointment because Father Watson gave advice that it was responsible to put Ridsdale back into parish work, that they did not know what had happened in Sydney and that he should be put with someone else to whom he could talk about how he was going. There is no evidence of any advice given by Father Watson. Ridsdale’s evidence was that he did not know if he discussed going to Horsham parish with Father Watson.

We are not satisfied that Father Watson gave this, or any, advice that it was responsible to place Ridsdale back in a parish. Bishop Mulkearns only mentioned the advice after Ridsdale’s offending became public knowledge. If Father Watson gave this advice, by the time Ridsdale took up the Horsham appointment in July 1986 Bishop Mulkearns knew that Ridsdale had a boy spend the night with him at the Catholic Enquiry Centre. He could not have been satisfied that Ridsdale was safe to be in any position with access to children.

As acknowledged by the Church parties, it was inexcusably wrong for Bishop Mulkearns to appoint Ridsdale to Horsham parish in 1986, knowing of Ridsdale’s offending and the numerous allegations in Ballarat and the incident at the Catholic Enquiry Centre.

As Father Madden acknowledged, Ridsdale was senior to Father Madden, and it was something of a demotion for him to be appointed assistant priest.

In an interview with CCI in 1993, Father Madden said he knew Ridsdale ‘had been in some sort of trouble, but I was not told what had occurred and I really did not want to know’. He continued, ‘I did not know his prior history and what I did know was, that he had had some sort of trouble and he had had counselling … and he was supposedly quite fit for parish work’. He did not specify in this interview at what point he knew that Ridsdale had been in some sort of trouble.
Father Madden gave evidence that Bishop Mulkearns did not explain to him why the appointment of Ridsdale as his assistant priest was being made. He told us in 1986 that when Ridsdale was appointed to Horsham he did not know what Ridsdale’s troubles were, but the bishop told him Ridsdale had received counselling and he deduced there must have been some difficulties or problems.\textsuperscript{1747} He said he did not want to know what the problems were and that, if Ridsdale had problems with the bishop, it was not his business.\textsuperscript{1748} Father Madden told us he was ‘very clear’ that he first came to know that Ridsdale had engaged in wrongful activity with boys in 1988, when he left Horsham.\textsuperscript{1749}

Father Madden was asked if, apart from consultors’ meetings, during his time as vicar general or otherwise Bishop Mulkearns said anything to him in connection with Ridsdale and the sexual abuse of children. Father Madden responded, ‘No, he did not’.\textsuperscript{1750}

Ridsdale gave evidence that he did not think Father Madden asked him what trouble he had been in, and he would not have told Father Madden what trouble he had been in. He said:

\begin{quote}
I’m not sure that I didn’t tell him, but I think it’s part of the, just keep quiet about it all and not tell anybody and hope that there’s nobody knows, that there’s no repercussions; it’s all that secrecy aspect of offending.\textsuperscript{1751}
\end{quote}

It is appalling that Bishop Mulkearns, knowing of Ridsdale’s history of offending, did not report to the police or adequately inform Father Madden of the risks that Ridsdale posed. It is equally appalling that Bishop Mulkearns did not impose any conditions on Ridsdale at Horsham.

We are satisfied that Bishop Mulkearns was recklessly indifferent to the safety and wellbeing of the children in and around Horsham.

\textbf{What the College of Consultors knew}

The College of Consultors met on 23 January 1986, while Ridsdale was still in Sydney.

The minutes of the meeting record that Father Baldock was appointed assistant priest at Horsham parish until July 1986, following which Ridsdale would take up the appointment.\textsuperscript{1752}

Bishop Mulkearns presided at the meeting. Also present were Monsignors Nolan and Fiscalini; and Fathers Downes, D Arundell, Martin, Finnigan and Bryant.\textsuperscript{1753} Father McDermott was present as the bishop’s secretary.

Fathers Bryant, McDermott and Daniel Arundell gave evidence. Fathers Finnigan and McDermott were not asked about the meeting. The remaining consultors are deceased.
All of the attendees at this meeting – with the exception of Fathers Downes and McDermott – attended the 14 September 1982 meeting. We have found that Bishop Mulkearns gave the reason to the consultors at that meeting that it was necessary to move Ridsdale from the Diocese and from parish work because of complaints that he had sexually abused children.

As discussed earlier, Father McDermott told us that in about 1981 or early 1982 he became aware of rumours that some parish priests around Mortlake met to discuss Ridsdale’s activities in Mortlake. He presumed it was sexual activity. He said he did not know what happened at the meeting.

Father McDermott gave evidence that he could not recall what was discussed at this consultors meeting. He agreed he would have expected the consultors at the meeting to have appreciated that there had been the problem in Mortlake. Father McDermott agreed that, although he was not a consultor, he would have been uneasy that Ridsdale was getting another appointment in a parish. He told us he would have expressed a view among some of his friends and associates that he did not think it was appropriate.

Father Bryant said he could not say what was reported at the January 1986 consultors’ meeting. He told us he was ‘pretty sure’ and ‘fairly sure’ by the time of this meeting he knew that Ridsdale’s problem was with children and that at the meeting he would have questioned whether Ridsdale had had counselling ‘and things like that’. He said towards the end of his time as parish priest at Hopetoun, in around 1988 or 1989, he became ‘quite convinced’ of what was happening with Ridsdale. That evidence is considered later in this report. Father Bryant agreed that his evidence was that at the consultors’ meeting in January 1986 he had some thoughts as to what was happening, and by 1988 or 1989 he became convinced as to what Ridsdale’s problem was.

Father Bryant also gave evidence that in 1983 he advised people against mixing with Ridsdale after he recalled seeing young boys at Ridsdale’s property at White Cliffs a few years earlier. That evidence is consistent with him being aware, likely from the consultors’ meeting, that the problem with Ridsdale was children.

Father Bryant told us it was unusual for someone who had previously been a parish priest to be appointed as an assistant priest. Father Bryant’s evidence was that he would have thought the bishop spoke to Father Madden and asked him to keep a close eye on Ridsdale at Horsham. He told us he thought he knew by this stage that there was ‘more to Ridsdale than just the homosexuality thing’. He later said he thought he made the connection in his mind that Ridsdale’s problem was children after he ceased being a consultor in 1986.

Father Arundell had no recollection of the January 1986 consultors’ meeting.
We are satisfied that the circumstances of this meeting, and Ridsdale’s return to the Diocese after several years in Sydney to take up a parish appointment, more likely than not would have prompted discussion among the consultors. That is particularly likely on this occasion because all but one of the attendees knew that Ridsdale had been sent to Sydney in 1982 because of complaints he had sexually abused children or that Ridsdale’s conduct at Mortlake had been of concern in that community.

We are satisfied that Bishop Mulkearns did not withhold information about Ridsdale’s past conduct at this meeting. All of the attendees, except Father Downes, already knew about it.

The Church parties submitted that none of Fathers Bryant, Daniel Arundell, Downes and Martin had any knowledge that Ridsdale might be abusing children. They submitted that Father Bryant gave evidence at one point that he was ‘fairly sure’ he knew Ridsdale’s problems were with children by 1986, but he later clarified that he thought he did not come to the realisation of Ridsdale’s offending until after 1986, when he ceased being a consultor. They submitted this was consistent with Father Bryant’s earlier evidence that it was not until the late 1980s when he was at Hopetoun that he began to hear ‘through the grapevine’ that Ridsdale had interfered with young people.

We do not agree. Father Bryant’s evidence, while at times inconsistent, was stronger when referring to the consultors’ meeting in 1986. In any event, Father Bryant was present at the 14 September 1982 meeting where we have found the consultors were told that Ridsdale had been sent to Sydney in 1982 because of complaints he had sexually abused children.

Reports emerge about Ridsdale’s conduct at Horsham

**Father Bryant warns parents about Ridsdale**

Between 1985 and 1988, Father Bryant was the parish priest at Hopetoun parish.

Father Bryant told us that, during his time at Hopetoun, he became aware ‘through the grapevine’ that Ridsdale had interfered with young people. By the end of his time at Hopetoun, Father Bryant became ‘quite convinced of, at that stage, what was happening’.

On at least one occasion while he was at Hopetoun, Father Bryant recalled warning parents to keep their children away from Ridsdale. He told a man in 1988 or 1989 to keep his children away from Ridsdale when the parishioner said his children loved Ridsdale and that the family would go with him to his property at White Cliffs.

Father Bryant told us he felt quite powerless and he was sure at some stage he tried to talk to the bishop about it, only to be told it was being handled.
We accept that the events at Hopetoun occurred as Father Bryant stated, but we do not accept this was the first time he learned of allegations about Ridsdale. Father Bryant attended the consultors’ meeting on 14 September 1982 and subsequent meetings at which Ridsdale was discussed. We have found that the consultors were made aware at the meeting in September 1982 by Bishop Mulkearns that it was necessary to move Ridsdale from the Diocese and from parish work because of complaints that he had sexually abused children.

**Disclosure by a man to Father O’Toole**

In 1988, Father O’Toole was the parish priest at Edenhope.

Father O’Toole told us that in 1988 he was invited to see a man in his 30s at Edenhope hospital. The man disclosed he was sexually abused by Ridsdale as a schoolboy at Edenhope.

Father O’Toole gave evidence that he did not report the disclosure to the bishop. He did not ask whether the man consented to Father O’Toole giving the information to the police. He told us he did not take it as a complaint – he regarded it as a confession, and he thought the man was old enough to report to the bishop and the police himself.

The Church parties submitted that no adverse finding should be made against Father O’Toole because he considered the man’s disclosure as a confession, which carried with it the consequences of secrecy of the holy sacrament of confession.

The evidence given by Father O’Toole as to the reason he did not report it is not consistent. If he believed it was a confession, it became irrelevant whether the man was old enough to go to the bishop or the police. In our report on Criminal justice, we set out our views on whether the seal of the confession should apply in these cases. We are satisfied that Father O’Toole did not report the man’s disclosure to anyone. Father O’Toole conceded in hindsight that he should have at least reported the disclosure to Bishop Mulkearns. He accepted he had no cause to think Ridsdale was no longer a priest, and he must have appreciated Ridsdale could still be offending against children.

**Mrs BAE reports to Father McDermott that her son was molested by Ridsdale**

Mrs BAE did not give evidence to the Royal Commission. Her account is set out in a police statement which is in evidence.

In 1987, Mrs BAE’s son, BAF, disclosed to her that he was molested by Ridsdale in 1978. She stated that she ‘rang the Bishop’s office in Ballarat to complain’. Mrs BAE wanted to speak to Bishop Mulkearns but was put through to Father McDermott. Father McDermott was the bishop’s secretary at the time.
She stated that she told Father McDermott that her son had been molested by Ridsdale, and he said to her that he usually handles ‘these matters’.\textsuperscript{1776}

Mrs BAE said she met with Father McDermott in August 1987 at the Catholic Diocesan Centre in Melbourne. She stated, ‘That day was one of the worst days of my life, Father McDermott said it was our fault and inferred that it was BAF’s fault and that BAF had encouraged [Ridsdale]’.\textsuperscript{1777}

Father McDermott gave evidence that he met with Mrs BAE in Melbourne at the request of the bishop.\textsuperscript{1778} His evidence was that he said he would take Mrs BAE’s concerns back to the bishop and that he did not believe that he said to her, ‘the Bishop will not be told what to do’.\textsuperscript{1779} Father McDermott said that he conveyed to the bishop what happened at the meeting. He also said he thought he told the bishop that Mrs BAE was unhappy that Ridsdale was still active in parish life and that her view was that he should not be.\textsuperscript{1780}

Father McDermott was asked about Mrs BAE’s statement that ‘Father McDermott said it was our fault and inferred that it was BAF’s fault and that BAF had encouraged [Ridsdale]’. Father McDermott said, ‘I totally reject that. It was not said by me’.\textsuperscript{1781}

The following Friday, still in August 1987, Mrs BAE rang the bishop’s office and again spoke to Father McDermott, who said he had passed on her concerns to the bishop and that Bishop Mulkearns had spoken to Ridsdale about his behaviour.\textsuperscript{1782} Mrs BAE stated:

\begin{quote}
I told him I wasn’t happy and that I wasn’t satisfied that Gerry had only been spoken to. I wanted more action than that. I said to McDermott that Gerry should be (sic) in a clerical position, and away from boys. Father McDermott said ‘The Bishop will not be told what to do’. This comment was made in regard to the fact that I wanted to know why Gerry was still in the position of Parish Priest.\textsuperscript{1783}
\end{quote}

Mrs BAE said she was ‘bothered by the local rumours about Gerry taking young boys around with him’.\textsuperscript{1784}

A few days after the phone call, Mrs BAE wrote to Bishop Mulkearns. Her letter of 21 August 1987 is in evidence.\textsuperscript{1785} She wrote, ‘Thank you for your message that Father Gerry Ridsdale had been spoken to by you but I am not satisfied that anything has as yet been resolved’.\textsuperscript{1786} She asked for a meeting with the bishop if he was not able to answer her question as to what can be done with Ridsdale.\textsuperscript{1787}

Father McDermott told us he knew that Ridsdale continued in parish ministry after this complaint, and this troubled him. However, he did not raise the matter further with the bishop.\textsuperscript{1788} He told us he took responsibility for the management of what happened with Mrs BAE’s complaint and acknowledged that he should have asked the bishop to take immediate action. When the bishop did not take action, he acknowledged he should have taken other action.\textsuperscript{1789}
Mrs BAE’s August 1987 letter is consistent with the account she gave in her police statement. We accept her account. Father McDermott submitted we could not be satisfied that he blamed Mrs BAE or BAF at the meeting for what Ridsdale had done.\textsuperscript{1790} We accept that submission. The evidence is not sufficient for us to find that Father McDermott blamed Mrs BAE or her son for Ridsdale’s conduct. Father McDermott gave sworn evidence. Mrs BAE’s account is derived from a police statement.

We accept Father McDermott’s evidence that he reported Mrs BAE’s concerns to the bishop and that he was troubled about Ridsdale remaining in a parish, but he did not raise it again with the bishop.

There is no evidence that Bishop Mulkearns informed Father Watson of this further report about Ridsdale’s conduct or reported to the police or told Mrs BAE to report to police. His lack of action was recklessly indifferent to the safety and wellbeing of children in and around Horsham parish. The Church parties agreed.\textsuperscript{1791}

The Church parties also acknowledged that for Bishop Mulkearns not to remove Ridsdale from Horsham or from ministry immediately upon learning of Mrs BAE’s allegations, given all of the earlier knowledge he already had, was inexcusably wrong.\textsuperscript{1792} That is plainly so.

**Mrs BAL reports to Bishop Mulkearns and the Archdiocese of Sydney that Ridsdale sexually interfered with her son**

Mrs BAL and her son, BAO, were parishioners at Yarra Bay in the Archdiocese of Sydney. BAO had been Ridsdale’s altar boy when he performed mass on Tuesday evenings during his time at the Catholic Enquiry Centre in Sydney.

In 1988, BAO disclosed to Mrs BAL and Ms Gubacsi, who was the president of the local prayer community at Yarra Bay in Sydney, that he had been sexually abused by Ridsdale from the age of 10, over a period of about five years.\textsuperscript{1793}

Mrs BAL and her husband wrote to Bishop Mulkearns in early 1988. They reported that their son had become friends with Ridsdale while he was at the Catholic Enquiry Centre, and he had been sexually interfered with on several occasions over the previous five years. They wrote that they believed their son was ‘scarred for life’ and that the police were investigating the matter.\textsuperscript{1794} The BAL family also wrote at about the same time to the Archbishop of Sydney.\textsuperscript{1795}

Ms Gubacsi contacted her spiritual director, who informed the Chancery of the Catholic Church at Polding House in the Archdiocese of Sydney. Mrs BAL was visited the next evening by Fathers Brian Lucas and John Usher.\textsuperscript{1796} Fathers Lucas and Usher in 1988 were the architects of the early response of the Catholic Church in Australia to allegations of child sexual abuse against clergy and religious.
When Bishop Mulkearns replied to Mrs BAL about a month later, he told her he could not discuss the matter with her until after the completion of police investigations.1797 Before sending the letter, Bishop Mulkearns sought the advice of solicitor Mr Darvall of law firm Corrs, Pavey, Whiting and Byrne.1798

According to a letter from Ridsdale’s solicitor several years later, nothing came of the police investigation of BAO’s allegation because of ‘the limitation period and relevant legislation there’.1799

**Ridsdale resigns from the Parish of Horsham**

Within a month of Mrs BAL’s letter to Bishop Mulkearns, in April 1988, Ridsdale resigned from Horsham parish.

He wrote to Bishop Mulkearns that following their discussion:

> I confirm my request to step down from parish work in this diocese so that I may be removed from the kind of work that has proved to be a temptation and a difficulty to me.1800

Father Madden told us that Ridsdale told him when he left Horsham, ‘I have to move on. My past has caught up with me’. When Father Madden asked what he meant, Ridsdale told him that he had been offending against children, that the matter was with the police and that he would ‘go to gaol over this’.1801 Ridsdale also reassured Father Madden that nothing had happened while he was at Horsham.1802

We are satisfied that Bishop Mulkearns asked or required Ridsdale to resign from Horsham parish because of Mrs BAL’s complaint to him, to the Archbishop of Sydney and to the police. Eight months earlier, when Mrs BAE complained about Ridsdale and sought his removal from parish work, no such action was taken by Bishop Mulkearns.

The only difference in the action taken by Bishop Mulkearns was that this time the matter had been reported to police. Bishop Mulkearns’ primary concern in responding to Ridsdale’s sexual offending against children was the protection of the reputation of the Church, not the safety and welfare of those children.

**What the College of Consultants knew**

About a month after Ridsdale’s resignation, Bishop Mulkearns wrote to the priests of the Diocese that Ridsdale has been granted ‘extended leave’ from parish work.1803
The same day, he wrote to his vicar general, Monsignor Nolan:

> It has become necessary to remove Ridsdale from his position as Assistant Priest in Horsham. You will receive information regarding this change in the same mail, but I felt that I should let you know that I had little option but to implement the change in question as it has been done and it did not therefore seem to be reasonable to ask Consultants to travel to Ballarat for a special meeting.\(^{1804}\)

Over two months after Ridsdale’s resignation, on 21 June 1988, the College of Consultants met. Bishop Mulkearns presided. Also present was Monsignor Nolan and Fathers Culligan, D Arundell, Martin, Bohan, Colley and Finnigan.\(^{1805}\) Father McDermott attended as the bishop’s secretary. Father J McKinnon was an apology.\(^{1806}\)

The minutes of the meeting record under the heading ‘Personnel’:

> Rev G Ridsdale. It was reported that it became necessary to move out of the parish ministry.\(^{1807}\)

Of the attendees at this meeting, Bishop Finnigan and Fathers Daniel Arundell and McDermott gave evidence. The other consultants are deceased.

Bishop Finnigan told us in a private hearing that he ‘would think’ that by the time of this meeting it was known generally in the Diocese, and by the consultors, that there had been complaints against Ridsdale at various parishes.\(^{1808}\) He agreed the reason it had become necessary to move Ridsdale out of the ministry was that there was a concern those complaints would be made public.\(^{1809}\) He could not remember what was discussed but said it was ‘more than likely’ to have been discussed at the consultors’ meeting.\(^{1810}\)

In a later public hearing, Bishop Finnigan told us he could not remember whether it was shared with the consultors, and he could not say that Ridsdale’s offending against children was well known.\(^{1811}\)

Bishop Finnigan accepted that the evidence that he had given in the public hearing – in which he had not accepted that at the time of the meeting it was well known amongst the consultors that Ridsdale had been offending against children — was different from and far more restrictive than the evidence that he gave in the private hearing – in which he had said that it was generally known in the Diocese and certainly by the consultors that there had been several complaints about Ridsdale offending against children.\(^{1812}\)

We accept Bishop Finnigan’s private hearing evidence. It is supported by Father McDermott’s evidence set out below and is consistent with the evidence more generally. We reject the evidence he gave in public.
Father Daniel Arundell could not recall when Ridsdale was removed from ministry. He told us he had no recollection of the bishop giving any report or explanation as to why Ridsdale was being removed.\textsuperscript{1813}

As set out above, Father Bryant gave evidence that by January 1986 he was pretty sure he knew that Ridsdale’s problem was with children. Father McKinnon, though he was not at the meeting, told us he thought he would have heard the outcome of the meeting.\textsuperscript{1814}

We accept this evidence. By the time of this meeting, most if not all of the consultants present would have been aware that Ridsdale was being removed as assistant priest of Horsham due to complaints or allegations that he had sexually abused children.

Four of the consultants at this meeting attended the meeting on 14 September 1982. The language used by Bishop Mulkearns on this occasion was the same as that recorded in the minutes of the September 1982 meeting. As we have found earlier, on that earlier occasion, the consultants were made aware by Bishop Mulkearns that it was necessary to move Ridsdale from the Diocese and from parish work because of complaints that he had sexually abused children.

In addition, Father McDermott, the bishop’s secretary, had heard in about 1981 or early 1982 of problems with Ridsdale in Mortlake, a meeting of priests in the area about his behaviour which he presumed was sexual activity with younger people and the concern among Mortlake locals and the wider Catholic community about Ridsdale. He also knew of Mrs BAE’s report in 1987 that her son had been molested by Ridsdale.

We are satisfied that it was generally known in the Diocese why Ridsdale had been removed from ministry. It was generally known in the Diocese, and by the consultants, that there had been complaints against Ridsdale at various parishes and that it had become necessary to move Ridsdale because those complaints might become public. It would be surprising in those circumstances if the reason that it was necessary to remove him from his position as assistant priest at Horsham was not discussed.

The Church parties accepted the evidence establishes that at least a number, perhaps most, of the consultants by this time had some awareness that Ridsdale had been offending against children or had some serious sexual problem.\textsuperscript{1815} Clearly that was the case. However, it was not the first time that most of them had acquired that knowledge.

**Ridsdale’s faculties are withdrawn and he relocates to White Cliffs**

On 30 June 1988, Bishop Mulkearns withdrew Ridsdale’s faculties for a period of 12 months. He told Ridsdale the future position could be discussed in light of developments at that time.\textsuperscript{1816} This withdrawal followed discussion by Bishop Mulkearns with lawyers for the archdiocese about correspondence from solicitors for Mrs BAE seeking compensation.
By November, Ridsdale was living in his dugout in the small town of White Cliffs, in far north-western New South Wales.\textsuperscript{1817} In the past he had spent his holidays at the dugout and had often taken boys there on trips.\textsuperscript{1818}

Ridsdale wrote to Bishop Mulkearns that he was well liked and respected there, and he often fell into ‘little counselling and helping jobs. But nothing public’.\textsuperscript{1819} Ridsdale also wrote that he had been visiting friends on a station about twice a week and they asked him to celebrate reconciliation with their daughter, while another family wanted Ridsdale to baptise their two infant children.\textsuperscript{1820}

Bishop Mulkearns told Ridsdale he did not think it was a good idea for him to celebrate reconciliation or baptism at that stage, because he could be asked at a later time whether he had continued to administer the sacraments, and he thought it best to be able to say he had not. Bishop Mulkearns warned they should do nothing which ‘might rebound on us later’.\textsuperscript{1821}

Ridsdale remained at White Cliffs for over a year.

**Ridsdale is sent for treatment at Jemez Springs, New Mexico**

**Bishop Mulkearns seeks a placement for Ridsdale at Villa Louis Martin, Jemez Springs**

While Ridsdale was living in White Cliffs, Bishop Mulkearns and Father Watson communicated about Ridsdale’s situation. At that time, Bishops Mulkearns was the chair of the Special Issues Resource Group of the Australian Catholic Bishops Conference.

In a letter dated 27 June 1989, Father Watson wrote to the bishop:

> I realize the seriousness and the difficulty of the decision you have to make to protect the community and the Church, and at the same time to be kind and considerate of the individual concerned.\textsuperscript{1822}

Father Watson continued, ‘I agree with you when you say that it would be too risky to let him take up parish work again’ and suggested chaplaincy in a convent of elderly nuns as an alternative.\textsuperscript{1823} He wrote that he would regard a regular life as a priest ‘although in somewhat confined circumstances’ as preferable to ‘his somewhat freelance life as it is at present’.\textsuperscript{1824}

He continued, ‘Even if he should go to another diocese or even another country, I suggest he should see someone regularly, because he appears to work best when he is under regular supervision’.\textsuperscript{1825} Finally, Father Watson noted that last year he discovered that ‘amongst the clergy in America there have been a large number of problems with pedophilia’.\textsuperscript{1826}
About a month later, Bishop Mulkearns responded to this letter, ‘I agree that it is simply out of the question for our man to continue indefinitely at White Cliffs’. He wrote:

The fact that other people will be looking at any appointment that is given to him makes it rather more difficult to ask a Bishop to take on responsibility. However, I will sound out some possibilities and should have the opportunity to do so within the next two or three weeks.

Bishop Mulkearns asked Father Watson for the address of ‘the Institute at Jemez Springs in New Mexico which endeavours to assist people in such difficulties as we have unfortunately had to discuss’. He noted he had been asked to make the enquiry ‘on behalf of the Bishops of Australia’.

On 17 August 1989, the program director at Villa Louis Martin, Jemez Springs, Father Liam Hoare of the Congregation of the Servants of the Paraclete, wrote to Bishop Mulkearns responding to the bishop’s ‘letter of inquiry on behalf of the Australian Catholic Bishops Conference’. Bishop Mulkearns’ letter of inquiry is not in evidence. The circumstances of the involvement of the Australian Catholic Bishops Conference are not known. However, the conduct of Ridsdale was being discussed at a national level.

Between August and October 1989, Bishop Mulkearns corresponded with the Congregation of the Servants of the Paraclete about the possibility of Ridsdale receiving treatment at Villa Louis Martin at Jemez Springs in New Mexico.

In a letter in September 1989 to the director of Villa Louis Martin, Father Lechner, Bishop Mulkearns referred to his request for ‘background information’ and noted that ‘there is some difficulty in putting things down on paper’. He then set out ‘the basic story’ in relation to Ridsdale. He wrote:

there were some signs of problems quite early in his priestly career. I have no records, but he did attend a psychiatrist I think at some time in the 60s. My first first-hand knowledge of a problem came to me around 1975 when a complaint was made by a parishioner about interference with his son. The offence was admitted and I referred Father Ridsdale to Father Augustine Watson O.F.M., a priest-psychologist, for counselling, I, of course, removed him from his parish. Subsequently he was appointed to another parish, when it was considered responsible to make such an appointment, but there were further problems around 1981–2. (In fact, after these problems surfaced, there were rumours that they were not isolated). He was removed from his Parish and referred again for counselling.
After some time of inactivity, he was given the position of a full-time priest at the Catholic Enquiry Centre, located in Sydney, New South Wales. This position was an office one which involved replying by mail to interested enquirers. It was specifically chosen to ensure that he had no contact with ordinary parish work. He was also instructed to continue to see Father Watson on a regular basis. He did so at least monthly to my knowledge. He was at the Catholic Enquiry Centre for about three years, to the end of 1985.

After his return to the Diocese and on the advice that it was prudent to give him another chance, I appointed him as an Assistant Priest in a parish with a Parish Priest who knows him well and was able to monitor his progress and help him. But things went wrong again.

In March 1988 the Archbishop of Sydney and myself received complaints from the parents of a fifteen-year-old boy who claimed that, whilst in Sydney, Father Ridsdale had misbehaved with their son. They in fact reported the matter to the police, but the boy declined to press ahead with the accusation and the matter did not go to court. The Sydney Catholic Welfare Bureau authorities have counselled the family and are still doing so and the situation seems to be in hand. But another complaint arose from a different family who had become friendly with Father Ridsdale and offered him hospitality. This family initiated their complaint through a lawyer, threatening legal action. For that reason it was hardly possible to meet with them and we had to refer Father Ridsdale to his own legal adviser. The matter has not gone any further and seems to be dormant at present, but there is always the possibility of some legal action and/or publicity in the future. It was for that reason that I suggested that, if it does become possible for Father Ridsdale to exercise a restricted ministry in the future, it will probably have to be well away from this State.\footnote{1833}

The comment that for Ridsdale to exercise ministry in future it would ‘probably have to be well away from this State’ is consistent with Bishop Mulkearns moving Ridsdale out of Victoria to Sydney in 1982, when complaints were surfacing about his conduct with children.

Father Lechner observed in a letter to Bishop Mulkearns that ‘because of the legal climate in the United States’ involving legal suits against bishops, it was extremely difficult to find placements in the United States when a priest had ‘been involved in certain activities’.\footnote{1834}

Ridsdale’s treatment in the United States

By December 1989, Ridsdale commenced his assessment at Villa Louis Martin in Jemez Springs, New Mexico, United States.\footnote{1835}
Between early and mid-1990, Bishop Mulkearns received at least five reports from Villa Louis Martin on Ridsdale’s treatment.\textsuperscript{1836}

In his letters enclosing the reports, Father Lechner asked that Bishop Mulkearns either destroy the reports or return them when he had finished reading them. Father Lechner noted, ‘This procedure has been recommended by our legal counsel and also reflects our concern for the priests who come to us and their dioceses’.\textsuperscript{1837} Bishop Mulkearns apparently followed that advice, as no reports were produced to us.\textsuperscript{1838}

Bishop Mulkearns travelled to Jemez Springs in September 1990.\textsuperscript{1839} He met with Father Lechner, Ridsdale and Ridsdale’s psychologist, spiritual director, director of aftercare, and psychodrama and art therapists.\textsuperscript{1840} Notes of that meeting record that Bishop Mulkearns ‘reiterated the gravity and extensiveness of Gerald’s past behaviours and the difficulties in finding a suitable future assignment’.\textsuperscript{1841}

Five ‘After Care Recommendations’ were stipulated, including that Ridsdale ‘will not engage in any ministry to minors and will not otherwise be in the company of minors unless accompanied by an adult’ and that Ridsdale will keep in touch monthly with Villa Louis Martin.\textsuperscript{1842}

**Knowledge in the Diocese of Ridsdale’s treatment for child sexual abuse issues**

Father Finnigan remembered when Ridsdale was sent overseas for treatment. He could not remember whether it was mentioned at a consultors’ meeting or if he heard it through the ‘clerical grapevine’,\textsuperscript{1843} but he agreed there was ‘a deal of gossip about Ridsdale’.\textsuperscript{1844}

Father Melican knew in 1989 that Ridsdale’s treatment in New Mexico was for ‘paedophilia charges’.\textsuperscript{1845}

By 1989, Bishop Pell was no longer in the Diocese and was an auxiliary bishop in the Archdiocese of Melbourne. When he discovered Ridsdale was at an institution in the United States, where most people were being treated for ‘this criminal behaviour’, he told us he suspected there was ‘something gravely wrong’ with Ridsdale.\textsuperscript{1846}

The Church parties accepted that Father Eugene McKinnon knew about Ridsdale’s ‘sexual molestation’ by 1991 through ‘priests’ gossip lines’.\textsuperscript{1847}

We do not doubt that there was a deal of gossip at the time. However, we do not accept that that gossip began only when Ridsdale was sent away for treatment. As we have set out earlier, there was gossip about Ridsdale in Catholic communities since the mid-1970s.
Bishop Mulkearns explores possibilities with other bishops for an appointment for Ridsdale

In May 1990, in a letter to Father Watson, Bishop Mulkearns discussed ‘the possibility of some work for [Ridsdale] in the future’. He wrote:

I wonder how reasonable it would be to ask a Bishop to give even such a job as you describe to [Ridsdale]. I will in fact be meeting for a week with a group of fifteen or sixteen Bishops in a couple of weeks’ time and I will certainly try to explore any possibilities there. But it would be a brave Bishop who would be prepared to take the risk in light of the current environment.1848

On the same day, Bishop Mulkearns conveyed the same sentiments in a letter to Father Lechner. He noted he would take the opportunity when meeting with the bishops to explore any possibilities regarding Ridsdale but said, ‘it might be asking a bit much to expect anybody to take the risk’.1849

Bishop Mulkearns was not asked about this correspondence, and there is no evidence one way or another as to whether Bishop Mulkearns spoke to the other bishops about Ridsdale. However, there is no reason for Bishop Mulkearns to have twice expressed an intention to explore possibilities with other bishops regarding a future appointment for Ridsdale if he did not intend to do so. We infer that Bishop Mulkearns spoke to at least some of the 15 or 16 bishops in 1990 about the possibility of an appointment for Ridsdale after his treatment in the United States.

We also infer that Bishop Mulkearns told those bishops about Ridsdale’s history of allegations of sexual misconduct with children. The reservation he expressed to both Father Watson and Father Lechner – that another bishop may not be prepared to take the risk with Ridsdale – would have no relevance if he did not intend to be forthcoming with them about Ridsdale’s history.

Ridsdale returns to Australia

Ridsdale left Jemez Springs on 26 September 1990, after having been there for nine months.1850

During 1991, he undertook some chaplaincy work with St John of God hospitals and lived with the St John of God Brothers in the Diocese of Parramatta. Ridsdale called the Bishop of Parramatta, Bishop Bede Heather, as a courtesy to let him know he was living in the diocese.1851
Ridsdale told us he did not think he told Bishop Heather of his history. However, in a letter in April 1993, Brother Anthony Duncan of the Hospitaller Order of St John of God wrote that Ridsdale was ‘honest about his history of child molestation’ and the Brothers had ‘subsequent discussions with Bishop Bede Heather, Bishop of Parramatta and it was agreed that any chaplaincy work would be confined to the Hospitals which only provide care for adult patients’.

It is not known if Bishop Heather was one of the 15 or 16 bishops with whom Bishop Mulkearns explored possibilities about a future appointment for Ridsdale.

**Criminal process against Ridsdale**

By late 1992, Victoria Police and the Child Exploitation Unit were ‘vigorously’ investigating allegations against Ridsdale.

In December 1992, Father Lucas of the Archdiocese of Sydney contacted solicitor Mr Anthony Darvall and informed him Ridsdale was being investigated and police had statements from eight victims who accused Ridsdale of sexual assault. Mr Darvall was engaged to act for Ridsdale, and he interviewed him in December 1992 or January 1993.

By 1992, Father Lucas was a member of the Special Issues Resource Group for the Province of Sydney, which was tasked with responding to allegations of criminal behaviour (including child sexual abuse) against clergy and religious. It is likely that Father Lucas was involved in responding to the investigation against Ridsdale in his capacity as a member of this group.

Ridsdale was interviewed by Victoria Police three times in February 1993. Mr Darvall accompanied him during these interviews.

**Court proceedings and convictions**

On 27 May 1993, Ridsdale pleaded guilty and was sentenced for sexual assault charges in relation to eight young boys in Inglewood and Edenhope. He was sentenced to two years and three months’ imprisonment and served a period of some three months.

In October 1994, Ridsdale was convicted of a further 46 offences involving 21 victims (20 boys and one girl), all under the age of 16 years, committed between 1961 and 1982. He was sentenced to 18 years’ imprisonment and directed to serve a period of 15 years before being eligible for parole. Fathers Madden and Brendan Davey gave evidence on his behalf.
On 11 August 2006, Ridsdale was convicted of a further 35 counts of child sexual abuse offences committed in the period between 1970 and 1987. He was sentenced to 13 years’ imprisonment with a non-parole period of seven years from the date of that sentence.

In 2014, Ridsdale was convicted of a further 30 charges against 14 complainants, committed between 1961 and 1980. He was sentenced to eight years’ imprisonment, with a non-parole period of five years.

In early 2017, Ridsdale was convicted of a further 28 charges in relation to 10 complainants. The offences occurred between 1961 and 1988. In August 2017, he was sentenced to a further 11 years in relation to those convictions.

**Priests provide character references for Ridsdale**

In the first criminal proceedings in May 1993, a number of priests in the Diocese were asked to, and did, provide character references for Ridsdale. Those priests included Fathers Davey, Madden and Adrian McInerney, and Brother Patrick White of the St John of God Brothers.

Character references in criminal proceedings are usually intended to put before the court evidence of an accused’s good character, to be taken into account when he or she is sentenced. The intention is to achieve a reduction in the sentence that might otherwise be imposed.

Father Madden’s character reference stated that Ridsdale, in his judgment, ‘has been quite an outstanding priest in almost every facet of his work’. Father McInerney said that Ridsdale’s talent was restricted by what he had observed to be severe bouts of depression and self-doubt.

Father Davey wrote that he had ‘always found Gerald to be a most dedicated priest’ and asked that he be allowed to undergo further treatment and not be put in custody. Brother White provided a report to the court about his counselling of Ridsdale at St John of God hospital and gave his opinion that the risk Ridsdale posed to children was low.

Bishop Pell (as he then was) was also asked to provide a character reference for Ridsdale. Ridsdale’s solicitor, Mr Darvall, suggested to Ridsdale that, if there was a bishop available, he should be called. In April 1993, documents record that Bishop Pell was willing to provide a reference for Ridsdale.

Those documents record that Bishop Pell was willing to provide that reference orally in court. A note from Mr Darvall to Ridsdale in early May 1993 states, ‘I have spoken with Bishop Pell and after very lengthy discussions he has agreed to attend and give evidence on your behalf. This is a breakthrough’. Mr Darvall also noted that Fathers Davey, Madden and McInerney were also coming to give character evidence for him.
Cardinal Pell’s evidence to us was that he had not been in contact with Ridsdale for years but that ‘I had some status as an Auxiliary Bishop and I was asked to appear, with the ambition that this would lessen the term of punishment perhaps – lessen his time in gaol’. 1874 Cardinal Pell did not ultimately provide a reference for Ridsdale. However, he walked with Ridsdale to the court on the day of his sentencing. 1875

**Victoria Police investigate Bishop Mulkearns**

In July 1995, following a number of complaints made about Bishop Mulkearns’ handling of Ridsdale, Victoria Police commenced Operation Arcadia. 1876 A number of people were interviewed during this investigation, and at least one search warrant was executed. 1877

Bishop Mulkearns wrote to police denying any suggestion of criminal activity on his part. 1878

The final report of Operation Arcadia on 22 September 1995 concluded that there was no evidence that disclosed the commission of any criminal offence by Bishop Mulkearns, and he was therefore not interviewed for the offence of misprision of a felony. 1879 The report found, ‘There is evidence that Mulkearns was aware that criminal offences were committed by Ridsdale; these offences were listed in the statutes as misdemeanours’. 1880

**Ridsdale is dismissed from the priesthood**

Almost a year after Victoria Police began investigating Ridsdale, he was dismissed from the priesthood. The Diocese issued a press release in November 1993 announcing that the Pope had dispensed Ridsdale from the priesthood and consequently the Church would not be responsible for his upkeep in future. 1881

Ridsdale had admitted offending against children to Bishop Mulkearns in 1976. Nothing effective was done to restrict Ridsdale’s access to children by Bishop Mulkearns until over 20 years later. We do not know how many boys and girls were sexually abused by Ridsdale over that time. However, the lives of dozens of children and their families, likely to be more than a hundred, were devastated by his conduct.
Specific allegations relating to then Father Pell’s knowledge of and response to Ridsdale’s sexual abuse of children

BWE’s allegation

BWE told us that when he was an altar boy at St Patrick’s Cathedral in Ballarat in 1983 he participated in a funeral for an elderly lady from Bungaree.\(^{1882}\) His recollection was that Father Pell officiated at the funeral, because the person whose funeral was being conducted was either a former parishioner or close friend of Father Pell.\(^{1883}\) BWE also thought Father Madden was present at the funeral, because he was the parish priest for the cathedral at the time.\(^{1884}\)

BWE’s recollection of the details of the funeral is quite specific. He told us the funeral was held on a Wednesday in about the third week of September 1983, which he recalled because the second semi-final of the Victorian Football League was mentioned in the mass, and the mass was the Wednesday before the semi-final.\(^{1885}\)

BWE told us that on the day of the funeral he and another altar boy, BWK, were changing into their religious garb in an alcove in the sacristy of the cathedral. They were adjacent to a larger area where the priests dressed.\(^{1886}\) Father Madden was in the sacristy when Father Pell arrived.\(^{1887}\)

After exchanging pleasantries, Father Madden asked Father Pell, ‘How’s everything down your way?’ Father Pell responded, ‘Huh, huh, I think Gerry’s been rooting boys again’.\(^{1888}\)

BWE was questioned by counsel for Cardinal Pell, who put to him that his evidence was false.\(^{1889}\) BWE stood by his evidence.\(^{1890}\)

Cardinal Pell strongly denied BWE’s allegation and said every detail of the allegation was manifestly false.\(^{1891}\) He said that ‘the allegation that has been put is demonstrably false in most, if not every, detail’.\(^{1892}\) Cardinal Pell told us he had no recollection of the funeral as described by BWE\(^{1893}\) or of concelebrating a funeral with Father Madden.\(^{1894}\)

The records of funerals held at St Patrick’s Cathedral in 1983 show that two funerals were held in September 1983.\(^{1895}\) The funeral of Margaret Morgan was held on 5 September 1983,\(^{1896}\) which was a Monday.\(^{1897}\) The funeral of Gladys Pope was held on 14 September 1983,\(^{1898}\) which was a Wednesday. In 1983 the second semi-final for the Victorian Football League was held on 10 September 1983.\(^{1899}\)

Cardinal Pell’s diary for the period from 2 September 1983 to 18 September 1983 was tendered at the request of his counsel. It does not show an appointment for a funeral.\(^{1900}\)
From July 1982, Father Madden was the parish priest of Horsham. He held that position until 1997.1901 In September 1983, Monsignor Nolan was the administrator of St Patrick’s Cathedral.1902 When asked, in those circumstances, if he was sure that it was Father Madden who was there that day, BWE said he was ‘absolutely certain’.1903 He said Father Madden and Monsignor Nolan look vastly different,1904 and he knew Father Madden because he officiated at BWE’s first holy confession.1905

Father Madden’s evidence was that he did not celebrate a funeral at the cathedral in Ballarat after he left the parish,1906 and he had never concelebrated a funeral with Father Pell at the cathedral in Ballarat.1907

BWK, who was the altar boy BWE identified as being with him in the sacristy, did not recall ever serving a mass with BWE, although he said BWE could have been in one of the group of 12 altar boys.

In September 1983, Ridsdale was working at the Catholic Enquiry Centre in Sydney, not in the Diocese.

BWE conceded in submissions that, in light of the objective evidence, his recollection as to when the funeral occurred must have become confused over time and is mistaken. He submitted, however, that the substance of his evidence should be accepted.1908

Cardinal Pell submitted that BWE’s account is demonstrably false. He submitted that the funeral records of St Patrick’s Cathedral and his diary records provide strong evidence that he did not concelebrate a requiem mass in September 1983. Cardinal Pell also referred to Father Madden’s evidence denying that he concelebrated a funeral with Father Pell and that Father Madden was not questioned by BWE’s counsel.1909

Cardinal Pell submitted that, by the time of the alleged conversation, Ridsdale was at the Catholic Enquiry Centre and had been out of the Diocese for a year, which made it almost inconceivable that he had made the alleged comment that ‘Gerry’s been rooting boys again’.1910 He submitted that Ridsdale had not been living in Ballarat since 1974 – three years after BWE was born – which makes it unlikely that BWE would have known who ‘Gerry’ was.1911 Cardinal Pell submitted the suggestion he would have used the words attributed to him is absurd. Cardinal Pell submitted that BWK’s evidence demonstrates the falsity of BWE’s account.1912

Cardinal Pell submitted the appropriate finding should be the alleged conversation never took place.1913

In our view, it is unlikely that Father Madden was officiating at a funeral in Ballarat in September 1983. By then, Father Madden was no longer the administrator at St Patrick’s Cathedral in Ballarat. He was the parish priest of Horsham parish, almost 200 kilometres away.
We accept Father Madden’s evidence that he did not celebrate a funeral at the cathedral in Ballarat after he left the parish, and he had never concelebrated a funeral with Father Pell at the cathedral in Ballarat.

In September 1983, Monsignor Nolan was the administrator of St Patrick’s Cathedral – however, BWE was adamant in his evidence that he had not mistaken Father Madden for Monsignor Nolan.

We accept the entries in Father Pell’s diaries – that is, 2 to 18 September 1983 do not record an appointment for a funeral.

BWE submitted that he must be mistaken about when the funeral occurred. We accept that submission. However, the evidence leads us to conclude that the event as described by BWE is unlikely to have occurred. It is likely that he overheard the conversation. However, that conversation was not between the priests he nominated and was not in the context of that particular funeral.

**Mr David Ridsdale’s allegation**

Mr David Ridsdale is the nephew of Gerald Ridsdale. He was sexually abused as a child by his uncle over a number of years. Ridsdale was later convicted of sexually assaulting his nephew.

Mr David Ridsdale gave evidence twice. He appeared a second time at the request of Cardinal Pell in order for Mr Ridsdale to be questioned by Cardinal Pell’s legal representatives.

Mr Ridsdale’s evidence was that up to 1992 or 1993 he had only told his siblings and close friends about his sexual abuse by his uncle. The main reason he held back in telling others was because he did not want to hurt his grandmother, who loved Ridsdale. When he was 25 and expecting his second child, Mr Ridsdale told us his main fear was turning into his uncle and he decided something had to be done.

He said he was terrified of going to the police and making his uncle’s behaviour public and destroying his grandmother. He decided to telephone then Bishop Pell, a family friend who he had known since birth.

Mr Ridsdale said he called Bishop Pell on either 2 or 3 February 1993. He told him he had been sexually abused by Ridsdale. Mr Ridsdale said he was having difficulties and needed assistance, but he was concerned about his grandmother and was ‘seeking a private process’.
Mr Ridsdale’s evidence about how the conversation concluded was as follows:

George then began to talk about my growing family and my need to take care of their needs. He mentioned how I would soon have to buy a car or house for my family. I remember with clarity the last three lines we spoke together.

Me: Excuse me, George, what the fuck are you talking about?

George: I want to know what it will take to keep you quiet.

Me: Fuck you, George, and everything you stand for.1928

When questioned by counsel for Cardinal Pell, Mr Ridsdale was clear that precisely these three lines were spoken; he said they were ‘embedded’ in his head.1929

After this conversation with Bishop Pell, on the same day, Mr Ridsdale made a statement to police about his sexual abuse by his uncle. The following day Ridsdale was charged with sexual abuse offences in relation to Mr Ridsdale.1930

Cardinal Pell did not deny receiving the telephone call from Mr David Ridsdale1931 and he did not dispute that Mr Ridsdale sought assistance and asked for a ‘private process’ because of his grandmother.1932

The conflict between Mr Ridsdale and Cardinal Pell is over how the conversation ended – Cardinal Pell categorically denied that he said to Mr Ridsdale, ‘what would it take for you to keep quiet’1933 or that Mr Ridsdale responded as he alleged.1934

Cardinal Pell’s evidence was that he expressed to Mr Ridsdale his desire to help.1935 He thought Mr Ridsdale had misunderstood what he said.1936 He thought that Mr Ridsdale mentioned he was in a difficult situation. One of the matters he mentioned was problems his family were experiencing with housing.1937 Cardinal Pell said he offered to do whatever Mr Ridsdale would like to suggest.1938

When put to Cardinal Pell by counsel for Mr Ridsdale that he was not interested in helping Mr Ridsdale but, rather, was trying to keep him from going to the police, Cardinal Pell said, ‘I don’t think there is any evidence for that at all, but certainly that was not my – what I was trying to do to a friend who had expressed a preference for a church hearing’.1939

Cardinal Pell also had the following exchange with counsel for Mr Ridsdale:

Q: Now, you deny that you tried to persuade David Ridsdale to keep quiet about the abuse of him by Gerald Ridsdale?
A: Well, I’m not even sure what ‘keeping quiet’ means. I do dispute it, but for a man who was expressing a preference for a church hearing rather than going to the police, I wouldn’t have had any dispute with him on that score, although I have never impeded or discouraged anyone from going to the police.

Q: You claim that David told you that he had financial difficulties and was looking for financial assistance from the church?

A: I’m – I’m not sure that I’ve ever said that explicitly in those terms, but he was in a needy, difficult situation and, certainly, I was keen to help.

Q: And I think you’ve claimed that he referred to problems that his family was experiencing with housing.

A: Well, yes, I think that’s – that’s the case, that either the – I can’t remember exactly – either the rent was too high or the apartment was cramped. I can’t remember the details, but that was – my recollection at this distance is that that was one of the areas discussed.¹⁹⁴⁰

Cardinal Pell told us he was aware by the time of the conversation that the police were investigating Ridsdale, and he had no desire to prevent further sexual abuse by Ridsdale coming to light which could result in charges.¹⁹⁴¹

Mr Ridsdale’s sisters, Ms Patricia Ridsdale and Mrs Bernadette Lukaitis, each provided a statement to the Royal Commission. Each statement was to the effect that Mr Ridsdale called them shortly after his conversation with Bishop Pell and said the bishop had tried to bribe him.¹⁹⁴²

Ms Ridsdale stated that in the early 1990s her brother, Mr David Ridsdale, told her he was going to contact Bishop Pell to tell him he was sexually abused by Ridsdale.¹⁹⁴³

Ms Ridsdale continued:

David subsequently called me in a highly emotional and distressed state and said that he had telephoned Pell and that he was disappointed with Pell’s response. During that phone call, David said that he had told George about the abuse and George asked me what it would take to keep him silent. He also said ‘the bastard tried to bribe me’. He said that Pell had alluded to David’s family responsibilities and the need for him to provide for his family.¹⁹⁴⁴

Mrs Lukaitis stated that around the end of 1992 Mr David Ridsdale telephoned her after telephoning Bishop Pell on the same day to talk to him about being sexually abused by Gerald Ridsdale.¹⁹⁴⁵ She said:
David said he asked Pell for advice as he felt he wasn’t coping with things. He said that Pell had asked what it would take to make it go away. From what David said, I understood that he had been offered a bribe by Pell to not take his allegations against Gerald further.¹⁹⁴⁶

Father John Walshe is a priest of the Archdiocese of Melbourne. In February 1993, at the time of the telephone call from Mr Ridsdale, he was Bishop Pell’s assistant priest at Mentone parish and lived with Bishop Pell.¹⁹⁴⁷

Father Walshe made a statement with the assistance of Cardinal Pell’s lawyers. His signed statement was tendered. Cardinal Pell’s lawyers were required to produce documents which recorded their dealings with Father Walshe leading to Father Walshe signing his statement. Those documents include a record of a conference with Father Walshe and draft statements.

There were differences between the notes of the conference, the draft statement and the signed statement. Some of those differences matter, as we set out below.

In his signed statement, Father Walshe said Bishop Pell took the call in his office and Father Walshe did not hear either side of the phone call between Bishop Pell and Mr Ridsdale.¹⁹⁴⁸

Father Walshe said Bishop Pell raised the conversation with him immediately afterwards. Bishop Pell said, ‘David is a mess’, and he was very concerned.¹⁹⁴⁹ Father Walshe said he could tell from Bishop Pell’s face he was upset but observed his demeanour was not angry, as though he had been in a rude or angry conversation.¹⁹⁵⁰

Father Walshe said it was generally known among priests by this time that Ridsdale was being investigated by the police.¹⁹⁵¹

In his interview with Cardinal Pell’s lawyers, which occurred in the days leading to the hearing, he was vague about speaking with then Bishop Pell, thought the conversation took place in the house and that it took place in the early evening. He confirmed that in evidence to us.¹⁹⁵²

Father Walshe gave oral evidence that, when he was first asked about his discussion with Bishop Pell, he was unsure whether he was in the house when the telephone call occurred,¹⁹⁵³ and he did not remember it occurring in the morning.¹⁹⁵⁴

After reading Mr Ridsdale’s statement, Father Walshe amended his draft statement, which had the event occurring in the late afternoon or early evening, to it occurring in the morning. He also asked the lawyers to check that Bishop Pell was in Mentone and not on holiday on the date Mr Ridsdale said the telephone took place. Father Walshe agreed that it was ‘difficult’ to reconcile his recollection that Bishop Pell spoke to him immediately after the conversation and his comment to Cardinal Pell’s legal representatives, ‘in house when call made? Think I was’.¹⁹⁵⁵
On 5 December 2015 Father Walshe requested Cardinal Pell’s legal representatives amend his draft statement, writing:

I believe that the statement of David [Ridsdale] that he rang Bishop Pell on February 2nd 1993 at 9am has made me rethink my earlier recollections. If that was the day he rang (and I would ask that the Cardinal be sure he was actually in Mentone then and not still on holiday at Jan Juc) 9am would have placed as at there [sic] breakfast table. The housekeeper, Kath would have answered the call as the Cardinal would have been devouring the daily papers! He would have then taken the call in his office.\textsuperscript{1956}

Mr Ridsdale submitted that he strongly and convincingly disputed the suggestion that the words attributed to Bishop Pell were never spoken or that he could not recall the precise words.\textsuperscript{1957}

He submitted that the evidence of his two sisters supports that the words that Bishop Pell used ‘left Mr Ridsdale of the view that there had been an attempt to bribe him’.\textsuperscript{1958} He submitted it was manifestly clear that he ‘believed that he had been offered an inducement not to speak publicly about his sexual abuse’, which stemmed from a proposed inducement offered by Bishop Pell.\textsuperscript{1959}

Mr Ridsdale submitted that too much weight was placed on his evidence that he expressed to Bishop Pell a desire for a private process. He submitted that Bishop Pell at the time had limited knowledge of the extent of Ridsdale’s crimes, and his complaint linked Ridsdale’s offending with the Diocese and the town of Ballarat, which was Bishop Pell’s home town.\textsuperscript{1960}

Cardinal Pell submitted that the most probable scenario on the evidence is that Mr David Ridsdale misunderstood Bishop Pell’s well-intentioned offer to help.\textsuperscript{1961}

He submitted there is a strong evidentiary reason why the alleged comment is unlikely. Mr Ridsdale told Bishop Pell he wanted a private process, and it makes no sense in light of that to seek to keep Mr Ridsdale quiet.\textsuperscript{1962} Further, Cardinal Pell submitted that he was aware by the time of the phone call that the police were already investigating Ridsdale.\textsuperscript{1963}

Cardinal Pell further submitted it was wrong and unnecessary to make any findings about Father Walshe’s credibility, because, among other reasons, the findings of fact are ultimately consistent with Father Walshe’s evidence.\textsuperscript{1964} He submitted that Father Walshe was ‘at best a peripheral witness’ who ‘gave no direct evidence of the conversation’.\textsuperscript{1965}

Mr Ridsdale’s account of the conversation with Bishop Pell in 1993 has been consistent over many years, including under questioning by Cardinal Pell’s counsel. It is also consistent with what he told his sisters, Ms Ridsdale and Ms Lukaitis, shortly after the phone call.
We are satisfied that Bishop Pell knew that the police were investigating Ridsdale about his offending in Ballarat. He also knew, from his time as a consultor, that there were likely to be many allegations against Ridsdale.

However, the fact that the police were already investigating Ridsdale does not preclude Bishop Pell wanting Mr Ridsdale to keep his allegation quiet. The more complaints against Ridsdale, including complaints arising from his conduct in Ballarat, the greater the scandal.

However, we accept Cardinal Pell’s submission as to the utility of asking Mr Ridsdale to keep it quiet given the nature of the process he sought.

We accept Mr Ridsdale’s sisters’ evidence. Of course, although their evidence does not help us with what was said, it does tell us what Mr Ridsdale understood from the telephone call.

We find Father Walshe’s evidence to be unsatisfactory and ultimately unhelpful. He did not hear the conversation and he had doubts about when it happened and whether or not it could have happened on that date. We do not accept that Father Walshe could have or had an accurate recollection of the look on the bishop’s face and his demeanour some 20 years earlier, particularly in the circumstances set out above.

We place no weight on Father Walshe’s evidence.

We consider Mr Ridsdale to be an honest witness. We accept that he genuinely believes that Bishop Pell said, ‘I want to know what it will take to keep you quiet’, in an effort to keep Mr Ridsdale’s allegation from becoming public.

However, we are not satisfied that Bishop Pell said the words attributed to him or otherwise sought to obtain Mr Ridsdale’s silence. It is more likely that Mr Ridsdale misinterpreted an offer by Bishop Pell to assist as something more sinister. There is no compelling reason for the then bishop to make such a statement. Knowledge about Ridsdale’s offending was widespread in the community, as we have set out earlier in this report. Finally, Mr Ridsdale’s interpretation of the discussion is not consistent with him seeking a private process.

4.4 Paul David Ryan

In this part of the report, we consider the knowledge of Bishop Mulkearns, the College of Consultors and clergy of the Diocese of child sexual abuse allegations against Paul David Ryan and their responses to those allegations.
Bishop Mulkearns receives a complaint about Ryan while he is a seminarian

Ryan first entered the seminary in Adelaide in 1969 and was asked to leave two years later.\textsuperscript{1966}

In a letter written in 1992 to the director of Villa Louis Martin, Jemez Springs, Bishop Mulkearns described the actions he took when Ryan approached him to see if he would accept him as a candidate for priesthood in the Diocese. He wrote:

I made a number of enquiries from priests who had known him, from the Rector of the Seminary in Adelaide and from the Archbishop of Adelaide. The Archbishop indicated that he did not wish to place a ‘blackban’ on anyone else accepting him. The Rector of the Seminary indicated that he had serious questions about Paul David [Ryan] when he first came, but went on to say: ‘Personally I feel that Paul has improved a great deal in many ways over the last six months with us. He has many good qualities and may be worth a new trial’. The upshot of my enquiries was that I agreed that he could go to Corpus Christi College, the Regional Seminary in 1972. I pointed out to him then that I would have to respect the judgment of the Seminary authorities in their assessment of his suitability for the priesthood.\textsuperscript{1967}

Bishop Mulkearns then accepted Ryan as a candidate for priesthood in the Diocese.\textsuperscript{1968}

Ryan attended Corpus Christi College seminary in Melbourne as a seminarian between 1972 and 1975. Ryan gave evidence that he engaged in sexual activity with three seminarians while at Corpus Christi College.\textsuperscript{1969} He told us that the seminarians with whom he engaged in sexual activity were of a similar age to him – that is, older than 21.\textsuperscript{1970}

Ryan gave evidence that he thought this activity was wrong.\textsuperscript{1971} He sought to reconcile his behaviour by going to confession.\textsuperscript{1972} Ryan confessed to Father Ronald Pickering, who he described as ‘a mentor’.\textsuperscript{1973} Father Pickering was a priest of the Archdiocese of Melbourne.\textsuperscript{1974} Allegations about Father Pickering’s sexual conduct with young boys was considered by the Royal Commission in \textit{Case Study 35: Catholic Archdiocese of Melbourne}.

Bishop Mulkearns receives a complaint about Ryan at Ballarat

While he was a seminarian, between May and July 1975 Ryan was at a parish in Ballarat on a probationary pastoral placement.\textsuperscript{1975}
**Ryan’s behaviour with Mrs Donoghue’s sons**

Mrs Mary Donoghue and her two sons, BPM and BPN, lived in Ballarat in 1975. Mrs Donoghue told us that BPM played music at St Patrick’s Cathedral when Mrs Donoghue and her sons met Ryan. She said that she ‘looked after Ryan’ and that ‘he practically’ lived at her house. She told us he came to dinner a couple of times a week.

Ryan gave evidence that when he was in Ballarat he ‘became involved with a chap’ he met through the parish choir. Ryan said that he ‘presumed’ that the boy was 18, but there was a chance that the boy was younger than 18. Ryan later confirmed the boy was BPM.

**Mrs Donoghue goes to see Bishop Mulkearns**

Mrs Donoghue gave evidence of two incidents in relation to Ryan and her sons. On one occasion, her sons told her that Ryan was ‘after us’ and ‘homosexual’. She said that she thought BPM was about 16 or 17 years old and in year 11 or 12 and that BPM was in year 7 or 8 at that time. Both were attending St Patrick’s College. Mrs Donoghue then had a conversation with Ryan in which he ‘more or less admitted’ a ‘more than personal interest’ in her sons. She understood this to mean Ryan had a sexual interest in them.

At a later time, BPM received a message that Father Boylan wanted BPM to come to the presbytery to discuss music. When BPM arrived, Father Boylan was not there. Ryan opened the door wearing a white G-string and produced pornographic magazines. He invited BPM in, but BPM ran away. Mrs Donoghue recalled that Ryan gave BPM an inscribed record for his 18th birthday and that she was not happy he had given BPM this gift.

After the second incident, Mrs Donoghue went to see Bishop Mulkearns. She wanted to stop Ryan’s ordination. Mrs Donoghue complained to Bishop Mulkearns that ‘my sons thought Ryan was evil’ and ‘that he had dirty pictures and things’. Mrs Donoghue also told the bishop that she ‘didn’t think that Ryan was a suitable person to become a priest’.

Mrs Donoghue stated that Bishop Mulkearns was dismissive of her. He ushered her out and her visit was very brief. Mrs Donoghue’s evidence is consistent with other evidence we heard of the bishop’s dismissive approach to parents who raised concerns or complaints about priests of the Diocese, and we accept it.

We are satisfied that Mrs Donoghue’s complaint conveyed to Bishop Mulkearns that her concern about Ryan’s conduct was of a sexual nature and it related to her children. The plain inference from Mrs Donoghue raising Ryan’s sexual behaviour (‘dirty pictures and things’) and her sons’ reaction to Ryan is that the two were connected.
The Church parties submitted that there was no reason for Bishop Mulkearns to assume that Mrs Donoghue’s sons were minors, rather than adults.1998 We cannot accept that submission as a basis for not criticising the actions of Bishop Mulkearns. There is no evidence that Bishop Mulkearns turned his mind to the age of the boys, let alone made an assumption about their age.

A mother raising concerns about her sons and their opinion of Ryan should have at least alerted Bishop Mulkearns to the likelihood that her sons were minors.

There is no evidence that Bishop Mulkearns took any steps to investigate Mrs Donoghue’s concerns about Ryan or treat them seriously. He should have done so.

Bishop Mulkearns writes ‘no incidents’ arose in Ballarat before Ryan’s ordination

In 1977, Bishop Mulkearns wrote that a parishioner in Ballarat remarked that if Ryan ever appeared in Ballarat again he would run him out of town.1999 The bishop wrote, ‘It seems that there were more incidents during his time here ... None of them surfaced prior to his Ordination and one wonders why’.2000 We are satisfied that Bishop Mulkearns’ statement was inaccurate, as Mrs Donoghue raised concerns about Ryan with the bishop before Ryan’s ordination.

In correspondence dated 19 February 1977 that Bishop Mulkearns directed be sent to a treatment provider in the United States, it was said that the seminary authorities discovered that Ryan was engaging in sexual activity with other seminarians.2003 It is likely that the seminarians were adults.2002

Ordination

At the end of Ryan’s period in Ballarat, the bishop agreed to Ryan’s ordination.2003 Ryan was ordained on 28 May 1976.2004 After his ordination, Ryan returned to Corpus Christi College seminary to finish his studies.2005

Cardinal Pell told us that before Ryan’s ordination there was discussion among ‘some of us as priests’ who shared an uneasiness about Ryan ‘going forward’.2006 Cardinal Pell said that the concern he, and the other priests, held in relation to Ryan’s suitability was that they ‘were keen to be sure that he was not an active homosexual’.2007 Cardinal Pell could not remember there being, at that time, any concern that Ryan was ‘a possible paedophile’.2008
Treatment

Ryan is treated by Mr Conway and Dr Seal in Australia

After his sexual activity at the seminary was discovered, Ryan was sent to a psychologist, Mr Ronald Conway, and psychiatrist Dr Seal. Each of these was used regularly by the Catholic Church to treat priests. Bishop Mulkearns told us that he recalled, ‘[T]hat a complaint was made, that there was a problem with – what do you call it – homosexuality and, while that was inappropriate for a priest, it wasn’t illegal, but I sent him for treatment for homosexuality’. 2009

Ryan is sent for treatment in Washington DC, United States

In February 1977, Bishop Mulkearns sent Ryan to Washington DC, United States, for further treatment for homosexuality. Ryan studied at the same time.

In the United States, Ryan received spiritual direction from Father John Harvey and was treated by a psychologist, Dr John Kinnane.

In a letter written before Ryan’s arrival in the United States, Father Harvey asked of Bishop Mulkearns:

> The question was raised concerning Father Ryan’s activity during the stay at a Catholic Secondary College. What kind of homosexual activity was he involved in? By that I mean with what age group? Only with adults? At Holy Trinity Center he would be living with both seminarians and priests.

A reply from Bishop Mulkearns to Father Harvey’s letter is not in evidence before the Royal Commission. However, a 2007 Professional Standards Risk Management Service Memo records the following:

> The seminary records reveal that Father Harvey enquired whether Ryan’s activity involved adults or minors. The reply described activity confined to fellow seminarians.

If Bishop Mulkearns did inform Father Harvey that Ryan’s ‘activity’ related only to fellow seminarians, this was false. Bishop Mulkearns had by this time received the complaint from Mrs Donoghue regarding her sons. Regardless of whether or not Bishop Mulkearns understood Mrs Donoghue’s complaint to relate to minors, it clearly did not relate to fellow seminarians.
Ryan told us that his work with Dr Kinnane included trying to understand his homosexuality, but they also discussed his attraction to adolescent boys.\textsuperscript{2016} There is no evidence these discussions were reported to Bishop Mulkearns.

Ryan remained in the United States until the end of 1978.\textsuperscript{2017}

**What the College of Consultants knew about Ryan’s reason for being in the United States**

The College of Consultants met on 31 May 1977. Bishop Mulkearns presided at the meeting, with Monsignor Fiscalini, Monsignor McKenzie and Fathers Melican, Madden, Pell, Downes, Torpy and Kevin Arundell attending.\textsuperscript{2018} Father McInerney was the bishop’s secretary.

The minutes of the meeting record that Bishop Mulkearns reported, ‘Ryan is at present in Washington D.C. and will be for at least two years’.\textsuperscript{2019}

Of those consultants present at the meeting who gave evidence, Father Madden told us that he did not recall Bishop Mulkearns reporting to the meeting why Ryan was in Washington DC or what he was doing there.\textsuperscript{2020} He thought it was generally understood that Ryan was studying there.\textsuperscript{2021}

Father Melican gave evidence that he had no recollection of why Ryan was in Washington DC and that he had no knowledge of Ryan’s problems at the time of the meeting.\textsuperscript{2022}

Cardinal Pell gave the following evidence about what he heard about Ryan between about 1971 and 1984:

Q. Is he [Ridsdale] the only priest you can recall being sent off for treatment by Bishop Mulkearns for matters of a sexual nature?

A. I think that’s the case.

Q. What about Paul David Ryan?

A. I’m not sure that Ryan was – I’m not well versed on Ryan. I didn’t have much to do with his story. He did do studies in the United States, I believe, but I don’t think they had anything to do with therapy.

Q. Is the answer to my question, that you don’t know of Paul David Ryan being sent off for treatment by Bishop Mulkearns for matters of a sexual nature?

A. I don’t have any clear such recollection. I certainly never heard that he was being helped because he was a paedophile. He might have had other –
Q. What about – I’m sorry, Cardinal, I interrupted you. ‘He might have had other’?

A. He might have had other problems which are problems for a Catholic priest, but I’m not quite sure what years we’re talking about here.2023

Cardinal Pell’s evidence continued:

THE CHAIR: Q. Cardinal, you answered counsel’s question by saying that you don’t have any clear recollection of whether Ryan was sent for treatment for his sexual behaviour. What is your recollection?

A. What I had hoped to say but I could make it a little more specific, I have no clear recollection of my knowing that he was sent off for such treatment at that time.

Q. But what is your recollection? What do you recall?

A. I can’t clearly recall him being sent off for that purpose at all.

Q. Do you mean, you can –

A. He very well might have been.

Q. I see, and your recollection is that he might have been?

A. Well, you seem to be inferring that, and I don’t want to rule it out because my level of recall is not sufficient to rule it out.2024

Bishop Mulkearns gave evidence that he thought that everyone knew that Ryan was getting treatment.2025 However, he did not remember any consultation about Ryan being sent for treatment.2026

We are not satisfied that there was any discussion about Ryan receiving treatment at that meeting. The reference in the minutes is consistent with Ryan studying overseas and it was common in the Diocese for priests to study overseas.

**Bishop Mulkearns tells Father Finnigan why Ryan is in the United States**

Father Finnigan said that in about August or September 1977 Bishop Mulkearns told him that Ryan was in the United States receiving treatment related to homosexuality.2027 According to Father Finnigan, Bishop Mulkearns shared the information on a confidential basis with Father Finnigan because he was going to become the bishop’s secretary.2028
‘Incidents’ in Ballarat

On 29 December 1977, Bishop Mulkearns wrote to Father Harvey (Ryan’s spiritual director in the United States). In that letter he wrote:

However, the priest in whose Parish Paul worked for some time when out of the Seminary before Ordination did tell me that one of his parishioners remarked to him that if Paul ever appeared in Ballarat again he would have him run out of town! It seems that there were more incidents during his time here that anyone was aware of.2029

There is no evidence that Bishop Mulkearns made inquiries or investigated the parishioner’s complaint which led to the remark about running Ryan out of town if he returned. There is also no evidence that Bishop Mulkearns took steps to investigate the ‘incidents’ he assumed had occurred in Ballarat North. We are satisfied that Bishop Mulkearns took no steps to investigate the nature of the parishioner’s complaint and that he should have done so.

Bishop Mulkearns also wrote that the parishioner’s comment raised ‘the question as to whether Paul will be able to function effectively as a Priest here later’.2030

In that same letter Bishop Mulkearns referred to Ryan’s worry about ‘what the clergy in Ballarat are thinking about him’.2031 Bishop Mulkearns admitted he was not sure. He continued:

What has been quite remarkable is the almost total absence of any enquiry as to where he is or what he is doing. At the Retreats last year, I mentioned that he was completing his studies. There has scarcely been a question since. On the one hand, he was not well known in the Diocese before Ordination ... On the other hand, I suspect there is more to the silence than that and that the priests at least know there is a problem, even if they don’t know what the problem is.2032

Father Harvey would later write to Bishop Mulkearns informing him that he was ‘aware that more people may know about Paul than he realizes and that such can create a deeper difficulty of re-entry’.2033 Father Harvey told Bishop Mulkearns that Dr Kinnane was afraid that, if Ryan remained for six months beyond study, ‘that could become a dangerous situation’.2034 A handwritten notation appears at the bottom of the letter which reads, ‘No one really knows whether Paul would get rid of the past too easily. He might forget it too easily’.2035

In May 1978, Bishop Mulkearns wrote to Ryan that he would prefer for him to return as a priest in the Diocese. He said that he had been his hope from the beginning, and the only question on which he initially wanted reassurance was whether Ryan ‘would indeed be able to function as a priest without any problems in the future’.2036 However, a further question had arisen since Ryan had been away. That question was whether Ryan would be able to work in
the Diocese because of talk of ‘incidents’ occurring in Ballarat while Ryan was there. Bishop Mulkearns wrote, ‘How widespread any knowledge of problems here is I do not really know, but it could be that such knowledge could put you under some pressure’.

In 2007, when interviewed by CCI investigators, Bishop Mulkearns could not remember what these ‘incidents’ were.

Notwithstanding Bishop Mulkearns’ response, we are satisfied that Bishop Mulkearns was aware by this time of Ryan’s activities with children.

It is clear that, in determining Ryan’s suitability to work in the Diocese, Bishop Mulkearns’ primary concern was limiting scandal in the Diocese. This is consistent with the approach he took to Ridsdale in 1982.

**Mr Keane speaks to Bishop Mulkearns about Mrs Donoghue**

According to a file note made by Bishop Mulkearns, in June 1978, Mr John Keane told Bishop Mulkearns about a complaint that Mrs Donoghue made to Mr Keane about Ryan in 1976, the week after Ryan’s ordination. At that time Mr Keane was a former religious brother. He later became a priest of the Diocese.

The file note records that Mrs Donoghue had told Mr Keane that her son ‘had allegedly been involved’ with Ryan and subsequently had a breakdown, which Mrs Donoghue blamed on Ryan. When Mr Keane asked Mrs Donoghue why she had not said or done anything about the matter before Ryan’s ordination, she replied that ‘she thought everybody knew’. The file note does not record that Mrs Donoghue had in fact raised concerns about Ryan with Bishop Mulkearns before Ryan’s ordination.

The file note does not disclose the age of Mrs Donoghue’s son at the time of the sexual involvement. He is referred to as a former university student. The evidence is not sufficient to enable us to conclude Mrs Donoghue told Mr Keane her son was a minor at the time of his involvement with Ryan.

According to the file note, Mr Keane informed Bishop Mulkearns that Mrs Donoghue had threatened to go to the media and that Ryan returning to Ballarat would ‘stir that lady up again’ and ‘provide more ammunition for her husband’. Bishop Mulkearns recorded an impression of Mr Keane’s that, during his time in Ballarat North, Ryan used to drink ‘quite a lot’. Mr Keane had been told that ‘it was when Paul was drunk that he lost all control’. Bishop Mulkearns also wrote a list of people whom Mr Keane mentioned to him as potentially aware of Ryan’s ‘problem’. The list contains seven sets of names. It includes names of individuals, names of husbands and wives, and names of particular families. The list does not enable us to conclude whether the ‘problem’ was with children.
However, there is no evidence that Bishop Mulkearns took any steps to further investigate Mrs Donoghue’s complaint or to make inquiries with the people Mr Keane listed as being aware of Ryan’s ‘problem’.

**Bishop Mulkearns allows Ryan to work in Virginia Beach, Diocese of Richmond, United States**

After Ryan completed his studies, Bishop Mulkearns granted Ryan permission to work at a parish in Virginia Beach in the Diocese of Richmond in the United States. 2046

We are satisfied that Bishop Mulkearns was concerned about returning Ryan to the Diocese in light of the knowledge and talk of ‘incidents’ involving Ryan in Ballarat. As acknowledged by the Church parties, by allowing Ryan to remain in the United States, Bishop Mulkearns sought to minimise the risk of scandal in the Diocese as a result of the ‘incidents’ and Ryan’s ‘problem’ being revealed. 2047

**Bishop Mulkearns does not inform the Catholic Church authorities in the United States that Ryan is there for treatment**

In granting Ryan permission to work in the Diocese of Richmond, Bishop Mulkearns did not inform the diocesan authorities there of the true reason that Ryan was in the United States.

An April 1978 letter from Bishop Mulkearns to Ryan states:

> I have written to Fr Harvey and asked his advice about your committing yourself to the Parish in South Virginia only for the summer months of July, August, September. This would seem to do away with any necessity for me to confide in the Bishop of the Diocese. 2048

In May 1978, Ryan thanked Bishop Mulkearns for keeping confidential from Father Paul Gaughan – the parish priest at Virginia Beach – that his reason for being in the United States was to obtain treatment. 2049

In September 1978, Bishop Mulkearns wrote to the Bishop of Richmond granting permission for Ryan to remain at Virginia Beach until the new year. 2050 Bishop Mulkearns wrote that Ryan was in the United States to study and did not disclose that Ryan’s actual purpose for being in the United States was for treatment.

We are satisfied that, in omitting to advise the Bishop of Richmond that Ryan’s main purpose for being in the United States was to receive treatment, Bishop Mulkearns’ letter was misleading.
Allegations emerge at Virginia Beach, United States

Ryan returned to Australia briefly at the end of 1978. While in Australia, he applied to return to the United States to work.2051

Ryan gave evidence that while in Australia he might have worked as Father Pickering’s secretary and lived with him in the rectory at Gardenvale, although he could not recall this.2052 This evidence is consistent with documentary evidence before the Royal Commission. Bishop Mulkearns wrote to Ryan in April 1979 care of St James Presbytery in Gardenvale.2053

In a letter written in 1991, Bishop Mulkearns wrote that the reason Ryan asked to return to the United States was that Ryan ’considered that he was not accepted by the other Priests of the Diocese on his return’.2054

The College of Consultors met on 18 April 1979 and discussed Ryan’s application.2055 Present at the meeting were Bishop Mulkearns, Monsignor Fiscalini and Fathers McKenzie, Madden, Melican, Downes, K Arundell and Torpy.2056 Father Pell was an apology. Father Finnigan was the bishop’s secretary. The minutes record the consultors’ agreement that Ryan be released from the Diocese to undertake pastoral work in the United States on loan ‘ad experimentum’.2057

The following day Bishop Mulkearns wrote to Ryan informing him of the discussion in the consultors’ meeting. Bishop Mulkearns wrote that he had mentioned to the consultors that Ryan had asked to be allowed to return to the United States and that the consultors ‘were concerned that you not cut yourself off from the Diocese altogether at this time’.2058 He continued:

I explained that the present suggestion is that you go back … and work there for a couple of years by way of experiment. It would then be open to all parties to review the position. Presumably after a suitable experimental period some decision would have to be reached about a commitment to one or other Diocese. The Consultors agreed with this proposal.2059

We are satisfied that at the 18 April 1979 meeting the consultors discussed and agreed to Ryan’s application to return to the United States to undertake pastoral work on an experimental basis.

Bishop Mulkearns reported to a College of Consultors meeting in June 1979 that he wrote to Ryan granting his request to return to the United States. The consultors present at this meeting were those present at the meeting in April, other than Father Madden, who was an apology. Father Pell was also an apology at the June 1979 meeting.2060
The minutes of the meeting record:

The Bishop has written to Fr Paul Ryan granting his request to return to America but pointing out that he remains a Priest of this Diocese and stating that his situation be reviewed after a couple of years of pastoral work in the United States.2061

Ryan returned to Virginia Beach that month.2062

Reports emerge about Ryan’s conduct with a boy in the United States

In about December 1979, the parish priest at Virginia Beach, Father Gaughan, became aware of a number of allegations of child sexual abuse against Ryan at the parish.2063

A priest in the Diocese of Richmond, Father Howard, received a complaint from a woman volunteering in the rectory that Ryan had sexually abused her nephew BWB.2064 Father Howard met with BWB’s parents, who also told him of possible incidents with other boys. Father Howard reported these complaints to Father Gaughan.2065 Father Gaughan also received a complaint in relation to BWC.2066

Father Gaughan responded by asking Ryan to leave the parish rectory and then the area.2067 Ryan left the United States and returned to Australia in about April 1980.2068

What Bishop Mulkearns knew

There was evidence that the Bishop of Richmond was informed of the allegations about Ryan’s conduct around the time they arose.2069

There is no evidence that the Bishop of Richmond or Father Gaughan informed Bishop Mulkearns of the allegations at the time they were made. Correspondence from the Diocese of Richmond to Bishop Mulkearns many years later, in 1995, and correspondence from Bishop Mulkearns to Ryan suggests that Bishop Mulkearns was first informed of the allegations about Ryan’s conduct at Virginia Beach in about 1994 or 1995, after a man came forward to make a complaint.2070

Ryan is appointed to Warrnambool parish

Ryan wrote to Bishop Mulkearns on 17 March 1980 that he intended to return to Australia after Easter. He wrote, ‘I know I still have to do what John Kinnane said is necessary – to go home and lay the ghosts of my past to rest – in whatever way that it can be done’.2071
The College of Consultors met on 31 March 1980. Present at the meeting were Bishop Mulkearns, Monsignors Fiscalini and McKenzie and Fathers Madden, Melican, Downes, Pell, K Arundell and Keating. Bishop Finnigan, as the bishop’s secretary, took the minutes. The minutes record that Bishop Mulkearns reported that Ryan would return to Australia after Easter and that he would discuss Ryan’s future with him on his return.

With the exception of Fathers Madden, Pell and Keating, each of the attendees at this meeting had attended the meeting in June 1979 in which it was agreed that Ryan would be in the United States for a ‘couple of years’. Ryan was now indicating an intention to return to Australia within a year of that meeting. It would be surprising if the reason for Ryan’s return was not the subject of discussion. However, as stated above, there is no evidence that any person in the March 1980 meeting, including Bishop Mulkearns, had any knowledge of the allegations made against Ryan in Virginia Beach and Father Gaughan’s request for Ryan to leave the area.

The College of Consultors met again on 13 May 1980. By this time Ryan had returned to Australia. All those present at the 31 March 1980 meeting were in attendance at this meeting. The minutes of the meeting record:

The Bishop stated

1. Fr Paul Ryan is available for an appointment.

Under the heading ‘Staffing’ it is recorded that Ryan was appointed as an assistant priest at Warrnambool, effective from 1 June 1980.

**Ryan attempts to sexually abuse a boy at Warrnambool**

While Ryan was in Warrnambool, he was chaplain of the Christian Brothers College, a secondary school. Ryan told us that he engaged in sexual activity with a couple of young men he met through the college. He said that, while he met them at the school, they were not minors at the time of the sexual activity.

In addition to those men, Ryan gave evidence that a boy at the college confessed to Ryan that he had a same-sex attraction. Ryan could not recall whether he was told this in the confessional or not. He told us that after the boy’s confession Ryan became attracted to him. Ryan then visited the boy at his home and tried to have sex with him, but the boy rejected him. Ryan said he ‘probably did some grooming and seductive sort of actions’ to try to have sex with the boy.
Knowledge in the Diocese

Ryan told us that the boy made a complaint, which was ‘probably that I tried to have sexual relations with him’. Ryan thought Bishop Mulkearns challenged him in relation to the complaint but could not recall when. We are satisfied that the boy, as a student at the college, is likely to have been a minor.

Ryan was asked whether authorities in the Diocese, including the bishop, knew by the 1980s of his activities with adolescent boys. He told us they knew or would have known probably in 1981 to 1982. He said he did not tell them and he did not know how they found out.

However, Ryan also told us that he thought he had told Bishop Mulkearns about his acting out on his attraction to adolescent boys by March 1980. On another occasion in his private hearing Ryan was asked whether he had spoken to Bishop Mulkearns about his attraction to adolescent boys before 1995 and he answered ‘Not about adolescent boys’.

Ryan’s evidence in relation to when he informed Bishop Mulkearns of his attraction to adolescent boys was inconsistent and appeared confused. However, we have previously found that the correspondence between Bishop Mulkearns and Father Harvey in December 1977 demonstrates that Bishop Mulkearns knew of Ryan’s activities with minors at that time.

Ryan also said that he ‘may have’ told Father Finnigan. He said, ‘I don’t recall as such, but he would be a person … I would have trusted to talk to’. However, he also said that his first conversation with Father Finnigan about adolescent boys was in 1995.

Bishop Finnigan had no recollection at all of having spoken to Ryan about having a problem with adolescent boys before 1995. This is consistent with documents prepared in 1995.

We are satisfied that Ryan did not tell Bishop Finnigan about his attraction to adolescent boys before 1995.

Ryan told us that, at the time of his appointment to Terang parish in 1986, he thought that Monsignor Fiscalini knew of an allegation against him from his time at Warrnambool. Ryan thought Monsignor Fiscalini knew of the allegation either because he was parish priest at Warrnambool while Ryan was there or because of his role as vicar general. Monsignor Fiscalini is deceased. Beyond what Ryan thought, we are not able to make a finding on whether Monsignor Fiscalini knew.
Ryan returns to the United States

Ryan remained assistant priest at Warrnambool parish until 1985. In 1985, Bishop Mulkearns granted Ryan a leave of absence. Ryan wrote to Bishop Mulkearns seeking leave for the ‘personal reasons we spoke of’ with plans to attend a Catholic university or seminary in the United States. Ryan’s letter does not detail what the personal reasons were. Ryan told us that he requested leave after attempting to have sex with the boy in Warrnambool. Ryan said, ‘at that stage I probably realised that I needed to remove myself from the path of where I was’.

In a letter written to Ryan later that year Bishop Mulkearns stated that his motivation for releasing Ryan was to enable him to ‘sort out [his] own position and to be free of any unnecessary strain’.

The generality of the language in that letter does not enable us to be satisfied that Bishop Mulkearns knew that the problems Ryan was having stemmed, at least in part, from what had occurred with the adolescent boy in Warrnambool. However, this would seem likely.

The College of Consultants met on 18 January 1985. Present at the meeting were Bishop Mulkearns, who presided; Monsignors Nolan, Fiscalini and McKenzie; and Fathers Downes, Bryant, Martin and D Arundell. Father Finnigan took the minutes as the bishop’s secretary.

The minutes record that the bishop advised the meeting that Ryan had applied for study leave in the United States for two to three years and that ‘[i]t was decided to grant the request’.

Bishop Finnigan and Father Arundell had no recollection of the meeting or any discussion there may have been in relation to Ryan being given leave to study in the United States.

Father Bryant told us that he recalls that Ryan applied to go on study leave and that Ryan’s premise was that he wanted to go and study liturgy.

Given that we are unable to conclude that, at that time, any member of the College of Consultants knew about Ryan’s activities with an adolescent boy in Warrnambool, we cannot be satisfied those activities were discussed in the consultants’ meeting.

Ryan returns to the Diocese

Ryan studied and worked in a parish while in the United States. Ryan told us he did not receive any treatment while he was there. On 1 August 1985, Ryan wrote to Bishop Mulkearns from Ohio indicating his willingness to return to Ballarat in February 1986 or whenever the bishop wished.
This was the second occasion on which Ryan had been released from the Diocese to travel to the United States for a period of two to three years but returned to the Diocese much sooner.

In his letter to Bishop Mulkearns, Ryan wrote:

As to what I consider the primary object of my coming here – to sort myself out and really get in touch with my feelings ... I can happily say I have gone a long way to resolving that.\textsuperscript{2106}

Bishop Mulkearns replied to Ryan on 16 August 1985. He wrote that he ‘would be pleased to see [Ryan] come back to the diocese if other things are equal’.\textsuperscript{2107} He continued:

With regard to the academic side of your stay in the United States, that is something which was rather secondary – though not unimportant – in my thinking. My motivation for releasing you at this time was rather in order to enable you to sort out your own position and to be free of any unnecessary strain. If therefore you feel you can confidently say that you have worked out any personal problems with regard to your attitude to the priesthood or to the diocese, then I would say that I will welcome your return sooner rather than later.\textsuperscript{2108}

In the letter Bishop Mulkearns adverted to the issue of Ryan being accepted by other priests in the Diocese.\textsuperscript{2109}

The College of Consultors met on 24 September 1985 and discussed Ryan’s request.\textsuperscript{2110} Bishop Mulkearns presided. Monsignors Nolan and Fiscalini and Fathers Martin, Downes and Finnigan attended.\textsuperscript{2111} Father McDermott took the minutes as the bishop’s secretary.\textsuperscript{2112}

The minutes of the meeting record:

Fr Ryan wrote to the Bishop on 1 Aug 85 offering his availability to return to parish work in February 1986.

The consultors asked the Bishop to write to Fr Ryan indicating that he would be welcome back.\textsuperscript{2113}

The day after the College of Consultors meeting, on 25 September 1985, Bishop Mulkearns wrote to Ryan that he had shared the ‘basic contents’ of two letters written by Ryan with the consultors and that the result of the consultors’ meeting ‘was that there was a strong desire to convey to you the fact that you would be very welcome should you feel in a position to return home without placing yourself under undue pressure’.\textsuperscript{2114} Bishop Mulkearns wrote that Ryan would be welcome back from March of 1986.\textsuperscript{2115}

Father McDermott was the only attendee to give evidence about this meeting. His evidence about this meeting was given in the public hearing and in a private hearing.
In the public hearing Father McDermott said that he could not recall the matter recorded in the minutes. He said it was likely that Bishop Mulkearns said something about Ryan’s suitability to return to the Diocese. Father McDermott could not say how much detail about the matter was given.2116

The evidence Father McDermott gave in the public hearing differed in some aspects from his evidence in his private hearing.

In his private hearing Father McDermott said he thought there was probably a report that had come from the place that had been treating Ryan and that it may well have been indicated in the meeting that Ryan was okay to work again.

Father McDermott also told us about a conversation he thought he had had with Monsignor Nolan. At that time Monsignor Nolan was the vicar general of the Diocese. He said that perhaps Monsignor Nolan said to him before the meeting, ‘Paul Ryan wants to come back’. Father McDermott said that it would have been common knowledge to him and Monsignor Nolan that Ryan was in the United States ‘getting some therapy or counselling’ and that both were aware that there was an issue with Ryan and whether or not he should be welcomed back.

Father McDermott said that he would have thought the counselling was for Ryan’s sexual behaviour. Although he did not know any specifics, he thought Ryan was someone who was probably acting out his homosexual activities.

However, there is no documentary evidence that Ryan received treatment in the United States in 1985. Ryan gave evidence that he did not receive any treatment at that time.

Father McDermott also gave evidence in the private hearing that there were conversations that something had happened in Ballarat North, ‘perhaps about the time of [Ryan’s] ordination’, where ‘there may have been something that happened with a young teenage person – male’. He said that there seemed to be some sort of liaison, sexual or presumed sexual.

Father McDermott’s evidence in relation to when this conversation happened was inconsistent. In his private hearing he said he heard this after Ryan went overseas following his ordination. This is consistent with his evidence that he would think that at the time of the meeting he was aware there had been an issue with Ryan in Ballart North. However, he also said the conversation he referred to may have been after 1985. In the public hearing he said he would have become aware of the matter some years after Ryan’s ordination.

We are satisfied that Father McDermott had heard, sometime after Ryan’s ordination and by the time of the 24 September 1985 meeting, of an incident involving Ryan’s sexual activity with a teenage male around the time of his ordination.
The documentary evidence clearly indicates Bishop Mulkearns understood Ryan travelled to the United States because of ‘difficulties’ he was having in the Diocese. It further indicates that these difficulties related to, or had the consequence of, Ryan not being accepted by other priests in the Diocese. It is likely that discussion of Ryan’s difficulties occurred in the 24 September 1985 meeting. The evidence is not sufficient to enable us to be satisfied that any discussion of Ryan’s difficulties that occurred in the meeting related to Ryan’s attraction to, or activities with, adolescent boys.

### Ryan is appointed to Terang parish

The College of Consultors met again on 19 December 1985. Present at the meeting were Bishop Mulkearns, who presided; Monsignors Nolan and Fiscalini; and Fathers D Arundell, Martin, Bryant and Finnigan. Father McDermott took the minutes as the bishop’s secretary.

The minutes record under the heading ‘Staffing’:

*Fr Paul Ryan will be available from March 1986.*

The minutes of the consultants’ meeting of 14 January 1986 record under the heading ‘Possible Placements’:

*Fr P Ryan to replace Fr J Fitzgerald in Terang.*

Ryan was appointed as an assistant priest in Terang at a meeting of the College of Consultors on 23 January 1986. Bishop Mulkearns presided at the meeting. Also present were Monsignors Nolan and Fiscalini and Fathers Downes, D Arundell, Martin, Bryant and Finnigan. Father McDermott was present as the bishop’s secretary.

Bishop Finnigan gave evidence that he could not recall a discussion in relation to this appointment but said there probably would have been one.

Similarly, Father Bryant told us he could not remember any discussion in relation to Ryan’s appointment to Terang but said there would have been a discussion.

Ryan gave evidence that he thought he was sent to Terang because he would be under the guidance of Monsignor Fiscalini, a senior priest of the Diocese.

Father McDermott gave evidence in his private hearing that he did not remember Ryan’s appointment being discussed at the meeting. However, he said he would have known that Monsignor Fiscalini was the parish priest at Terang and he may have thought that Ryan was being placed with Monsignor Fiscalini to keep a close eye on him. Father McDermott agreed that at that time he was conscious there was an issue with managing Ryan.
As stated earlier, Ryan told us that at the time of his appointment to Terang he thought that Monsignor Fiscalini knew of an allegation against him from his time in Warrnambool.

**Ryan is appointed to Penshurst parish**

In December 1988, Ryan was appointed parish priest at Penshurst.\(^{2124}\)

A year later, in December 1989, Ryan wrote to Bishop Mulkearns with concerns about staying in Penshurst parish. Ryan wrote that he felt Penshurst could do well with someone other than him as pastor. He continued:

> But I am worried – for reasons I talked to you about before. Principally I know I have to carefully look at the whole structure of where and how I work and focus myself – that is the legacy that you helped me discover with John Kinnane so long ago ...

> I don’t particularly enjoy feeling this way; but I cannot do anything about it – I am the way God made me, and have long accepted that and am comfortable with it – but it also complicates things ... \(^{2125}\)

We are satisfied that Ryan was raising with Bishop Mulkearns concerns about remaining in Penshurst that related to his sexual problems.\(^{2126}\) Bishop Mulkearns responded to Ryan that there were no other positions available for him and he would have to remain in Penshurst.\(^{2127}\)

**A report to Bishop Mulkearns and Monsignor Murphy that Ryan attempted to bathe with a boy**

BWJ provided a statement to the Royal Commission that in 1991, her 12- or 13-year-old brother told her mother, who in turn told BWJ, that Ryan had tried to have a bath with him.\(^{2128}\)

BWJ and her mother arranged a meeting with Monsignor Murphy (then Father Murphy) who was, at that time, the bishop’s secretary.\(^{2129}\) They told Father Murphy that her brother had said he had been asked to have a bath with Ryan and that they thought this was highly inappropriate.\(^{2130}\) BWJ and her mother told Father Murphy that they were concerned about the effect this had had on BWJ’s brother and they were worried similar things may have happened to other children.\(^{2131}\)

They asked Father Murphy to remove Ryan from the parish and to never appoint him to a parish again.\(^{2132}\) They said they felt Ryan was a ‘high risk’.\(^{2133}\) Father Murphy acknowledged their concerns and said he would address them.\(^{2134}\) Ryan was removed from the parish within weeks.\(^{2135}\) BWJ and her mother did not have any further contact with Father Murphy or the Church about the incident.\(^{2136}\)
A 1994 document prepared by Monsignor Murphy for CCI records a complaint he received from a mother and daughter that Ryan propositioned a boy to take a mutual bath. Monsignor Murphy wrote, ‘Family did not want trouble for the Church. Just wanted Ryan removed and treated. (Was done).’

There is no contemporaneous record made by Monsignor Murphy of his meeting with BWJ and her mother. A contemporaneous record should have been made.

Monsignor Murphy told us that he did not recall the complaint being made to him, but he would have relayed it to Bishop Mulkearns. It is clear from the evidence set out below that Bishop Mulkearns came to know of the complaint and it is likely that Monsignor Murphy told him of it.

Monsignor Murphy told us that he would have given canonical advice to the bishop about Ryan based on what he believed should be done, which was that Ryan should be removed immediately pending an investigation. Monsignor Murphy also said that, while he gave his advice based on what he believed should be done, he was cognisant of the fact that the bishop of any diocese has an overarching responsibility to the individual priest. Monsignor Murphy told us:

> So I give my advice; my advice to me is very clear, but in the very structure and make up, the organic reality of an Apostolic Church, the Bishop then says, ‘I have your advice, I have other advice, I’ll make my decision’.

**Bishop Mulkearns removes Ryan from Penshurst parish**

Ryan gave evidence that he was called to the bishop’s office about a complaint by the vicar general at the time, who he thought was Father Finnigan. The complaint is likely to have been about BWJ’s brother.

Ryan must have been mistaken as to the identity of the person who called him to the bishop’s office. Father Finnigan was not the vicar general and was overseas at the time on study leave. For the following reason we are satisfied the person who arranged the meeting was Monsignor Murphy, who at the time was the bishop’s secretary.

In February 1994 the Special Issues Committee interviewed Ryan. Monsignor Murphy was the convenor of that committee and was present for the interview. Present also in the interview were Mr Alan Spencer, a member of the Special Issues Committee, and Father Finnigan. Towards the beginning of the interview the following question was asked:
Following your appointment to Penshurst there was an occasion when the Bishop requested yourself and me to have a meeting at the Bishop’s suite in Ballarat and following that meeting there was a decision made that you would resign the Parish of Penshurst.\textsuperscript{2144}

The person asking the question is not expressly identified. The written record of interview does identify Mr Spencer as asking questions towards the end of the interview. The above question could not have been asked by Father Finnigan as, for the reason stated above, he could not have been the person who called Ryan to the bishop’s office. It follows that the person asking the question was Monsignor Murphy.

Ryan told us he admitted the complaint to the bishop and was told he would be removed from the parish within a number of weeks and sent to Ararat parish to work there for the time being.\textsuperscript{2145}

About five months later, in July 1991, Bishop Mulkearns wrote in a letter to a United States treatment provider about the complaint:

\begin{quote}
The mother of the boy concerned was naturally quite disturbed, but was not anxious to make a public issue of the question, but was certainly anxious that Paul David not be left in that situation. It was agreed that he would remain there until after Easter when other Diocesan changes were made so that his change would not be seen as completely out of the ordinary. This was agreed because the incident which came to light had happened some time ago and there appeared to be no danger that it might be repeated in the meantime.\textsuperscript{2146}
\end{quote}

Insofar as the bishop’s letter implies that BWJ’s mother agreed to Ryan remaining in the parish for at least six weeks until after Easter, we are satisfied that was not the true position. To leave Ryan working in the parish for some time is inconsistent with BWJ’s evidence that she and her mother requested Ryan be removed and that he never again be appointed as a parish priest. It is more likely that Bishop Mulkearns alone wished to delay Ryan’s move so as not to raise questions. As Bishop Mulkearns agreed in his evidence, the point of leaving Ryan at Penshurst parish until after Easter 1991 was to avoid scandal from an early unscheduled move.\textsuperscript{2147}

The letter demonstrates that Bishop Mulkearns was primarily concerned with not drawing attention to Ryan’s unscheduled move, thereby protecting the reputations of Ryan and the Church.

There is no evidence the Bishop sought or received any advice on how to respond to the complaint, other than Monsignor Murphy’s advice to remove Ryan immediately pending an investigation. Bishop Mulkearns’ decision to leave Ryan in Penshurst parish until after Easter was contrary to that advice.
In leaving Ryan in Penshurst parish for at least six weeks until Easter 1991 and possibly longer, knowing Ryan admitted to attempting to sexually abuse a child, Bishop Mulkearns knowingly put children at risk. He did not place any conditions on Ryan’s work or access to children. He did not send Ryan for psychological treatment or assessment or report the complaint to the police or suggest the parent report the complaint to the police.

In relation to Bishop Mulkearns’ statement that ‘there appeared to be no danger that it might be repeated in the meantime’, we are satisfied that this could not have been a legitimate reason for allowing Ryan to remain in Penshurst until after Easter. There was no proper foundation for concluding that Ryan would not attempt to sexually abuse another child while he remained in Penshurst. Indeed, BWJ and her mother had told the Diocese they considered Ryan to be ‘a high risk’.

Bishop Mulkearns acted in total disregard for the safety of children in Penshurst parish and gave priority to the interests of Ryan and the reputation of the Church over the welfare of children. As acknowledged by the Church parties, it was inexcusably wrong for Bishop Mulkearns to do so.2148

What the College of Consultants knew

On 19 March 1991, there was a meeting of the College of Consultants. Bishop Mulkearns presided. Monsignor Nolan and Fathers Culligan, Daniel Arundell, Colley, McKinnon and Martin also attended.2149 Bishop Brian Finnigan (then Father Finnigan) was noted as on study leave and Father Bohan was an apology.2150 Monsignor Murphy (then Father Murphy) attended the meeting as the bishop’s secretary.2151

The minutes of the meeting record:

*Penshurst Parish*: will become vacant shortly after Easter. At present no-one appears as an obvious replacement priest.2152

None of the attendees at the meeting who gave evidence – Monsignor Murphy, Father McKinnon and Father Arundell – recalled what was discussed about Ryan’s appointment.

Monsignor Murphy accepted that at the time of this meeting he was aware that Ryan ‘had made a totally dysfunctional and unacceptable offer, or invitation to the child, which was rebuffed, thankfully’.2153 However, Monsignor Murphy told us that, in his role as bishop’s secretary, he did not consider himself a participant in the College of Consultants. He was ‘simply the scribe’.2154
The minutes record only that the parish will become vacant. They do not record a decision about Ryan’s future placement. It is likely that one or more consultors asked why the parish was vacant. However, we cannot be satisfied that, if they did, they were told what Bishop Mulkearns and Monsignor Murphy knew.

Knowledge and gossip in the Diocese about Ryan’s conduct at Penshurst

Ryan told us that sometime between December 1988 and Easter 1991, while he was at Penshurst parish, he engaged in sexual activity with two adolescent boys other than BWJ’s brother. He said he confessed these acts to Father Pickering as well as an anonymous confessor. The evidence is not clear when that occurred, although it seems to have been shortly after the events.

Father Bryant told us that he first heard of complaints about Ryan’s conduct with children in Penshurst parish when Ryan was at Ararat. He heard ‘on the grapevine’ that Ryan had ‘young people’ visit him at the Penshurst presbytery and one that stayed with him overnight on more than one occasion. He presumed ‘that things weren’t going well’.

Ryan spent time in Ararat parish on three different occasions: for a few weeks in mid-1991; as an assistant priest from January to December 1992; and for a period in early 1993. Father Bryant did not say the particular date when he first heard of Ryan’s behaviour at Penshurst. We accept the Church parties’ submission that Father Bryant was likely to have learned of this between January and December 1992, when Ryan was in Ararat parish as an assistant priest.

Bishop Mulkearns sends Ryan to Ararat parish for supply work

Father Pickering wrote to Bishop Mulkearns in March 1991 proposing that Ryan go on leave, suggesting a secondment to an African mission.

In April 1991, Bishop Mulkearns replied to Father Pickering stating that he could not recommend Ryan to any other bishop ‘even temporarily’ without a period of counselling first. Monsignor Murphy agreed that he would draw the conclusion from the letter that Bishop Mulkearns could not recommend Ryan to any other bishop because he considered him not safe for placement in a parish. We agree with Monsignor Murphy.

Ryan had formally resigned from Penshurst parish earlier that month. In a letter acknowledging receipt of Ryan’s letter of resignation, Bishop Mulkearns wrote that the consultors would have ‘initial discussions’ about Ryan’s eligibility for future appointments in the consultors’ meeting the following day. Bishop Mulkearns wrote that he did not think it would be appropriate for Ryan to accept another appointment in the Diocese immediately. He then outlined his reasons:

You will be aware that the people who brought to my attention the particular incident which lead to our discussions were most understanding about the situation but were given to understand that some positive action would be taken in the interests of all concerned. Were you simply to be appointed to another Parish it would not appear to them that any such action has been taken. I am sure that there would be a legitimate expectation that a period of counselling would intervene.

In the letter, Bishop Mulkearns also recommended Ryan take a period of leave from parish work until the end of the year. He advised that, during that time, Ryan ‘seek assistance in addressing the particular issues with which we are mutually concerned’. He recommended Ryan seek ‘at least initially’ guidance from Father Torpy.

While in Ararat, Ryan did not seek any treatment. He was also under no formal supervision or monitoring and there is no evidence that his access to children was restricted. We heard evidence from Mrs Helen Watson that, while Ryan was in Ararat parish in 1991, he sexually abused her 16-year-old son, Peter Watson. Peter Watson died by suicide in 1999.

We are satisfied that, in sending Ryan to work in Ararat parish, Bishop Mulkearns acted in a way that was recklessly indifferent to the safety and wellbeing of children in Ararat parish.

As acknowledged by the Church parties, for Bishop Mulkearns to do so was inexcusably wrong.

Monsignor Murphy told us that he did not recall knowing about Ryan’s placement in Ararat parish for six or seven weeks but accepted that he may have known and presumed he would have.

**What the College of Consultors knew**

On 7 May 1991, a meeting of the College of Consultors was held. Bishop Mulkearns presided. Also present were Monsignor Nolan and Fathers Martin, Bohan, Daniel Arundell, Culligan, McKinnon and Colley. Bishop Brian Finnigan (then Father Finnigan) was noted as on study leave. Father Murphy was present at the meeting as the bishop’s secretary.
The minutes of the meeting record:

_Penshurst:_ Fr P.D. Ryan has resigned from the Parish. Bishop Mulkearns has accepted the resignation.\textsuperscript{2176}

As noted above, on 6 May 1991, the day before the College of Consultors meeting, Bishop Mulkearns wrote to Ryan that the consultors would have ‘initial discussions’ about Ryan’s eligibility for future appointments.\textsuperscript{2177} There was no reason for Bishop Mulkearns to tell Ryan this would be discussed with the consultors if he did not intend to have that discussion. It is unlikely that there would have been a discussion about Ryan’s eligibility for appointments without Bishop Mulkearns telling the consultors the nature of the problem which put his eligibility in doubt. The nature of that problem was complaints of sexual abuse of children.

This is consistent with the evidence of Monsignor Murphy. When Monsignor Murphy was questioned about Bishop Mulkearns’ letter, he said he expected that the bishop discussed the matter with the consultors, although he could not remember the discussion.\textsuperscript{2178}

Although Father McKinnon could not recall a discussion at the meeting about Ryan’s resignation, he expected that there would have been one. However, he said there was a culture that, if the bishop gave the impression that he was not going to say anything, the consultors would not push him. He agreed this was a failure on the part of the consultors.\textsuperscript{2179}

We have found that Bishop Mulkearns discussed with his consultors allegations of sexual misconduct by Monsignor Day in 1972 and Ridsdale in 1982. In each of those cases, we inferred from the minutes and other relevant evidence that those discussions had taken place. Similarly, in this case the evidence is that there were initial discussions.

We are satisfied that the incident at Penshurst involving a boy was the subject of the ‘initial discussions’ Bishop Mulkearns had with his consultors about Ryan’s eligibility for future appointments on 7 May 1991.

**Ryan is sent for treatment in the United States and Rome**

In August 1991, Ryan went to the United States to attend counselling with Father James Gill of The Institute of the Living in Connecticut, United States.\textsuperscript{2180} When he got there, Father Gill was not available to treat Ryan and recommended he undertake a 30-day retreat with a priest in Rome.\textsuperscript{2181} Ryan went to Rome in October.

Some years later, Bishop Mulkearns wrote that Ryan undertook a retreat in Rome under direction of a priest recommended by Father Gill.\textsuperscript{2182} However, in 1994 Ryan told the Ballarat Special Issues Committee that, when he got to Rome, the priest was too busy to see him, so he spent six weeks in Rome in prayer and ‘doing a sort of private retreat’.\textsuperscript{2183} He told us, ‘I suppose I basically did it privately because there was nobody there to help me’.\textsuperscript{2184}
There is no reason to doubt the truth of what Ryan said to both the Royal Commission and the Special Issues Committee in this regard. Ryan gave the Special Issues Committee details about his time in Rome and the reason the priest in Rome was too busy to see him – he was working on the canonisation of Mary MacKillop.\footnote{2185} It is difficult to see why Ryan would have told both the committee and the Royal Commission he did not receive treatment if he did receive it, particularly when Ryan disclosed other occasions on which he had received treatment. Those disclosures had been made in that interview and in his private hearing.

The only evidence to indicate Ryan undertook any form of treatment or counselling is Bishop Mulkearns’ letter. That letter says no more than that Ryan attended a retreat under the direction of a priest. We accept Ryan’s evidence that the priest was too busy to see him. We are satisfied that Ryan did not receive treatment in the period between August 1991 and his return to Australia later that year.

We are satisfied that Bishop Mulkearns was not monitoring Ryan’s progress or ensuring he received the treatment for which he was sent to the United States. If he had have been, it would be expected that he would receive reports from Father Gill or another treatment provider on Ryan’s treatment and its success or his suitability to return to ministry. There is no evidence of any such reports.

**Bishop Mulkearns receives a further complaint against Ryan**

While Ryan was in the United States, in September 1991, Bishop Mulkearns received a further allegation that Ryan sexually abused a child while he was chaplain at St Joseph’s College in Warrnambool parish some years before.\footnote{2186}

A young man told police that while Ryan was at St Joseph’s College ‘there had been some involvement on [Ryan’s] part which affected him’.\footnote{2187} The man’s parents told a priest, who informed Bishop Mulkearns of the allegation.\footnote{2188}

Bishop Mulkearns wrote to Ryan in September stating that he did not know what allegations had been made to the police or whether they would be followed up.\footnote{2189} He continued:

> obviously there is some potential for some scandal if the statement to the police was made and the accusation was serious and is taken up in the course of a court case … I thought I should let you know of the development which may or may not be relevant to future plans, depending on the seriousness.\footnote{2190}

We are satisfied that Bishop Mulkearns’ letter again demonstrates that his primary concern in considering Ryan’s suitability to work in the Diocese related to avoiding scandal and protecting the Church’s reputation rather than the welfare of children. This is particularly apparent in circumstances where Ryan received no treatment at all while overseas.
Ryan is appointed assistant priest at Ararat parish

Ryan returned to Australia in late 1991. He was appointed an assistant priest at Ararat parish in December 1991, where he remained until December 1992.

What the College of Consultants knew

The College of Consultants met on 19 December 1991. Bishop Mulkearns presided. Bishop Finnigan and Fathers Colley, Bohan, McKinnon, B Ryan, Sherman, McInerney and Kevin Arundell attended. Monsignor Murphy was the bishop’s secretary at the time.

The minutes of the meeting record:

Fr. P.D. Ryan: Has returned to Australia and the Bishop reported that Fr. Ryan is available for a placement.

They also record the following:

Bishop Mulkearns proceeded to place before the Consultors available information regarding clergy preferences for known and possible vacancies. The Consultors discussed possibilities with the Bishop and advised the following:

...  

Assistant Priests:

Ararat: Fr. P.D. Ryan  

...  

Bishop Mulkearns accepted the advice of the Consultors and confirmed the appointments.

Although Monsignor Murphy did not remember any report or discussion on the items related to Ryan in the minutes, he said this was one of the instances where the bishop made a statement to the consultors.

Monsignor Murphy said that he would have known or assumed that Ryan had been in the United States for treatment and that the bishop’s report that Ryan was available for a placement would have indicated to him that the bishop decided Ryan was not a threat based on information from the treatment. As we found earlier, Ryan did not receive treatment while he was overseas.
Monsignor Murphy told us he presumed that the bishop reported to the consultors on the success or otherwise of any treatment that Ryan had received in the United States. Monsignor Murphy said that it would have been incumbent on the bishop to give reasons that he thought Ryan was suitable for ministry. We agree with Monsignor Murphy.

Monsignor Murphy said that it was probably decided that it would be prudent for Ryan to be in a reduced and supervised position, which is why he was appointed as an assistant priest even though he was previously a parish priest.

Father McKinnon gave evidence that he probably knew that Ryan had been out of Australia, but he said that he would be surprised if he knew what he was doing outside Australia.

We accept Monsignor Murphy’s evidence. We are satisfied that the bishop reported that Ryan was available for a placement, which would have indicated that the bishop had decided Ryan was not a threat based on information from the treatment.

We are also satisfied that Ryan was demoted to an assistant priest at Ararat parish in order that he be supervised, although there is no evidence that any formal supervisory measures or restrictions on Ryan’s access to children were arranged.

It was wrong of Bishop Mulkearns to appoint Ryan to Ararat parish. We have found that Bishop Mulkearns was not monitoring Ryan’s progress or ensuring he received the treatment for which he was sent to the United States.

**Trial of an alleged victim of Ryan**


A little over a week later, Bishop Mulkearns wrote to Father Lechner, the director of the Villa Louis Martin in Jemez Springs, New Mexico, inquiring about the feasibility of Ryan ministering in the United States.

The impetus for Bishop Mulkearns’ letter was newspaper coverage of the trial of a childcare worker accused of paedophilia, which reported an allegation that the accused was sexually abused by his parish priest. The bishop concluded the matter clearly related to Ryan, although he was not named. Bishop Mulkearns wrote to Father Lechner that Ryan felt it was now impossible for him to work in the Diocese and that, in a discussion Bishop Mulkearns had with Ryan and a pastoral psychologist, Bishop Mulkearns agreed with that assessment and indicated he would ask if Father Lechner was willing to see Ryan and advise him appropriately.
Father Lechner responded that no ordinary (meaning archbishop or bishop) in the United States would be open to Ryan ministering without treatment.2205

Bishop Mulkearns’ letter to Father Lechner establishes that he no longer viewed Ryan as suitable to work as a priest in the Diocese because of the media coverage about Ryan’s offending. However, Bishop Mulkearns considered that Ryan could take an appointment overseas. As acknowledged by the Church parties, the only possible way to reconcile these two positions is that Bishop Mulkearns’ primary concern was that Ryan not remain in Ballarat in order to avoid publicity and scandal and to protect the reputation of the Church. No concern was shown for the safety and welfare of children in an overseas parish.

Father McKinnon told us that he did not recall seeing or hearing of the newspaper article, but he accepted it would have been the source of much gossip and talk amongst priests, including speculation about the identity of the priest.2206 While Monsignor Murphy could not recall the matter being in the newspaper, he accepted there must have been discussion among priests about the article.2207

Father Madden, who was not a consultor at the time, told us that he thought he first knew of allegations against Ryan in relation to sexual abuse of children or sexual involvement with children when Ryan was in Ararat.2208

As stated above, Father Bryant told us that he first heard of complaints about Ryan’s conduct with children in Penshurst parish when Ryan was at Ararat. He heard ‘on the grapevine’ that Ryan had ‘young people’ visit him at the Penshurst presbytery and one that stayed with him overnight on more than one occasion. He presumed ‘that things weren’t going well’.2209 When asked who he was referring to in relation to the ‘grapevine’, Father Bryant said:

Well, priests, parishioners, you know, different people connected with the church that would have come up, and somebody possibly would have lodged a complaint to a parish priest or to someone, and I think I might have heard it from a previous parish priest at Penshurst who felt terribly hurt because he knew the people.2210

It follows that by the time Ryan was in Ararat at least some priests in the Diocese were aware of allegations or complaints in relation to Ryan sexually offending against children.

**Ryan attends treatment with Father Daniel Torpy**

In 1991, Father Torpy was a priest psychologist and member of the Special Issues Committee of the Diocese. By that time, Father Torpy had done some study of sexually abnormal behaviour, including paedophilia.
Bishop Mulkearns wrote to Father Torpy on 30 September 1991 seeking his advice in relation to Ryan.2211 He enclosed a letter he had written the same day to CCI which outlined two complaints of child sexual abuse relating to Ryan. Neither the letter to Father Torpy nor the letter to CCI referred to Ryan by name. However, the letter to Father Torpy contained the statement, ‘the priest concerned – whose identity I am sure will be clear enough to you’.

Father Torpy had a number of counselling sessions with Ryan after Ryan returned to the Diocese. There are inconsistencies in the evidence in relation to two issues about Father Torpy’s treatment of Ryan. Those issues are, first, the frequency with which Father Torpy saw Ryan for counselling and, second, the purpose for which Father Torpy counselled Ryan and whether he counselled him in relation to his child sexual abuse issues.

**Mr Torpy’s evidence**

In his private hearing Mr Torpy told us he had not heard that Ryan was the subject of complaints of sexual abuse before 1991.2212 He said that when he returned to the Diocese in 1991 he heard ‘gossip’ that Ryan was ‘possibly engaging in affairs with young men’ in the seminary.2213

Mr Torpy said that Bishop Mulkearns asked him, ‘Can you see Father Paul Ryan because he’s going through a period of indecision about his future as a priest’.2214 When asked whether Bishop Mulkearns said anything to him about what he wanted out of the counselling or reports back to him, Mr Torpy said ‘Not that I am aware’.2215

Mr Torpy told us he saw Ryan four to five times ‘maximum’2216 and that Ryan ‘did not allude to any situation of sexual abuse during the time he was with me in those sessions’.2217 Mr Torpy said he did not raise in the sessions with Ryan the rumours he had heard.2218 He said his approach to the sessions was a spiritual rather than a clinical one.2219

In his statement Mr Torpy said that Bishop Mulkearns sent Ryan to him for anxiety and that the bishop gave him no directions or information about the objectives of the counselling.2220

Mr Torpy said that he saw Ryan ‘a couple of times only and quickly terminated any further contact with him’.2221 Mr Torpy said that he found Ryan ‘very difficult to deal with’ in their sessions and he ‘determined it was not possible to work with him’.2222

Mr Torpy said that at no time did Ryan make any disclosures about allegations or complaints of child sexual abuse made against him and that he never referred to sexual offending of any kind. Ryan had not been referred to him for sexual behaviours and Ryan never referred to any such behaviour.2223

Mr Torpy said he ‘provided no treatment to Father Ryan at all’.2224 He advised Bishop Mulkearns of his decision.2225
**Ryan’s evidence**

Ryan told us that he had counselling with Father Torpy in 1992. Ryan gave evidence that the counselling was organised by Bishop Mulkearns and that he was counselled for his attraction to adolescent boys and his ‘acting out’ that attraction.\(^{2226}\)

**The documentary evidence**

In evidence is a letter dated 4 December 1992 from Bishop Mulkearns to Ryan, in which Bishop Mulkearns wrote:

> As you know, I had arranged to meet with Dan Torpy and we did have some discussion about the best course to pursue in your situation.

> Dan and I are of the opinion that we really need to have some definite professional assessment of the situation before we can come up with a plan for the future.

> ... Dan alerted me to the fact that there is another very highly-regarded Institute in Maryland which offers a similar opportunity for an initial assessment and a residential program of three months duration. The St Luke Institute is the facility in question.\(^{2227}\)

In a letter dated 24 December 1992 from Bishop Mulkearns to the St Luke Institute, Bishop Mulkearns wrote, ‘over the past few months Father Ryan has been counselled by a priest psychologist and it was in consultation with him that an approach was made to your facility’.\(^{2228}\)

In a 1994 interview with the Ballarat Special Issues Committee, Ryan told the committee that while he was in Ararat he ‘was doing therapy with Dan Torpy for the year’.\(^{2229}\) He also told the committee that ‘in that time Dan and I were both concerned because of this other matter of the guy in gaol causing a stink’.\(^{2230}\)

On 10 April 1995 Bishop Mulkearns wrote the following to the financial administrator of the Diocese:

> Could you please provide me with a cheque for $2,970.00 to cover the cost of psychological counselling which was provided to Claffey ($2,305.00) from 1992 up to the present and Paul David Ryan ($665.00) in 1992.

> I assume that this money will need to come from the amount which we have set aside for claims against ‘professional standards’. Counselling for Claffey will continue during 1995 and will probably cease at the end of this year. I imagine that we will be looking at another $400 for future sessions. The cheque could be made out to Dan Torpy.\(^{2231}\)
An undated file note written in approximately early 1995 records that the Diocese spent approximately $665 on Ryan in 1992. The file note largely comprises a list of dates. There are 19 dates listed between April and October 1992. Following the list of dates is the notation ‘19 @ 35 $665’.2232

We are satisfied that this document records dates that Ryan received counselling and the costs of his treatment by Father Torpy.

We have set out earlier our approach to Mr Torpy’s evidence.

In relation to the issue of how many sessions Father Torpy had with Ryan, counsel for Mr Torpy acknowledges the apparent inconsistency in Mr Torpy’s evidence in the private hearing and in his statement. Counsel for Mr Torpy submitted that, insofar as his evidence is inconsistent, Mr Torpy maintains that he saw Ryan ‘at least 4 or 5 occasions, consistent with his private hearing evidence’. The difficulty with this submission is that it was not Mr Torpy’s evidence in his private hearing that he saw Ryan on at least four or five occasions. Mr Torpy’s evidence was that he saw Ryan ‘four or five’ times ‘maximum’.

Bishop Mulkearns’ letter of 24 December 1992 stated that Ryan had been counselled by a priest psychologist over the period of a few months. There is no evidence that Ryan was counselled by any priest psychologist other than then Father Torpy. Ryan told the Special Issues Committee that he saw Father Torpy ‘for the year’. The letter to the financial administrator and the file note indicate that Father Torpy saw Ryan for counselling on at least 19 occasions.

We are satisfied that Mr Torpy had at least four or five counselling sessions with Ryan.

In relation to the issue of what was discussed in the counselling sessions, counsel for Mr Torpy submitted that there is no evidence upon which a finding could be made that Mr Torpy provided counselling to Ryan on any aspect of child sexual abuse.

We reject that submission. That Father Torpy was counselling Ryan in relation to his child sexual abuse issues is consistent with the evidence of Ryan to the Royal Commission and the documentary evidence.

Ryan told us that Mr Torpy counselled him in relation to his attraction to adolescent boys and his acting out that attraction.

Bishop Mulkearns’ letter of 30 September 1991, and the accompanying enclosure which detailed allegations of Ryan’s sexual offending against children, clearly indicated to Father Torpy the nature of the concerns Bishop Mulkearns held in relation to Ryan and his functioning as a priest in the Diocese. Bishop Mulkearns’ 4 December 1992 letter demonstrates that Father Torpy and Bishop Mulkearns remained engaged in a discussion about what to do with
Ryan going forward. The letter states that Father Torpy recommended to the bishop a facility in Maryland – the St Luke Institute. Mr Torpy acknowledged in his private hearing that the institute in Maryland referred to in that letter had a specialisation in treating priests who had been involved in child sexual abuse.\textsuperscript{2233}

It is inconceivable that, in counselling sessions that had been arranged by Bishop Mulkearns, which had occurred in the intervening period between these letters, the topic of Ryan’s child sexual abuse issues did not arise.

It may well be that other mental health issues Ryan may have had were discussed in the sessions. However, we are satisfied that Father Torpy did counsel Ryan in relation to his child sexual abuse issues.

We reject Mr Torpy’s evidence. We are satisfied he counselled Ryan in relation to his offending against children and that he did so in his professional capacity as a psychologist.

**Ryan is removed from diocesan placements**

By the end of 1992, Bishop Mulkearns decided that Ryan would not be given any placement in parishes in the Diocese in 1993.

The College of Consultors met on 1 December 1992. Bishop Mulkearns presided at the meeting. Fathers Finnigan, Colley, Kevin Arundell, B Ryan, McInerney, Sherman, Bohan and McKinnon attended.\textsuperscript{2234} Monsignor Murphy was the bishop’s secretary.\textsuperscript{2235}

The minutes record:

\begin{quote}
Bishop Mulkearns mentioned that Fr. Claffey and P.D. Ryan will not be involved in diocesan placements in 1993.\textsuperscript{2236}
\end{quote}

This action reflects the view articulated by Bishop Mulkearns in his letter to Father Lechner that, given the contents of the newspaper article, it was now impossible for Ryan to work in the Diocese.

None of the consultors at this meeting who gave evidence could recall the bishop’s report to the meeting or what was said about Ryan being unavailable for placements the following year.\textsuperscript{2237}

However, Bishop Finnigan told us he suspects Ryan was effectively placed on administrative leave.\textsuperscript{2238}
Father McKinnon told us he expects that, if the bishop did not explain why Ryan was not available, the consultors would have asked him or at least wondered about it.\textsuperscript{2239} Father McKinnon also said that, in the context of the newspaper article about Ryan in January of that year, he imagined that the consultors knew what Ryan’s problem was.\textsuperscript{2240}

Monsignor Murphy accepted that he would have known why Ryan was not involved in placements. He thought by this time all of the other consultors would have known, with the result that they would not have needed to discuss the issue.\textsuperscript{2241}

We accept the evidence of Father McKinnon and Monsignor Murphy. By the time of this meeting all of the consultors would have known that Ryan’s unavailability related to allegations and complaints that he had sexually abused children.

**Ryan leaves ministry**

BPD gave evidence to the Royal Commission that he was sexually abused by Ryan twice in 1985, when he was 17 years old.\textsuperscript{2242}

BPD told us that in about 1993 he spoke to Father Davey at the Ararat presbytery about joining the priesthood.\textsuperscript{2243} During a second visit to Father Davey at the presbytery, BPD saw Ryan there. Ryan was in the company of a couple of boys who BPD said were about 15 or 16.\textsuperscript{2244}

BPD then met with Bishop Mulkearns as part of the process of joining the priesthood. He told Bishop Mulkearns in the meeting that he no longer wished to join the priesthood and that Ryan had sexually assaulted him when he was 17. He said Bishop Mulkearns did not seem surprised. BPD said Bishop Mulkearns asked him a few questions and took notes.\textsuperscript{2245}

BPD said Bishop Mulkearns told him the matter was in his hands and that there was ‘no need to go to the police, I’ll fix it and I’ll give you a ring’.\textsuperscript{2246} Bishop Mulkearns also said, ‘Don’t speak to anyone about it, I’ll handle it’.\textsuperscript{2247} BPD had no further contact with the bishop.\textsuperscript{2248} We accept BPD’s evidence.

We are satisfied that it was wrong of Bishop Mulkearns to discourage BPD from reporting his sexual abuse by Ryan to the police. This is yet another example of Bishop Mulkearns seeking to minimise scandal and protect the reputation of the Church.

In June 1993, Bishop Mulkearns notified Ryan of ‘a complaint … by the mother of a person who claims to have been molested by you in the past’.\textsuperscript{2249} There is no evidence that this was a reference to BPD’s report and it seems unlikely that it was a reference to it, because BPD reported his complaint directly to Bishop Mulkearns.
Bishop Mulkearns places Ryan on administrative leave and removes his priestly faculties

A short time later, on 8 June 1993, the College of Consultors met. Bishop Mulkearns presided at the meeting. Fathers Finnigan, Colley, Bohan, K Arundell, McKinnon, McInerney and Sherman were present. Father Murphy was the bishop’s secretary at the time. According to the minutes, Bishop Mulkearns reported to the meeting:

*Fr. P.D. Ryan:* has had all his faculties revoked, with the exception of being able to celebrate Mass privately without giving any appearance of having an ecclesiastical appointment or office. The Bishop explained to the Consultors the reasons for this course of action.2251

Bishop Finnigan told us he had no memory of what reasons Bishop Mulkearns gave to the consultors for course of action he had taken.2252

Father McKinnon gave evidence that Bishop Mulkearns must have explained the reasons for the removal of Ryan’s faculties to the consultors, as the minutes record that he did. He could not recall what reasons were given, but he said, ‘it’s obvious’. He agreed there would not be any doubt about what Bishop Mulkearns was talking about – that is, Ryan’s offending against children.2253

We agree with Father McKinnon. The words of the minutes are plain. There was no reason for Bishop Mulkearns to withhold from his consultors the true reason for the removal of Ryan’s faculties and we are satisfied he did not do so.

Ryan’s laicisation process

Ryan was interviewed by the Ballarat Diocese Special Issues Committee on 3 February 1994. The committee recommended to Bishop Mulkearns in February 1994 that Ryan be laicised. They advised that, if Ryan refused to sign the application for laicisation, his faculties should be indefinitely suspended and that if Ryan travelled overseas ‘the relevant Bishops’ Conference should be confidentially informed of Father Ryan’s status’. The committee concluded that:

Father Ryan does not have a future in priestly ministry in this Diocese and that Bishop Mulkearns would be taking an unacceptable risk in allowing Father Ryan to take up any form of priestly ministry in any other part of the universal Church. Problems have persisted from the time of Ordination to the present.2254

In July 1994, Bishop Finnigan signed an ‘Employment Separation Certificate’ from the Diocese for Ryan, selecting ‘unsuitability for this type of work’ as the reason for his termination.2255
In March 1995 Bishop Mulkearns was advised by the Diocese of Richmond in Virginia, United States, that during his time in Virginia Beach Ryan was accused of ‘having sexually molested a young man, BWB and perhaps two others.’

Bishop Mulkearns wrote to Ryan later that month informing him that he had received the complaint from the Diocese of Richmond and asked Ryan to ‘very seriously’ consider making an application for laicisation.

In July 1995 Bishop Mulkearns again wrote to Ryan informing him that he had received notification that the Diocese of Richmond had received another complaint from a person, in this instance BWC, who alleged Ryan had sexually abused him. Bishop Mulkearns reiterated his request that Ryan apply for laicisation. Bishop Mulkearns withdrew any faculties that Ryan retained to privately celebrate the Eucharist.

In April 2006, Ryan was convicted and imprisoned for three child sexual abuse offences that occurred in February 1991. Ryan pleaded guilty to three charges of indecent assault. He was sentenced to 18 months’ imprisonment.

In November 2006, Bishop Peter Connors, who was then the Bishop of Ballarat, applied to the Congregation for the Doctrine of the Faith for Ryan to be laicised. Bishop Connors informed the Prefect of the Congregation for the Doctrine of the Faith that Ryan was serving a custodial sentence in a prison reserved for sex offenders and that Victoria Police had told him that they were convinced there were other cases involving Ryan but it was not likely that the victims would pursue matters in the criminal courts. Bishop Connors also wrote that he had met with the mother of a victim of Ryan’s who had died by suicide.

The application was rejected. Titular Bishop Amato of the Congregation for the Doctrine of the Faith advised that the application was ‘insufficient to proceed with your request’. Archbishop Amato requested that Bishop Connors meet with Ryan and invite him to petition for his dispensation from the priesthood.

Years later, on 31 October 2015, and shortly before the commencement of the second public hearing of Case Study 28, Ryan was laicised by decree of the Pope.

The data produced to the Royal Commission revealed that four people made a claim of child sexual abuse against Ryan for incidents alleged to have occurred between 1979 and 1992. Two claims related to alleged incidents of child sexual abuse in the Diocese. The other two claims related to alleged incidents of child sexual abuse in Virginia in the United States. All were male and, where reported, the average age was 14 years.
4.5 Robert Claffey

In this part of the report, we consider the knowledge of Bishop Mulkearns, the College of Consultors and diocesan clergy of child sexual abuse allegations against Claffey and their responses to those allegations.

In accordance with the Royal Commission’s Terms of Reference and Practice Guideline 1, during the public hearings of Case Study 28 Claffey was given the pseudonym ‘BPB’ and his parish appointments de-identified so as not to prejudice then current criminal proceedings against him for child sexual abuse offences. Following the public hearings, Claffey was convicted in those proceedings. The pseudonym direction of the Royal Commission was then vacated.

Claffey admits improper behaviour with a child to Bishop Mulkearns

Claffey was ordained in 1969. Following his ordination he was an assistant priest and parish priest at various parishes. In 1989, Claffey was the parish priest at Wendouree.

In July 1989, a parishioner reported to Bishop Mulkearns that Claffey made sexual advances to and fondled his son, BPG, when Claffey was at the family home the day earlier. Bishop Mulkearns recorded the incident in a file note in which he identified BPG as ‘c.13?’ years old. Bishop Mulkearns wrote that BPG’s father did not wish to go to the police but did not ‘want a situation where the matter could arise again’.

Bishop Mulkearns met with Claffey on the same day he received the report. Bishop Mulkearns recorded in his file note that Claffey ‘admitted that there had been improper behaviour’ and agreed to resign from his parish appointment immediately and ‘take counselling from Fr Dan Torpy’.

Bishop Mulkearns spoke with BPG’s father again and recorded that the father was ‘satisfied that action had been taken’. He wrote that he (the bishop) ‘would of course be advised by expert opinion as to if and when it would be prudent to re-appoint Fr. Claffey to a Parish’.

Claffey formally resigned from Wendouree parish the following day, on 8 July 1989, by letter to the bishop. In accepting Claffey’s resignation, Bishop Mulkearns wrote to Claffey that:

I would like to express my gratitude for the considerable amount of work which you have devoted to building up the Parish over your years as Parish Priest.
Monsignor Murphy speaks with Bishop Mulkearns about Claffey’s breakdown

Monsignor Glynn Murphy had previously served as an assistant priest to Claffey at Wendouree parish. 2278

We heard evidence from Monsignor Murphy that, probably on the day that Bishop Mulkearns spoke to Claffey about the complaint by BPG’s father, Claffey’s housekeeper called Father Murphy and asked him if he knew anything about an upset that had occurred that day. He said that he did not. The housekeeper asked if he would come to visit Claffey. 2279 Monsignor Murphy’s evidence was that, when he visited, Claffey told him that he was burnt out and that he had had a breakdown. Father Murphy took that at face value. 2280

Monsignor Murphy gave evidence that he later mentioned the matter to Bishop Mulkearns and the bishop gave no indication that the situation was not as was presented to Monsignor Murphy by Claffey. 2281 Monsignor Murphy’s understanding was that Claffey resigned due to burnout and a breakdown. 2282

We accept the evidence of Monsignor Murphy. His evidence is consistent with the evidence of Father Baldock and Father Bryant, discussed below, that Bishop Mulkearns did not disclose to each of them the true reasons for Claffey’s resignation.

As we said in relation to the Christian Brothers, it is clear that a system in which such information was not passed on was inadequate and unacceptable.

What Father Finnigan heard about Claffey

Bishop Finnigan told us that he first became aware of rumours or talk about Claffey interfering with children when Claffey was at Wendouree in Victoria. He recalled hearing of an incident in which Claffey had his arm around a boy on a couch at the presbytery, and the boy’s father was upset and reported it to Bishop Mulkearns. Bishop Finnigan could not be sure whether he was told about the report at the time or later, or from whom he heard it. He could not say with certainty it was from the bishop. 2283

Bishop Finnigan accepted that the report by BWG recorded in Bishop Mulkearns’ file note could be the report he recalled hearing about. He agreed the report about BWG was more serious than an arm around a shoulder, but he said he did not hear anything more than that and he did not know that Claffey had admitted to a complaint. 2284
Report to Father Martin about Claffey’s behaviour

Father John Martin was a priest of the Diocese and a consultor in the late 1980s. He is deceased. Father McKinnon gave evidence that Father Martin, who he lived with, told him that a woman in the neighbouring parish, where Claffey was, was uneasy about the priest’s behaviour. The woman said that Claffey would visit her home when her sons were there and go to the bedroom with them. She was not sure what happened and her sons told her nothing had occurred. Nevertheless, she was ‘most uneasy’ about it and mentioned it to Father Martin.

Father McKinnon was unsure when Father Martin received this report about Claffey. He was unable to recall whether Father Martin told him this before or after Claffey’s resignation from Wendouree. Father McKinnon also told us that, at the time of Claffey’s resignation from the parish, he did not know the reason for it.

Father Daniel Arundell hears that Claffey’s conduct with children and young people is ‘strange’ and ‘not appropriate’

Father Daniel Arundell gave evidence that, at some time, a fellow priest of the Diocese and consultor, Father Barry Ryan, spoke to him about Claffey.

He said Father Ryan did not go into detail, but it was something to do with his behaviour in front of people which did not seem to be appropriate. He said he thought it was ‘the way [Claffey] was conducting himself with young people’. Father Arundell did not accept that Father Ryan’s concern in relation to Claffey suggested he was worried Claffey was having interactions with children that were other than innocent. Father Arundell said that Father Ryan thought Claffey’s behaviour was ‘strange’.

Father Arundell did not give evidence about when he heard this from Father Ryan. He told us he could not recall when he first heard of any problem or complaint that Claffey had sexually offended against children.

Bishop Mulkearns intends to tell priests of the Diocese that Claffey is ‘taking leave’

On 11 July 1989, Bishop Mulkearns wrote to Claffey about his resignation. In that letter Bishop Mulkearns wrote:

I am advising the Priests of the Diocese of your request to be relieved of the position of Parish Priest and that you will be taking leave for some weeks.
Bishop Mulkearns’ letter to Claffey demonstrated an intention by Bishop Mulkearns to conceal by design the true reason for Claffey’s resignation, including from other priests.

**What the College of Consultants knew**

On 26 July 1989, Bishop Mulkearns presided at a meeting of the College of Consultants. Fathers Culligan, Bohan, Martin, Finnigan, McKinnon and Daniel Arundell attended the meeting. Monsignor Nolan was recorded as an apology. Father McDermott was bishop’s secretary at that time.

The minutes of the meeting record that ‘The parish of Wendouree became vacant following the resignation of [Claffey],’ but they do not record any discussion of the reasons for his resignation.

Fathers Daniel Arundell and McKinnon and Bishop Finnigan gave evidence about this meeting. Father McDermott was not asked about his recollection of this meeting or his knowledge of the reasons for Claffey’s resignation.

In his private hearing Bishop Finnigan told us that he has no recollection that the bishop told the consultants why Claffey resigned, but it is likely that he did. In the public hearing Bishop Finnigan said that he has no memory of the meeting.

As set out earlier, he became aware of rumours when Claffey was at Wendouree, although he could not be sure when he heard it.

Father McKinnon gave evidence that he did not know what it was that led to Claffey’s resignation at the time. Father McKinnon had also heard of a report about Claffey and again was uncertain when.

Father Arundell could not remember when he first heard of any problem or complaint that Claffey had sexually offended against children.

We accept Bishop Finnigan’s evidence that it is likely that the bishop told the consultants. It is difficult to accept that Bishop Mulkearns did not tell his consultants what he knew about Claffey.

**Father Baldock replaces Claffey at Wendouree parish**

Father Baldock was appointed to replace Claffey as parish priest at Wendouree. Father Baldock’s evidence was that Bishop Mulkearns told him that he was being sent to the parish to resolve its financial and administrative problems. Bishop Mulkearns did not tell Father Baldock the true reason for Claffey’s resignation. Bishop Mulkearns should have done so.
Father Baldock said he told the parish at his first mass, ‘Father Claffey has taken time out, as you know he’s a workaholic’, and also that he wished Claffey ‘be restored to full health’. Father Baldock told us that about a month later a parishioner told him that he was disappointed in what Father Baldock said and that ‘I don’t think Claffey’s been the best of priests’.

While parish priest at Wendouree, Father Baldock also said he heard comments from parishioners about Claffey’s behaviour with children, including that Claffey took altar servers to the beach, swimming pool and his house. Father Baldock also said that he heard that Claffey loved wrestling and tickling children and going to the school. Father Baldock said he thought Claffey’s behavior was ‘ill-advised playfulness’.

We are satisfied that Claffey’s behaviour with children was cause for comment among parishioners of his former parish. We are satisfied that soon after Claffey’s resignation Father Baldock heard talk among parishioners about Claffey’s interactions with children that Father Baldock considered ill-advised.

Claffey receives counselling from Father Torpy

Bishop Mulkearns sends Claffey to Father Torpy for counselling

When Claffey resigned from Wendouree in July 1989, he agreed with Bishop Mulkearns to attend counselling with Father Torpy. At the time, Mr Torpy was a priest psychologist.

Mr Torpy gave evidence in a private hearing that Bishop Mulkearns asked him to see Claffey in the ‘late 1980s, ’88/’89’ because he was ‘worried about his mental health’. He said Bishop Mulkearns did not explain why he was worried about Claffey’s mental health ‘and that was the nature of Bishop Mulkearns. There was no correspondence and there was no history offered to me’. Mr Torpy also said that he was not asked to report back to Bishop Mulkearns on Claffey and no objectives in relation to Claffey’s counselling were described to him.

Mr Torpy told us that at the time of counselling Claffey he was a spiritual director at a seminary and, as he understood it, he played a spiritual rather than psychological role in counselling priests.

Mr Torpy saw Claffey for psychological counselling on about five occasions between late 1989 and early 1990. Mr Torpy gave evidence that during these sessions Claffey disclosed to him there was a complaint against him in the Wendouree parish for his sexual activities with adolescent boys and that the complaint was true.
Mr Torpy told us that after Claffey’s disclosure he terminated his counselling sessions.\(^{2316}\) When asked why he terminated the sessions at this point, Mr Torpy said, ‘Because I was not prepared to work with anybody any further once that allegation had arisen’. He said that he felt it was not his duty to do so ‘and it needed to be investigated by the diocese’. Mr Torpy told us that he expressed these reasons to Bishop Mulkearns.

Mr Torpy said that after he had left the priesthood, in or around December 1993, he was asked to provide a court report in relation to Claffey for sentencing purposes. When asked by Counsel Assisting whether he had further sessions with Claffey at that time, Mr Torpy said, ‘As I understand, in order to return my mind to the situation of 1989, I had that session’.\(^{2317}\)

Mr Torpy agreed that he had never given Claffey psychological treatment but, rather, he had given spiritual advice and spiritual guidance.

In his subsequent statement to the Royal Commission, Mr Torpy again stated that Bishop Mulkearns asked him to see Claffey for mental health reasons and that the bishop did not provide him with any information or reasons for the referral. Mr Torpy said he did not ask for any information or reasons ‘given that as a psychologist it is good practice to rely on the client to provide reasons for the referral’. Mr Torpy considered that being provided with directions from the bishop would ‘be contrary to and anathema to the philosophy of psychological therapy’.

Mr Torpy said in his statement that from memory he saw Claffey four or five times in the late 1980s. He said that ‘Whilst Claffey was a priest he did not disclose to me in our sessions, any misconduct by him nor did he disclose any complaints made against him’.

Mr Torpy stated:

> Several years after I spoke to Bishop Mulkearns, I ceased ministry. Several more years thereafter, I was contacted directly by [Claffey] who asked to see me professionally. As I was no longer a priest but still a registered psychologist I agreed to see him assuming he was seeking my assistance in respect of his laicisation.

> During this session [Claffey] made a sudden and unexpected comment to the effect of ‘I have done something silly.’ He added that it was something he had done some years previously. When I asked what he meant he indicated that he had ‘touched a boy down below’. I was shocked by this and immediately advised him that I would not continue the session as I did not work with sexual offenders.\(^{2318}\)

The Royal Commission has before it documentary evidence relating to Mr Torpy’s counselling of Claffey.
In an interview with the Ballarat Diocese Special Issues Committee on 9 June 1993, Claffey said that he had been seeing Father Torpy on a regular basis since 1989 and that, at the time of his move to Portland parish in March 1990, that was ‘something Father Torpy was in agreement with’.  

Consistent with what Claffey told the Special Issues Committee, on 25 June 1993 and again on 7 July 1993 Bishop Mulkearns wrote to Claffey that he was happy for him to continue counselling with Father Torpy at the time. Bishop Mulkearns wrote, ‘In fact, I need to insist that such counselling does continue’.  

On 10 April 1995 Bishop Mulkearns wrote the following to the financial administrator of the Diocese:

> Could you please provide me with a cheque for $2,970.00 to cover the cost of psychological counselling which was provided to Claffey ($2,305.00) from 1992 up to the present and Paul David Ryan ($665.00) in 1992.

> I assume that this money will need to come from the amount which we have set aside for claims against ‘professional standards’. Counselling for Claffey will continue during 1995 and will probably cease at the end of this year. I imagine that we will be looking at another $400 for future sessions. The cheque could be made out to Dan Torpy.

An undated file note written in approximately early 1995 records that the Diocese spent approximately $2,305 on Claffey between 1992 and 1995. The file note largely comprises a list of dates. There are 12 dates listed for 1992, 24 dates listed for 1993, 13 dates for 1994 and four for 1995. Following the list of dates for each year is a dollar figure. These figures are totalled at the end of the note. The total recorded next to Claffey is $2,305.

We are satisfied that this document records dates that Claffey received counselling and the costs of his treatment by Father Torpy.

Counsel for Mr Torpy submitted the following:

> At the time of the making of the statement Mr Torpy had not been called upon to answer his subpoena due to ongoing ill health. As his health improves so does his recall. It was only very recently, during a lengthy conference with Counsel about these written submissions, that he was able to more fully detail the events that transpired with Claffey between 1989–1990 and then 1992/3–1994.

> Mr Torpy disputes that he continuously saw Claffey between 1989 and 1994. Mr Torpy otherwise stands by the evidence he gave in his private hearing which evidence it is submitted should be accepted.
We have set out earlier our approach to Mr Torpy’s evidence.

In relation to the issue of when Claffey admitted to Mr Torpy that he had sexually abused a child, we are satisfied that, consistent with his private hearing evidence, that admission was made during the sessions he had with Father Torpy sometime in 1989 or early 1990.

In relation to the issue of the length of time Father Torpy counselled Claffey, counsel for Mr Torpy submitted:

In conference with Counsel on 13 July 2016, Mr Torpy recalled that he had been contacted directly by Claffey some time in late 1992, early 1993. This was not a referral by the Bishop, and as Mr Torpy was working towards his own resignation at this time he agreed to see Claffey in a ‘private capacity.’

There ensued 4 to 5 sessions which predominantly featured aspects of the process of laicisation Claffey was then engaging in. Those sessions terminated in late 1994. By May 1994, Mr Torpy had provided to Bishop Mulkearns a psychological report opining that there was no possibility of Claffey ‘exercising his priestly ministry in the future.’

We reject this submission. It is inconsistent with the contemporaneous documents referred to above. Those documents – in particular, the letter to the financial administrator of the Diocese and the undated 1995 file note – record that numerous counselling sessions were held with Claffey between 1992 and 1995 and that payment for those sessions was to be made to Dan Torpy.

We are satisfied that Claffey made an admission of child sexual abuse to Father Torpy and that Father Torpy continued to counsel him after that disclosure. We are satisfied that Father Torpy counselled Claffey for at least four or five sessions in between late 1989 and early 1990 and on numerous occasions between 1992 and early 1995.

**Father Torpy advises Bishop Mulkearns to appoint Claffey as an assistant priest to a parish**

In his July 1989 file note in which he recorded the report that Claffey had admitted to improper behaviour with BPG, Bishop Mulkearns wrote that he would be advised by ‘expert opinion as to if and when it would be prudent to re-appoint [Claffey] to a Parish.’

The following month, on 14 August 1989, Father Torpy wrote to Bishop Mulkearns about Claffey. He wrote he had ‘concerns in my mind that demand caution’ about Claffey returning to work in a quiet parish in January, although he did not explain what those concerns were. He wrote that he would report later on the situation so that Bishop Mulkearns would be clear on his options going into January. No further report was produced to the Royal Commission.
In his private hearing, Mr Torpy agreed that he told Bishop Mulkearns that it was responsible and prudent for Claffey to be placed in a parish and that the stresses upon him could be reduced by making him an assistant priest.\textsuperscript{2328} He said, ‘I would have expressed my opinion that a lot of the depression and the failings in life were subject to the difficulty of being parish priest of a very busy area, and that that may have led him into the area of actions that were significantly abhorrent in relation to adolescents’.\textsuperscript{2329}

During his private hearing Mr Torpy had the following exchange with Counsel Assisting:

Q. Did you turn your mind, at the time, to the risks that would create of further offending, putting him in a parish situation, given that you knew he had admitted offending in [REDACTED]?

A. Yes, but I had a firm commitment from him that he would not re-offend.

Q. From your professional perspective, why did you consider that to be a firm commitment that you could rely on?

A. Well, in those particular times, the understanding was that through rehabilitation a person would be able to accept a position that he had already experienced in the past and would not re-offend.

Q. But what rehabilitation had Father [Claffey] undergone?

A. As I understand it, there was the counselling sessions with me and the absence from official activity as a parish priest for a period of time.

Q. But your sessions hadn’t addressed in any way his sexual misbehaviour?

A. No.

Q. In terms of treatment?

A. No.

Q. And you had never given him psychological treatment as such, only spiritual – is that fair?

A. Spiritual advice, spiritual guidance, yes.\textsuperscript{2330}

Mr Torpy told us that, looking back, it was naïve of him to rely upon Claffey’s assurance.\textsuperscript{2331} His attitude now is that ‘there is very little chance of rehabilitation of priests who have offended in any way towards children, full stop’.\textsuperscript{2332}
In an unsigned file note dated 8 June 1993, the author recorded he was contacted that day by Victoria Police about a child sexual abuse complaint against Claffey. The author of this note is likely to have been Monsignor Murphy, as on 8 June 1993 Monsignor Murphy signed a Diocese contact record in which he recorded being contacted by a senior constable of Victoria Police.

A part of that note reads that Father Torpy provided:

- EXPERT ADVICE to BP. R.M.
- An aberration (not dangerous dysfunction)
- O.K. to go back into parish with another priest.
- BP. Acted on that expert advice.\(^{2333}\)

In a May 1994 letter to the Pope in support of Claffey’s laicisation application, discussed further below, Bishop Mulkearns wrote:

> After some time in counselling, Father Torpy gave his opinion that it would be responsible and prudent to place Father [Claffey] in a parish situation, but that it would be preferable for him to be an Assistant Priest, as the indications then were that one of the factors leading to his indiscreet behaviour was the pressure which he had experienced as a Parish Priest responsible for the administration of a large and busy parish. Father [Claffey] was accordingly appointed Assistant Priest of the Parish of Portland on the understanding that he would continue to undergo counselling from Father Torpy.\(^{2334}\)

Counsel for Mr Torpy submitted that Mr Torpy’s evidence, together with the documentary evidence – in particular, the 14 August 1989 letter to Bishop Mulkearns – supports the proposition that in very early 1990 Father Torpy did advise the bishop that Claffey could return to a parish as an assistant priest.

We are satisfied that, knowing that Claffey had sexually abused a child, Father Torpy advised Bishop Mulkearns that Claffey could be appointed to a parish as an assistant priest.

The Church parties submitted that, in the circumstances, it was not unreasonable for Bishop Mulkearns to follow Father Torpy’s advice to place Claffey in a parish.\(^{2335}\) We accept that it was not unreasonable for Bishop Mulkearns to take into account Father Torpy’s advice that Claffey could prudently be put back in a parish. However, as we discuss later, Bishop Mulkearns should have told the priest of the parish to which Claffey was to be assistant priest what he knew of Claffey’s conduct and the opinion of Father Torpy. If Bishop Mulkearns did not tell him, the parish priest could do nothing to adequately deal with the risk that Claffey posed to children.

By not doing so, Bishop Mulkearns was putting at risk children in that parish.
Claffey is appointed to Portland parish

The College of Consultants met on 20 March 1990, at which Bishop Mulkearns presided. Monsignor Nolan and Fathers Culligan, Martin, McKinnon, Colley, Bohan, Daniel Arundell and Finnigan attended. Father Murphy was bishop’s secretary at that time.

The minutes of the meeting record that Claffey was appointed to Portland parish with effect from 31 March but do not record any further detail.

Of the attendees at this meeting, Fathers Arundell and McKinnon, Monsignor Murphy and Bishop Finnigan gave evidence. Father Arundell was not asked about the meeting.

Father McKinnon told us he remembered Claffey was appointed assistant priest at Portland, but he could not be sure whether he remembers that from the time or from more recently. He was unsure whether the bishop gave any explanation of the treatment that Claffey had undergone.

Bishop Finnigan told us he had no memory of the meeting at all. However, he accepted that at that time he knew that there had been a complaint about Claffey at Wendouree, and he said that it was ‘very wrong’ that Claffey was appointed an assistant priest in that context.

We agree with Bishop Finnigan. Bishop Finnigan could not remember whether the bishop explained that Claffey had received counselling.

Monsignor Murphy gave evidence that he could not recall what was explained or what discussion there was with regard to Claffey’s reappointment. He said that there probably was not a lot of discussion. He said he would not have thought it unusual that Claffey would be available for a less stressful appointment given what he understood was an earlier stress breakdown. Monsignor Murphy’s evidence was that at that stage he had no knowledge, or even a suspicion, that Claffey had offended against children.

We are satisfied that Bishop Mulkearns appointed Claffey assistant priest to Portland despite knowing that he had admitted to sexually abusing a child.

We are satisfied that, of the consultors present at the meeting on 20 March 1990, Father Finnigan was aware that there had been a complaint against Claffey involving a boy.

Monsignor Murphy said that at that stage he did not know or suspect that Claffey had offended against children. It may be that Bishop Mulkearns did not disclose Claffey’s history at that meeting. It would be troubling if he did not and, in any event, he should have.
Bishop Mulkearns tells Father Bryant that Claffey has been ‘having a few problems’

In March 1990, at the time of Claffey’s appointment, Father Bryant was the parish priest at Portland. Father Bryant was no longer a consultor at that time.

Father Bryant’s evidence was that Bishop Mulkearns told him Claffey had ‘been having a few problems’ and asked him to take Claffey as an assistant priest and care for him.2343 When Father Bryant asked Bishop Mulkearns what the situation was, he said the bishop reiterated only that Claffey had some problems.2344 Father Bryant told us he assumed Claffey had had a nervous breakdown.2345

Father Bryant told us that Bishop Mulkearns did not ask him to supervise Claffey in respect of any particular activities.2346 There is no evidence that Bishop Mulkearns took any steps to ensure that Claffey’s access to children was supervised or restricted.

As the Church parties acknowledged, it was unacceptable for Bishop Mulkearns not to inform Father Bryant that Claffey resigned from his previous parish after admitting to child sexual abuse.2347 As we said earlier, by not informing Father Bryant of this, Bishop Mulkearns failed to protect children in the new parish and prevented any proper supervision of Claffey.

Reports received by Father Bryant at Portland about Claffey

Father Bryant told us that at some time while Claffey was at Portland a teacher at the parish school with a connection to Claffey’s previous parish told other people in the parish that Claffey ‘had a problem with young people’.2348 Father Bryant said the school principal and others reported this to him. Father Bryant told us that it was not said how serious it was or just what the problem was, but that he took it to be ‘something untoward’ and he took it seriously. As little as he knew, he suspected that it might have been an offence against young people or that Claffey had a propensity to offend against young people and he understood it to be a serious thing.2349

Father Bryant gave evidence that he had a meeting with the staff of the parish school and told them of the rumours about Claffey and that he believed the rumours. He said he and the school principal instituted policies to the effect that, if Claffey went to the school, he would not be allowed into the school on his own, there would always be adults present with him and that he would never be alone with children. Father Bryant also told Claffey that he was becoming aware of why Claffey was there, that he did not like it and that he did not want to hear of him ever being anywhere near children or alone with children.
Father Bryant said it was a terribly difficult period for him and the school staff, and they were ‘walking on eggshells’. He told us that in his view the school principal and the parish were put under extreme pressure, rather unjustly, because of the situation and because they were not informed of what happened in Claffey’s previous parish.

Father Bryant told us that at different times he ‘sort of asked the Bishop something’ but he ‘didn’t get a great reply’ and felt he was ‘stuck in the middle of something and [couldn’t] do anything about it’.

We accept Father Bryant’s evidence. There is no evidence that Bishop Mulkearns took any action to respond to Father Bryant’s concerns while Claffey was in the parish.

We are satisfied that, despite knowing of Claffey’s previous admission, Bishop Mulkearns did not take any action in response to the concerns Father Bryant had raised with him about Claffey. In not taking any action, Bishop Mulkearns failed to act in the best interests of the welfare of the children in the parish.

**Father Bryant receives a complaint about Claffey’s behaviour at the swimming pool**

At some time in 1992, Father Bryant received a complaint about Claffey’s ‘undue interest in children’ at the parish’s public swimming pool.

Father Bryant told us that:

> [I] approached the priest, and I challenged him about the situation that he’d put the child in, and that he was in, and I – I had no authority to, but in a sense I forbade him from going into that particular situation, again where he’d be with children, that he was never to approach the place.

Claffey told the Ballarat Special Issues Committee in 1993 that on one occasion – at an unspecified time – Father Bryant mentioned to him that someone had approached him ‘about a situation at the swimming pool’. Claffey said that he and Father Bryant decided he would not go back to the swimming pool.

Father Bryant also said that at the time he challenged Claffey about the complaint he told him ‘to get his act together and think about moving on’. A couple of days later, Claffey went to see the bishop. On the following day he left the parish. We accept Father Bryant’s evidence. It is consistent with a letter Bishop Mulkearns wrote to the Holy See in 1994. In that letter Bishop Mulkearns wrote that Claffey was removed from his position at Portland in 1992 after ‘some complaints had been made to the parish priest about his imprudent behaviour. The parish priest received a complaint about Father Claffey’s undue interest in children at the Portland Public Swimming Pool’.
What the College of Consultants knew

College of Consultants meeting on 15 September 1992

The College of Consultants met on 15 September 1992, and Bishop Mulkearns presided. Also present were Fathers Colley, Kevin Arundell, Barry Ryan, McInerney, Sherman, Bohan and McKinnon. Father Finnigan was an apology. Father Murphy was bishop’s secretary at that time.

The minutes record under the heading ‘Staffing’ in relation to Claffey and Portland parish:

The position of Assistant Priest is now vacant – and this needs to be addressed.

No further discussion is recorded in the minutes.

Monsignor Murphy gave evidence that he cannot recall any detail being given at the meeting as to the assistant priest position becoming vacant. Father McKinnon said that he could not recall the assistant priest position having become vacant.

As discussed earlier Father Martin told Father McKinnon about the female parishioner who came to him as she was uneasy about Claffey’s conduct with her sons at Wendouree. However, Father McKinnon could not recall when he heard this information from Father Martin.

Father Daniel Arundell told us that Paul David Ryan told him about concerns Ryan held in relation to Claffey’s interactions with young people. Father Arundell’s evidence was that Ryan was not impressed with Claffey’s behaviour and that the way that ‘he was conducting himself with young people’ did not seem appropriate. Father Arundell’s description of the way those concerns were conveyed to him suggests they were conveyed at the time that Ryan held them. That Ryan was concerned enough about Claffey’s interactions with children to convey them to Father Arundell suggests that Claffey was in ministry at the time these concerns were held. Given that, following this meeting, Claffey was never again placed in a parish, it follows that Ryan held those concerns before or at the time of the meeting.

Fathers Colley, Bohan and McKinnon were at the consultants’ meeting on 20 March 1990. We have said about that meeting that it may be that Bishop Mulkearns did not disclose Claffey’s history at this meeting. It would be troubling if he did not. In any event, he should have.

By that stage, there had been some discussion and concern about Claffey’s conduct with children by a number of priests, parishioners and a teacher in two parishes: Wendouree and Portland. Father Bryant had sufficient concern to put in place protective measures, with the school principal restricting Claffey’s access to children.
It would be surprising if Claffey’s conduct had not been the subject of talk among priests given the knowledge of concerns we have set out above. Again, if Bishop Mulkearns did not disclose what he knew about Claffey, he should have.

**College of Consultors meeting on 1 December 1992**

Three months later, the College of Consultors met again. Bishop Mulkearns presided at the meeting, and Fathers Finnigan, Colley, Kevin Arundell, B Ryan, McLnerney, Sherman, Bohan and McKinnon attended. Monsignor Murphy attended as the bishop’s secretary.

The minutes of the meeting record:

> Bishop Mulkearns mentioned that Frs. Claffey and P.D. Ryan will not be involved in diocesan placements in 1993.

The minutes do not record any further discussion about why Claffey and Ryan were not available for placements in the Diocese. Bishop Finnigan gave evidence that he cannot recall anything about the matter. Monsignor Murphy told us to his recollection there was no report or discussion as to why Claffey would not be involved in diocesan placements in 1993.

Father McKinnon thought that by the time of this meeting Father Martin would have told him of the parishioner’s unease about Claffey visiting her home and spending time with her sons in their bedroom.

Given the seriousness and significance of the announcement by Bishop Mulkearns that Claffey would not be involved in diocesan placements, it is inconceivable that there would not have been discussion about why that decision had been reached. Equally, it is inconceivable that the true reason was not given, as anything short of that reason would be unlikely to justify such a serious decision.

**Bishop Mulkearns meets with Claffey to discuss his future options**

Shortly after the meeting, in December 1992, Bishop Mulkearns and Claffey met to discuss Claffey’s ‘immediate and long-term future options’.

Monsignor Murphy arranged the meeting. He told us that Bishop Mulkearns still did not inform him of Claffey’s offending. The bishop did not say anything to him contrary to his understanding that Claffey had suffered some sort of breakdown. We cannot accept this evidence for the reasons set out above.
Claffey is removed from ministry

By June 1993, Victoria Police were investigating Claffey in relation to the alleged assault of a child 12 to 18 months earlier. At the time, Claffey was living in the Archdiocese of Melbourne.

The police contacted Father Bryant in relation to that investigation, and Father Bryant notified Father Murphy, who assisted Victoria Police with their inquiries. At that time Father Murphy was convenor of the Special Issues Committee.

The police officer who spoke with Father Murphy advised he was investigating a complaint made by a mother alleging her son was indecently assaulted by Claffey at a public swimming pool 12 to 18 months earlier. In a note of the conversation Father Murphy recorded that the police officer told him ‘there are other rumour [sic] circulated around [REDACTED] at the moment but that these are simply rumours at this stage’.

The note records that, following on from the conversation with the police officer, Father Murphy telephoned Claffey, informed him of the complaint to the police and arranged an interview ‘in line with the new Protocol to be observed in this Diocese’.

Shortly after the contact from Victoria Police, Monsignor Murphy and Mr Alan Spencer of the Ballarat Special Issues Committee interviewed Claffey and advised him that he would not have an official position in the Church for the foreseeable future.

On 25 June 1993, and again on 7 July 1993, Bishop Mulkearns wrote to Claffey notifying him of the revocation of his priestly faculties, that he had no appointment in the Diocese and that this was unlikely to change in the future. Bishop Mulkearns wrote that he was happy for Claffey to continue counselling with Father Torpy.

We are satisfied that steps were not taken to remove Claffey’s priestly faculties until after Victoria Police informed the Diocese that they were investigating allegations of child sexual abuse against him.

Bishop Mulkearns also notified Archbishop Frank Little of the Archdiocese of Melbourne that Claffey’s faculties had been revoked following police inquiries into his behaviour.

A new allegation emerges

In November 1993, Father Baldock referred a new allegation against Claffey to the bishop’s office. Father Baldock advised that a parishioner had told Father BPH (of the Archdiocese of Melbourne) that when Claffey was a parish priest he had molested her grandson. BPH later told Father Murphy that Claffey had been caught in a bedroom with a boy, who was about 12 years old, by his family.
Two days after receiving the allegation from Father Baldock, Bishop Mulkearns referred the complaint to the Special Issues Committee.\textsuperscript{2380}

On various occasions after receiving the complaint, the Diocese made attempts to contact the alleged victim. On 4 March 1994 Monsignor Murphy recorded in a memorandum that Father BPH told him that the family concerned were not willing to speak about the matter, so it was unlikely that the Diocese could involve itself further.\textsuperscript{2381} Father Murphy recorded that he ‘impressed upon BPH that should any members of the family take up this subject with him in the future, that he is able to assure them that at a Diocesan level we are more than willing to speak with them about it and to offer them any practical or worthwhile assistance which may become apparent’.

\textbf{Claffey is laicised}

On 25 May 1994, Bishop Mulkearns submitted a petition by Claffey for his laicisation to the Sacred Congregation for Divine Worship and the Discipline of the Sacraments, noting Claffey was charged with paedophilia and that ‘hence there is a degree of urgency about this case.’\textsuperscript{2382}

On 27 May 1994 the bishop wrote to the Pope in support of Claffey’s petition for laicisation:

\begin{quote}
As he indicates in his petition for laicization, Father [Claffey] has been attracted to the company of children and complaints have been made about his relationship which have made it necessary for him to be removed from parish duties. He has come to the conclusion, with the agreement of his Counsellor, that there is no future for him in public priestly ministry in the Church and he is also of the opinion that his continuing in the priesthood could place him in situations where difficulties could and would arise. It is to avoid this possibility and to try to ensure that he presents no danger to anybody and that there is no possibility of consequent scandal to the Church that have decided him to seek laicisation. I am perfectly in accordance with this decision.\textsuperscript{2383}
\end{quote}

On 25 November 1994 Bishop Mulkearns notified Claffey that his petition was granted, and he formally accepted his dispensation from ordination on 30 November 1994.\textsuperscript{2384}

Some years later Claffey was convicted of child sexual abuse offences, to which he had pleaded guilty.
4.6 Conclusions about the response of the Diocese to allegations and complaints of child sexual abuse

This case study exposed a catastrophic failure in the leadership of the Diocese and ultimately in the structure and culture of the Church over decades to effectively respond to the sexual abuse of children by its priests. That failure led to the suffering and often irreparable harm to children, their families and the wider community. That harm could have been avoided if the Church had acted in the interests of children rather than in its own interests.

The response of the Diocese to complaints and concerns about four of its priests was remarkably and disturbingly similar. It is apparent that the avoidance of scandal, the maintenance of the reputation of the Church and loyalty to priests alone determined the response. It was only when there was a possibility that the sexual abuse of children by a priest would become widely known that any action was taken. Invariably, that action was to remove the priest from the community for a short period and then place him in another, more distant parish. Restrictions were not placed on priests and supervision was not given.

Untrue or misleading reasons for the priest’s departure were given to the old parish, and no warning was given to the new parish.

Often, the priest was sent away for a period of ‘treatment’, ‘reflection’ or ‘study’ before the new parish appointment. The evidence revealed a preference for sending offending clergy to psychologists or psychiatrists who were ordained priests or who were Catholic. Rarely did the bishop receive advice that, following treatment, it was ‘safe’ to return the priest to parish life. There was evidence that some of those who provided treatment also put the reputation of the Church above any professional obligations.

Frequently, priests who had received ‘treatment’ were returned to parishes where they then reoffended. The efficacy of the treatment did not appear to be questioned after these events.

Euphemistic and elliptical language was often used in correspondence and minutes to mask the true nature of the conduct discussed. There was repeated reference to ‘pressures’, ‘strains’ and unspecified ‘problems’. On occasions, records were deliberately not made or kept or were destroyed.

Bishop Mulkearns and other clergy were dismissive of complaints and complainants. The response to reports was characterised by the encouragement of secrecy, assurances that the matter would be dealt with and a failure to follow up, ask questions or investigate reports. Reports were never made to the police and victims were not supported.

This pattern was repeated. The structure of the Diocese was flawed and lacked any accountability.
The bishop was autonomous. He alone was the decision-maker about his priests. The structure was hierarchical and did not encourage priests to challenge or otherwise influence the actions that the bishop took. Even if the structure had done so, other priests in the Diocese, including consultors and vicars general, were part of the same culture as the bishop. They too sought to avoid scandal and negative publicity and protect the Church and fellow priests.

Such a hierarchical structure of Church authority has the obvious potential for mismanagement and abuse of power.

Inadequate response to victims, their families and others in the community

In 1981, Father Finnigan, who at the time was bishop’s secretary, told Mrs BAI that there were no reports of improper behaviour about Ridsdale and there was no need for concern. However, we found that he did not satisfy himself that there was no cause for concern before offering that reassurance.

In 1982, Mrs Levey repeatedly asked Bishop Mulkearns to remove her son Paul from the Mortlake presbytery, where he was living with Ridsdale. On each occasion, she was ignored by the bishop, despite his knowledge at that time of Ridsdale’s previous admission that he had offended against children.

In the same year, a number of Mortlake families went to see Bishop Mulkearns about Ridsdale. When Mrs BPF and her husband met with the bishop, he said, ‘How am I to take the word of a child over one of my priests?’. When Mrs BAI and her husband met with the bishop, she said he ‘just sat there and stared at them, was devoid of emotion, and was totally dismissive’.

In 1982, BPE reported allegations about Ridsdale at Mortlake to Monsignor Nolan, who at the time was the vicar general. Monsignor Nolan told Mr BPE, ‘do nothing, leave it with me’, but he never got back to him.

We heard of instances when Bishop Mulkearns was asked to assist affected parishes, but he declined to do so.

BPE told us that, within a few months after Ridsdale left Mortlake, he spoke to Bishop Mulkearns in front of the Mortlake church. He said, ‘I asked him [Bishop Mulkearns] if he would address the situation with Ridsdale and let the community know that the Church was sorry about the abuse that had taken place. He told me that this would not be an appropriate thing to do at that time’.2385
Similarly, Sister McGrath gave evidence that, at the instigation of some of the parents whose children had been sexually abused by Ridsdale in Mortlake, she asked him whether a public meeting could be held. She said, ‘He said there was to be no meeting. I also asked him what could be done for the children. He said nothing would be done for the children because that would be admitting guilt’. 2386

Ms Ryan, a former schoolteacher at Mortlake, gave evidence that in mid-October 1989 a local woman told her that her son had been badly sexually abused by Ridsdale. 2387 She gave Ms Ryan the names of other families whose children had been sexually abused. Ms Ryan then went to visit those families. 2388 From October 1989 until 1994, Ms Ryan corresponded with Bishop Mulkearns about the effect of Ridsdale’s offending in Mortlake parish.

In October 1989, Ms Ryan wrote to Bishop Mulkearns about Ridsdale’s time in Mortlake and said, ‘Parents are still hurting because their boys were damaged and the “official church” made no effort at reconciliation’. 2389 She also wrote, ‘The local people were hurt and confused and didn’t know where to turn. I believe it’s never too late, especially for reconciliation’. 2390

Bishop Mulkearns responded, ‘I am sure that you will appreciate that it is simply not possible to enter into correspondence in any detail concerning the matters to which you allude’. 2391 He continued, ‘it is difficult to reach out to specific people when one hears only vague rumours of a very general kind’. 2392 He concluded the letter by noting that people who have been hurt can contact the counselling services of the Diocesan Family Service. 2393

Ms Ryan responded in a letter in December 1989 that she could not help but feel angry at Bishop Mulkearns’ allusion to vague rumours of a very general kind, because she believed at least one parent and one parish worker had approached him personally. 2394 She also wrote that one of the boys who had been affected had abandoned his apprenticeship because he could not work with grown men and was seeing a psychiatrist at Warrnambool Base Hospital. 2395

Bishop Mulkearns’ response came a week later:

I am disturbed that you interpreted my letter of November 14th as ‘virtually to deny the allegations’. That was certainly not my intention. The point I was making was that, although there was an expression of concern about alleged events at the time – and I acted on this matter as soon as I could – there was no mention of any specific person or family or any specific action. It is for that reason that I indicated that it was difficult to reach out to specific people.

... To suggest that I have been indifferent to those affected is to attribute to me more knowledge of the situation than I ever had. 2396
In February 1990, Ms Ryan wrote to Bishop Mulkearns that the parents who had been affected believed that he had full knowledge of what happened and because of this probably feel hurt, as he took no reconciliatory measures. She wrote that, as he would be in Mortlake for confirmation on 1 April, ‘I was wondering if you’d be happy to see and speak with any of the parents in question.’

Bishop Mulkearns responded:

I assure you that I have given serious consideration to this request. However, in view of the time which has passed and in view of the possible legal implications of things which could be said at such a meeting, I have to advise that I can see such a meeting as proposed as having more disadvantages than advantages.

Ms Ryan responded expressing her disappointment at Bishop Mulkearns’ decision and writing that the ‘time factor is invalid as the hurt will never dissipate until healing has begun’. Ms Ryan gave evidence that, after the confirmation ceremony on 1 April 1990, she and a mother of one of Ridsdale’s victims went to the presbytery to try and see the bishop. She said Father Kevin Maloney answered the door and said the bishop had declined their request to see him.

Some years later, after Ridsdale was convicted in 1993, Ms Ryan wrote to Bishop Mulkearns and a number of priests in the Diocese. In that letter, Ms Ryan asked ‘Why has the church taken action on behalf of the offender while the pain of the victim has gone unaddressed? Why has it chosen not to acknowledge the hurt, and continued suffering of victims, caused by the behaviour of some clergy?’

Bishop Mulkearns responded that ‘the seriousness of this problem with regard to the damaging effects on victims is only now being recognised’. He continued, ‘The activity itself has always been regarded as serious and it is probably true that our efforts have been concentrated more on ensuring that these incidents did not recur than on giving appropriate assistance to victims’. In relation to his decision not to meet affected families in Mortlake, Bishop Mulkearns wrote:

I could not see how this would be helpful, since I could be in a position of being asked to confirm or deny matters about which I had no personal knowledge. I could only have been non-committal and I considered that this would have been a frustrating exercise for all.

In relation to the two couples that saw him personally in Mortlake in 1982, Bishop Mulkearns wrote, ‘Any apparent immobility would have been caused by the difficulty of knowing what to do in the circumstances and by the need to confront the person concerned before being able to say precisely what action would be taken.’
In a letter in 1993 and addressed to the priests of the Diocese, Mr BPE wrote that the Church’s official position appears to be to deny anything is wrong or to offer counselling services to those who feel in need. He wrote:

This position seems to be based on the claim that no one in the Church knew of the situation. This is blatantly wrong. The fear of legal action also seems to be very important.

In April 1994, Bishop Mulkearns wrote to Mortlake parents Mr and Mrs BPE after they had met with the Ballarat Special Issues Committee:

When complaints were made about inappropriate behaviour of Gerald Ridsdale at Mortlake, my first thought was to remove him from that situation to ensure that there would be no risk to anybody in the future. I ask your forgiveness for my failure to appreciate the necessity to follow-up this matter with families who may have been affected.

In 1990, Father Bryant expressed concerns about Claffey to Bishop Mulkearns, but he ‘didn’t get a great reply’. Despite knowing of Claffey’s previous admission of improper behaviour with a child, Bishop Mulkearns did not take any action in response to Father Bryant’s concerns.

When BPD complained to Bishop Mulkearns in 1993 that he had been sexually assaulted by Ryan when he was 17, Bishop Mulkearns told him, ‘no need to go to the police, I’ll fix it and I’ll give you a ring’, and ‘Don’t speak to anyone about it, I’ll handle it’. BPD did not have any further contact with the bishop.

Minimising scandal and protecting the reputation of the Catholic Church

We have found that on many occasions the most likely explanation for the conduct of Bishop Mulkearns and other senior clergy in the Diocese was that they were trying to minimise the risk of scandal and protect the reputation of the Catholic Church. The grave consequence was that the safety and welfare of children were not given the highest priority.

The Church parties acknowledged that the evidence repeatedly exposed a tendency or instinct on the part of those in positions of authority, once they learned of the occurrences or of an accusation of child sexual abuse, to seek to keep the spread of knowledge of such matters to a minimum, with a view to ensuring that the reputation and good name of the Church were not harmed. They conceded that such an approach is plain in the ways in which Bishop Mulkearns responded to his receipt of information of various kinds about Ridsdale, Ryan and Claffey.
Movement of priests following allegations or complaints

The evidence revealed that, when allegations or complaints about a priest’s conduct with children were reported to the bishop or otherwise became known in the community, the priest was often removed from the parish and sent to a new community where the allegations about his conduct were not known.

Sometimes, those movements were to locations geographically far removed from the community in which the allegations had been made. Moves were made interstate, to other dioceses and to overseas locations.

In 1972, Bishop Mulkearns asked or told Monsignor Day to resign from the Parish of Mildura because the police informed the bishop of allegations that he had sexually abused children in that parish. Bishop Mulkearns considered sending Monsignor Day to the Diocese of Geraldton in Western Australia. That proposal did not eventuate, and Monsignor Day was given a new appointment as parish priest of Timboon in 1973. Timboon is a parish geographically as far from Mildura within the Diocese as possible.

In 1978, Ryan was in the United States studying and receiving treatment related to homosexuality. Bishop Mulkearns wrote to Ryan in relation to whether he would be able to work in the Diocese because of talk of ‘incidents’ occurring in Ballarat while Ryan was there. We could not conclude on the evidence whether the ‘incidents’ related to adult homosexual activity or sexual misconduct with children, but it is clear that, in determining Ryan’s suitability to work in the Diocese, the bishop’s primary concern was to limit scandal. Bishop Mulkearns granted Ryan permission to stay in the United States and to work in a parish there. Ryan also sexually abused children while he was in the United States.

When allegations about Ridsdale’s conduct emerged in Inglewood in late 1975, and after Ridsdale admitted to Bishop Mulkearns that he had offended against children, the bishop removed him from the parish. Ridsdale was given a temporary appointment in the Parish of Bungaree in January 1976.

When multiple allegations emerged about Ridsdale sexually abusing children in Mortlake in 1982, Bishop Mulkearns removed him from that parish and negotiated an appointment for Ridsdale at the Catholic Enquiry Centre in the Archdiocese of Sydney. Ridsdale remained out of the state of Victoria and the Diocese for four years. When he was asked to leave the Catholic Enquiry Centre in 1986 after he had a young boy stay the night, Bishop Mulkearns returned him to the Diocese and gave him an appointment at Horsham parish. After complaints about Ridsdale emerged while he was at Horsham parish, Bishop Mulkearns asked or required him to resign.
In 1989, Bishop Mulkearns considered a parish placement for Ridsdale was ‘too risky’ and that he would ‘sound out some possibilities’ with other bishops. He noted the difficulty in asking another bishop to take on that responsibility. Bishop Mulkearns instead sent Ridsdale to the United States for treatment. In a 1989 letter to the director of Villa Louis Martin, the treatment facility in the United States, Bishop Mulkearns observed in relation to a complaint that ‘there is always the possibility of some legal action and/or publicity in the future. It was for that reason that I suggested that, if it does become possible for [Ridsdale] to exercise restricted ministry in the future, it will probably have to be well away from this State’.

In 1991, following a report that Ryan had attempted to have a bath with a 12- or 13-year-old boy, Bishop Mulkearns removed Ryan from Penshurst parish. He was sent to another parish – Ararat – to do supply work. We heard evidence that Ryan sexually abused Mrs Helen Watson’s son, Mr Peter Watson, while he was at Ararat.

When Ryan was removed from Penshurst in 1991, Bishop Mulkearns timed the move so as not to raise questions. He wrote in relation to Ryan’s transfer, ‘it was agreed he would remain there until after Easter when other Diocesan changes were made so that his change would not be seen as completely out of the ordinary’. Similarly, in January 1976, when Ridsdale was removed from the parish of Inglewood, Bishop Mulkearns told the consultors’ meeting that ‘some matters had arisen in the diocese which might make it advisable to delay making many appointments. At this stage, moves should be kept to a minimum’.

Later in 1991, Ryan returned to the United States. Bishop Mulkearns wrote to Ryan that a young man had made an allegation to police that there had been ‘some involvement on [Ryan’s] part which affected him’. He wrote that ‘obviously there is some potential for scandal if the statement to the police was made and the accusation was serious and is taken up in the course of a court case’. We found that the letter demonstrates that Bishop Mulkearns’ primary concern in considering Ryan’s suitability to work in the Diocese related to avoiding scandal and protecting the Church’s reputation rather than to the welfare of children.

The following year, in 1992, allegations were made against Ryan in the trial of a man accused of paedophilia. The allegations were reported in a newspaper, although Ryan was not named. Bishop Mulkearns wrote to Father Lechner at Jemez Springs in the United States that Ryan felt it was now impossible for him to work in the Diocese and inquired about the feasibility of Ryan ministering in the United States. We found that Bishop Mulkearns’ letter to Father Lechner establishes that he considered Ryan was no longer suitable to work as a priest in the Diocese, but he considered he could take an appointment overseas. The only way that it is possible to reconcile these two positions is that the bishop’s primary concern was that Ryan not remain in Ballarat in order to avoid publicity and scandal and to protect the reputation of the Church. No concern was shown for the safety and welfare of children in an overseas parish.
We heard evidence that Bishop Mulkearns removed Ridsdale from ministry altogether after a complaint was reported to police in 1988. In 1987, Mrs BAE complained to Father McDermott and Bishop Mulkearns that Ridsdale had molested her son. Ridsdale remained at Horsham parish. Eight months later, Mrs BAL wrote to Bishop Mulkearns that her son had been sexually interfered with by Ridsdale while he was at the Catholic Enquiry Centre in Sydney and that the police were investigating the matter. Bishop Mulkearns asked or required Ridsdale to resign from Horsham parish and from parish ministry.

We found that the difference between the actions the bishop took in relation to Mrs BAE’s complaint and Mrs BAL’s complaint was because Mrs BAL’s complaint had been reported to the police. We found that Bishop Mulkearns’ primary concern in responding to Ridsdale’s sexual offending against children was the protection of the reputation of the Church and the priest and not the safety and welfare of those children.

On no occasion did we hear evidence that Bishop Mulkearns or another member of the clergy reported an allegation or complaint of child sexual abuse to the police or another authority. The Church parties acknowledged that there is no evidence that the Diocese referred complaints to the police.2412

Secrecy

Sharing information

The Church parties submitted that the authority to take action in response to information and allegations of child sexual abuse lay solely with the bishop. Even though there were advisory bodies for those leaders, such as the College of Consultors, all power to act against an offender rested alone with the leader. They submitted that among the consequences of that hierarchical structure of Church authority was that, where a priest learned of an allegation of child sexual abuse, he reported the information (if he reported it at all) only to the bishop, and it was understood that action to be taken was a decision for the Church leader.2413

The Church parties submitted that, with very few exceptions, the evidence in this case study showed that Bishop Mulkearns did not pass on such information to his consultors. Instead, he dealt with those matters personally. They submitted that in some instances he deliberately withheld information from, or deceived, his consultors. He made the decision to move offenders such as Ridsdale from one parish to another or to send them for treatment.2414

The Church parties submitted that the ultimate effect of the bishop failing to share information with his advisors was that bad decision-making by him would go unknown and unchecked by those around him.2415
They acknowledged that such failures of leadership and communication, in the years before the 1990s, were and are unacceptable and contributed to further child sexual abuse being committed by the offenders the subject of this case study, after enough was known or suspected for that to have been prevented.2416

We accept the submission that only the bishop had the power and authority to take action in respect of a priest against whom an allegation had been made. It was the bishop who had exclusive authority to appoint, remove or transfer a priest in his diocese. Such a hierarchical structure of Church authority has the obvious potential for mismanagement and abuse of power. We will say more about this structure in our Final Report.

However, as we have found throughout this report, we do not agree that Bishop Mulkearns consistently deliberately withheld information from, or deceived, his consultors. We have found that Bishop Mulkearns discussed allegations about priests with his consultors.

The evidence revealed that the true reason that a priest was being removed from a parish was not disclosed outside the bishop’s close advisors. In some cases, parishes were lied to about the reason their priest was being or had been transferred following allegations or complaints of child sexual abuse by that priest. In no case were parishes told the true reason. The Church parties accepted this.2417

When Monsignor Day was asked or told to resign from Mildura in 1972, Bishop Mulkearns instructed Monsignor Day’s assistant priests, Father Taffe and Father Torpy, not to disclose to the parish the true reason for the resignation. Instead, parishioners in Mildura were told that Monsignor Day had resigned in 1972 due to ill health.

In 1982, Bishop Mulkearns instructed Sister McGrath in Mortlake to keep the matter ‘very quiet’.

When Claffey admitted improper behaviour with a child to Bishop Mulkearns in 1989, following which he agreed to resign from Wendouree parish, Bishop Mulkearns intended to tell priests that Claffey was taking leave for some weeks. We found his intention was to conceal the true reason for Claffey’s resignation.

However, we heard evidence that Bishop Mulkearns was forthcoming with senior clergy in positions of confidence. In 1977, Bishop Mulkearns told Father Finnigan on a confidential basis that Ryan was in the United States receiving treatment related to homosexuality because Father Finnigan was going to become bishop’s secretary.

When Ridsdale was moved to the Catholic Enquiry Centre in Sydney in 1982, following the allegations which emerged at Mortlake parish, Bishop Mulkearns told Cardinal Freeman and Cardinal Clancy of the Archdiocese of Sydney that Ridsdale’s access to children needed to be restricted and that he needed counselling.
In some cases, the priest who replaced a priest who had been removed following allegations or complaints of child sexual abuse was not told that children in their new parish had been sexually abused by the previous priest. Claffey resigned from Wendouree parish in July 1989 after he admitted a complaint of child sexual abuse against him. Father Baldock replaced Claffey in that parish. He told us that Bishop Mulkearns said he was being sent to Wendouree because it was in a financial and administrative mess.

**Veiled language**

We heard evidence that veiled and indirect language was used. On occasions, a priest the subject of a potential scandal was described as ‘under pressure’ or ‘strain’. In 1978, Bishop Mulkearns wrote to Ryan in the United States, ‘How widespread any knowledge of problems here is I do not really know, but it could be that such knowledge could put you under some pressure’.

Several years later, in 1985, the bishop wrote to Ryan in the United States, ‘my motivation for releasing you at this time was rather in order to enable you to sort out your own position and to be free of any unnecessary strain’. He later wrote to Ryan of the consultors’ desire to convey that he would be very welcome should he feel ‘in a position to return home without placing yourself under undue pressure’.

In 1989, Father Torpy advised Bishop Mulkearns that it was responsible and prudent for Claffey to be placed in a parish and that the stresses upon him could be reduced by making him an assistant priest.

When Bishop Mulkearns sent Ryan for treatment with Father Torpy in 1991 following complaints about his sexual conduct towards children, he did not name Ryan in the letter to Father Torpy. He referred to ‘the priest concerned – whose identity I’m sure will be clear enough to you’.

In 1994, Bishop Mulkearns referred to Claffey’s behaviour as ‘indiscreet’.

Bishop Finnigan, who was formerly a bishop’s secretary to Bishop Mulkearns and member of the College of Consultors, told us that, if homosexuality or sexual activity with children was mentioned in a consultors’ meeting, he would not have recorded that in the minutes. He told us he would have been concerned that the minutes not record any problems in the Diocese concerning allegations of sexual abuse or touching of children.
**Approach to recordkeeping**

There was evidence that some records relating to allegations of child sexual abuse were destroyed. Of the many reports to the Diocese which we have found were made by victims, their families and others in the community, very few were recorded in contemporaneous notes or documents.

In his 1993 interview with Mr O’Connor, Bishop Mulkearns stated that he did not take any notes about referring Ridsdale for counselling after he received a complaint from Inglewood in 1975.\(^{2420}\) Later in that interview, Bishop Mulkearns stated:

> There are problems with files, as you would well understand, I mean things come to me only because I am the fellow’s Bishop, and wouldn’t come to me under other circumstances. Then if things that are in files get publicised, then not only this guy, but it is the whole relationship with all the Priests of the Diocese.\(^ {2421}\)

He also said, ‘there are not many reports there. I have not got in writing, for example, that it was prudent for him to be appointed to Edenhope; that was something that was a phone conversation. I did not want to keep too much in writing, I suppose’.\(^{2422}\)

Before Ridsdale arrived in Jemez Springs in the United States for treatment in 1989, Bishop Mulkearns wrote to Father Lechner at the institute about Ridsdale, ‘You asked for some background information. You will appreciate that there is some difficulty in putting things down on paper. But the basic story can be told’.\(^{2423}\)

Sometime later, in a letter to Ridsdale while he was in Jemez Springs in 1989, Bishop Mulkearns wrote, ‘There is some question about the prudence of his [Father Lechner’s] sending this evaluation to me. As soon as I am able to do so, I will take some legal advice and then be in touch with him by telephone’.\(^{2424}\)

While Ridsdale was in New Mexico, the institute sent various reports on him to Bishop Mulkearns. Each letter stated, ‘When you have finished reading the reports please send them back to us. This procedure has been recommended by our legal counsel and also reflects our concern for the priests who come to us and their dioceses’.\(^ {2425}\) Bishop Mulkearns shared these reports with Father Watson before sending them back to Jemez Springs.\(^{2426}\)

An undated memorandum by Bishop Mulkearns records that, some months before any charges were laid against Ridsdale in 1993, Bishop Mulkearns checked his file and ‘removed and destroyed a letter which had been sent by a Psychiatrist, Dr R.E. Seal, to the late Bishop O’Collins’.\(^ {2427}\) That memorandum also records:

> I did this having in mind what I thought of as the privileged nature of Doctor/patient communications and having in mind also the effect on the other priests of the of the [sic] Diocese should it ever happen that such documents could be made public.
However, I realised quite soon after having destroyed this document that it could well have been an inappropriate thing to have done. Accordingly, I had enquiries made as to whether a copy of the letter in question could be obtained from the files of the late Dr Seal. These enquiries revealed that Dr Seal’s files had been destroyed after his death.\textsuperscript{2428}

In a fax to lawyer Mr Paul Gamble on 4 October 1996 about this memorandum, Bishop Mulkearns wrote that, apart from this letter and the documents from Jemez Springs, ‘I am not aware of any other documents which have been removed from the Ridsdale file or destroyed’.\textsuperscript{2429} He also wrote that apart from these documents:

\begin{quote}
[T]o the best of my knowledge there were no other reports, invoices, memorandum or correspondence relating to these matters which were in my possession but which are no longer so. No documents have been removed from the files and sent onto other parties apart from the file being made available to our legal representatives.\textsuperscript{2430}
\end{quote}

The Church parties acknowledged that the evidence shows concerns about the recording of information about offending and that, in some cases, records were destroyed by those in authority. They acknowledged these records should not have been destroyed.\textsuperscript{2431}

**Treatment**

We heard evidence that Ridsdale, Ryan and Claffey were all sent for treatment with a psychologist or psychiatrist after allegations of child sexual abuse, or homosexuality in the case of Ryan, were reported to Bishop Mulkearns.

The evidence revealed a preference for sending offending clergy and religious to psychologists or psychiatrists who were ordained priests or who were Catholic. We draw no conclusion as to whether these psychologists and psychiatrists were otherwise appropriately qualified.

Ridsdale was sent to Father Evans, a psychiatrist priest, and Father Watson, a psychologist priest. Ryan and Claffey were sent to see Father Torpy, a priest psychologist in the Diocese.

Both Ryan and Ridsdale were sent overseas for treatment of homosexuality and child sexual abuse respectively. Ryan was initially sent to Father Harvey, a Catholic priest and ‘moral theologian’ who provided spiritual guidance to priests struggling with homosexual desires, and later to Father Gill at The Institute of the Living in Connecticut, United States.\textsuperscript{2432}

Ridsdale and Ryan were both sent to treatment institutes in the United States, the St Luke Institute in Maryland and the Congregation of the Servants of the Paraclete in Jemez Springs, respectively. Both of these facilities were Catholic. They treated priests and religious for child sexual abuse among other things.
Clergy and religious were also sent to Catholic psychologist Mr Conway and Catholic psychiatrist Dr Seal. Ridsdale was sent to Dr Seal in the 1960s. Ryan was sent to Dr Seal and Mr Conway in the 1970s. Christian Brother, Brother BWX, was sent to Dr Seal in the 1970s.

In a report written in the 1990s about Ridsdale, Professor Ball – a Catholic psychologist who assessed a number of priests and was head of Carelink in the Melbourne Response – wrote:

My concerns in this regard relate to the nature of the help which he had had before [going to the United States] and the failure to seek help outside the confines of the Church, or rather to seek lay help from a number of available specialists with psychological and psychiatric training who also belong to the Catholic church. The attempt to deal with the whole matter entirely in-house ... was a tendency which existed within the Catholic church until not too long ago and which had unfortunately less than ideal consequences in a number of instances.

In an earlier letter to solicitor Mr Darvall of Corrs, Professor Ball wrote in relation to Ridsdale:

I do not wish to carp but I think one needs to be very careful about qualifications which are claimed, particularly if they come from some specialized centres such as some of the Universities specifically associated with the Church and where the psychological training and degrees might not be comparable to those which are undertaken in at least the better lay institutions within the English speaking world.

Bishop Mulkearns gave evidence that he did not remember where he got information to suggest Father Watson was an appropriate person to refer Ridsdale to. He did not remember talking to others in the Church about it and did not think Bishop O’Collins told him about Father Watson.

However, in his 1993 interview with Mr O’Connor, Bishop Mulkearns said that, after he received the complaint from Inglewood, ‘I made some enquiries as who would be an appropriate counsellor and it was recommended Father Augustine Watson ... who at that stage of history, was counselling a number of religious with any psychological difficulties or problems’.

Bishop Mulkearns agreed that Dr Seal was a psychiatrist used by the Church in the 1960s and 1970s when offending priests came to light. When asked whether he knew of Dr Seal because there were discussions within the Church as to who was available to treat priests who were sexually offending against children, Bishop Mulkearns responded, ‘I can’t remember these discussions, but I presume they were’.

The Church parties submitted there was a good deal of evidence which showed that it was thought at the time, by Bishop Mulkearns and more generally, that treatment was appropriate and capable of bringing about actual change in the aberrant behaviour of the priest in question. They submitted that at the time it was thought by some that paedophilia was a treatable condition.
The Church parties referred in particular to the evidence of Dr Evans, a former Franciscan priest and a qualified psychiatrist who treated Ridsdale briefly in 1975 at a retreat house at La Verna, Kew, in Victoria. Dr Evans gave evidence that in the 1960s and 1970s there was very little learning and very little research available relating to paedophilia.

When asked if the programs offered by overseas treatment facilities were well regarded and seen as legitimate, Dr Evans said, ‘I think they were, they were seen as a genuine attempt of psychiatry, psychology, to treat these very difficult disorders’. When asked to what extent, in the 1970s or 1980s, in his view it was reasonable to send a priest or religious who was engaging in sexual conduct with children to such facilities, he said, ‘I think it was appropriate; it was all that could be done, the only thing left’.

We will say more in our Final Report about the treatment of priests and religious who were the subject of allegations of child sexual abuse.

Bishop Mulkearns gave the following evidence:

I tried to get treatment for incidents that I knew about but, as I say, there were a lot of incidents that I don’t know because they simply weren’t admitting them.

... I put them in the care of psychologists and then I took notice of what the psychologists said about them, and in particular of course when they decided it was okay for them to go back into the parish.

However, the evidence revealed that, in sending priests for treatment, Bishop Mulkearns’ approach was not consistent. His evidence that he ‘took notice’ of what the psychologists said, particularly whether it was okay for them to be returned to a parish, was in many cases not supported by the evidence.

In 1971, Bishop O’Collins sent Ridsdale to see Catholic psychiatrist Dr Seal. We have found this was an attempt to deal with Ridsdale’s sexual abuse of children. We came to no conclusion as to whether Dr Seal gave advice to Bishop O’Collins that Ridsdale could continue as a priest with appropriate care. However, the bishop placed no condition, restriction or supervision on Ridsdale when he was moved to Mildura. We did not accept that it was reasonable for a bishop to accept the advice of a psychiatrist without himself putting in place precautionary measures.

Following Ridsdale’s admission to Bishop Mulkearns that he had offended against children at Inglewood parish in late 1975, Ridsdale attended counselling with Dr Evans at La Verna. However, as we have found, Dr Evans was not asked by Bishop Mulkearns or anyone else to express a view on Ridsdale’s suitability to return to parish work, and Dr Evans did not proffer any such view. Ridsdale was not given clearance from Dr Evans before Bishop Mulkearns placed him in another parish situation.
As discussed earlier in this report, Dr Evans had no communication with Bishop Mulkearns about Ridsdale at all. He gave evidence that, if he had been informed of the prior allegations against Ridsdale, ‘that would have been a much more serious diagnosis ... if I had known, that there were a series – multiple allegations against him; action would have to be taken in that case’.\textsuperscript{2447} He told us:

> I would have made the diagnosis unquestionably if he had serial complaints against him prior to that allegation at Inglewood. I would certainly have regarded him as a danger to children and an established paedophile. In that situation, I would have sought advice with respect to reporting him, not to the local police who were looking into the matter, but to the Melbourne squad looking after sexual offences.\textsuperscript{2448}

Several years later, in 1982, after allegations had emerged against Ridsdale in the parish of Mortlake, Ridsdale was sent for treatment with Father Watson. He saw Father Watson monthly from about November 1982 until about the end of 1986, with some gaps in visits.

We found there is no evidence as to whether Father Watson gave any advice to Bishop Mulkearns about Ridsdale before he was appointed to the Catholic Enquiry Centre in Sydney. That appointment, which was not a parish environment, commenced on 10 November 1982 shortly after Ridsdale commenced seeing Father Watson. We found earlier that Bishop Mulkearns did not personally impose conditions on Ridsdale while he was at the Catholic Enquiry Centre, and this meant Ridsdale was unsupervised in relation to children. Ridsdale offended while he was at the centre.

After Ridsdale was asked to leave the Catholic Enquiry Centre in 1986, Bishop Mulkearns gave him an appointment in Horsham parish in the Diocese. Bishop Mulkearns said in 1994 that he made this appointment because Father Watson gave advice that it was responsible to put Ridsdale back into parish work. However, we said earlier that we are not satisfied that Father Watson gave this or any advice to Bishop Mulkearns. In any event, we found that, by the time Ridsdale took up the appointment at Horsham, Bishop Mulkearns had learned of an allegation that a boy had spent the night with him at the Catholic Enquiry Centre. He could not have been satisfied that Ridsdale was safe to be in any position with access to children.

In 1989, Bishop Mulkearns sent Ridsdale for treatment at Villa Louis Martin at Jemez Springs, New Mexico. The facility was run by religious order the Congregation of the Servants of the Paraclete. Ridsdale remained there until September 1990. We have found that Bishop Mulkearns received several reports about Ridsdale. However, at the facility director’s request, these were either returned to the facility or destroyed by Bishop Mulkearns.

After Ryan’s sexual activity in the seminary was discovered, he was sent to a psychologist, Mr Conway, and a psychiatrist, Dr Seal. In 1977, Bishop Mulkearns sent Ryan to the United States for treatment for homosexuality with psychologist Dr Kinnane and spiritual direction with Father Harvey.
Years later, in 1991, Ryan was again sent for treatment with Father Gill of The Institute of the Living in Connecticut, United States. By this time, we have found that there had been an allegation that Ryan had attempted to have a bath with a 12- or 13-year-old boy. However, Ryan did not actually receive treatment when he arrived in the United States, as he was told that Father Gill was too busy to see him. Instead, he went to Rome and attended a retreat before returning to Ballarat later in the year.

We found that Bishop Mulkearns could not have been monitoring Ryan’s progress or ensuring he received the treatment for which he was sent to the United States. He did not receive any reports on Ryan’s treatment and its success or his suitability to return to ministry from Father Gill or any other treatment provider. When Ryan returned to Ballarat, Bishop Mulkearns appointed him to the Parish of Ararat. We found no evidence that Bishop Mulkearns put in place formal supervisory measures or restrictions on Ryan’s access to children.

In September 1991, Bishop Mulkearns referred Ryan to see then priest psychologist Father Torpy. We found earlier that Father Torpy counselled Ryan over at least four or five sessions in relation to his offending against children.

Bishop Mulkearns also sent Claffey to Father Torpy for counselling in 1989. This occurred after Claffey admitted improper behaviour with a child to Bishop Mulkearns. We have found that Claffey made an admission of child sexual abuse to Father Torpy, and Father Torpy continued to provide counselling after that disclosure. We found that Claffey attended four or five counselling sessions with Father Torpy between late 1989 and early 1990 and on numerous occasions between 1992 and 1995.

In August 1989, we found that Father Torpy advised Bishop Mulkearns that Claffey could be appointed to a parish as an assistant priest. We accepted that it was not unreasonable for Bishop Mulkearns to take into account Father Torpy’s advice that Claffey could prudently be put back into a parish. However, we found that Bishop Mulkearns did not inform the priest of the parish to which Claffey was appointed what he knew of Claffey’s conduct and Father Torpy’s opinion. Because he did not do so, there was no proper supervision, and this was inconsistent with basic governance and management practices.

There is no doubt that, during the 1970s, 1980s and 1990s, treatment with a psychologist or psychiatrist formed part of the response of the Diocese to allegations and complaints that a priest had sexually abused a child. It also formed part of its response to other perceived types of sexual dysfunction, such as homosexuality. The Church parties submitted that there has been no evidence suggesting that such referrals were not based on a genuine good-faith belief that treatment was an appropriate therapeutic response.2449 We accept that submission. However, the evidence did not reveal a consistent, thorough or diligent approach by Bishop Mulkearns to ensure that treatment was effective in mitigating the risk to children.
On one occasion, we were satisfied Bishop Mulkearns received advice that it was prudent to return a priest to a parish situation. On other occasions, no such advice was sought or given before returning the priest to a position which gave him access to children. There were times when Bishop Mulkearns did not monitor the priest’s progress in counselling and did not follow up on the treatment. On many occasions, Bishop Mulkearns did not put in place any protective measures of his own to minimise the risk the priest posed to children, in some instances despite receiving information that suggested the priest’s problems were continuing.

The Church parties acknowledged that, today, any notion that it could be appropriate for a child sexual abuser to be returned to a parish after ‘treatment’ has been discredited.\textsuperscript{2450}

**Bishop Mulkearns’ apology**

When Bishop Mulkearns gave evidence to the Royal Commission on 25 February 2016, he said that one of the reasons he retired as Bishop of Ballarat in 1997 at the age of 68 was that he ‘wasn’t handling [himself] very well in the sense that [he] was not doing the job as well as [he] felt [he] should be doing.’\textsuperscript{2451}

He said the following of his handling of allegations of sexual abuse of children against clergy in the Diocese:

> I’d like to say, if I may, that I’m terribly sorry that I didn’t do things differently in that time, but I didn’t really know what to do or how to do it.

> ... 

> I certainly regret that I didn’t deal differently with the cases of paedophilia. We had no idea, or I had no idea of the effects of the incidents that took place, but I thought I was (inaudible).\textsuperscript{2452}

When asked by Senior Counsel Assisting how he thought he should have done things differently, Bishop Mulkearns said, ‘I don’t know now. I was supposed to treat the complaints differently. As I say, I’m terribly sorry that I didn’t treat them differently’.\textsuperscript{2453}

There was the following exchange with Senior Counsel Assisting:

Q. You chose, in the way in which you dealt with complaints, to protect the reputation of the church over protecting children within the Diocese, didn’t you?

A. No, that wasn’t completely true, I was — I certainly wanted to protect the reputation of the church (inaudible) make sure that these incidents didn’t happen in the future, and tried my best to work in such a way that it wouldn’t happen in the future but, of course, they don’t tell you the truth about these things happily, so it makes it terribly difficult to treat them.\textsuperscript{2454}
And later:

Q. It’s the case, isn’t it, Bishop, that your time as the Bishop of Ballarat was characterised by offending paedophiles coming to your attention and you effectively covering up their actions so the public wouldn’t become aware of it and think less highly of the church; is that right?

A. Well, that’s certainly not been my intention, but I can’t recall precise actions at times. But I can only say that I’m terribly sorry for the fact that I didn’t act differently in the interests of everybody.

Q. As opposed to the interests of the church?

A. Not as opposed to the interests of the church, in the interests of all concerned.

THE CHAIR: Q. Bishop, I think you’ve already told us, you were concerned when these problems started to emerge to protect the reputation of the church; is that not so?

A. Yeah, that would be so.

Q. And you did that by doing what you could to take priests away from where their offending might continue; correct?

A. And get them treatment.

Q. Well, and get them treatment, but you also moved them. To avoid notoriety coming to them in one parish, you moved them to other parishes, didn’t you?

A. Not without some activity, some treatment beforehand.2455

Conclusion

The evidence in this case study revealed an extraordinary failure within the Diocese to respond adequately to allegations and complaints about the sexual abuse of children by clergy over the course of at least three decades.

The response primarily revealed a desire to prevent or minimise the risk of scandal and to protect the reputation of the Catholic Church. It also revealed a tendency by Bishop Mulkearns and other clergy to treat complaints or allegations dismissively and in favour of the priest the subject of the allegation. The response to reports was characterised by the encouragement of secrecy, assurances that the matter would be dealt with and failure to follow up, ask questions or investigate reports.
The offending priest was often removed from the parish where the allegations had arisen and moved to a new location where the allegations were unknown. Untrue or misleading reasons for the priest’s departure were given to the old parish, and no warning was given to the new parish. Sometimes, the priest was sent for treatment or counselling. However, Bishop Mulkearns often did not monitor treatment or seek or await advice about the effectiveness of that treatment before putting the priest back into a parish. Either restrictions or conditions were not imposed on the priest in his new parish or there was no effective supervision of his conduct. Often, more allegations against the priest emerged in the new parish.

The result of these inexcusable failures was that more children were sexually abused by Catholic clergy in the Diocese. There was a catastrophic institutional failure which resulted in many children being sexually abused. We heard about the devastating, often lifelong, consequences in the lives of those children. The welfare of children was not the primary concern of Bishop Mulkearns and other senior members of the Diocese when responding to complaints and allegations of child sexual abuse against their priests. There is no doubt it should have been.

4.7 The experiences of survivors and the impact of child sexual abuse on the Ballarat community

In this part of the report, we consider the evidence about the short- and long-term impact of child sexual abuse on the survivors, their families and the community. On the evidence we heard, there can be no doubt that the sexual abuse of a child has very significant consequences, not only for the survivors but also for those around them.

The Royal Commission heard evidence from 25 male survivors, as well as family members of survivors. Many of those people told us about the significant impact that child sexual abuse has had on their lives, on their families and on the Ballarat community.

We also heard from Associate Conjoint Professor Carolyn Quadrio, Associate Conjoint Professor in Psychiatry at the University of New South Wales and consulting forensic and child and family psychiatrist. Associate Conjoint Professor Quadrio has particular expertise in the assessment and management of trauma and abuse and the consequences of child and adult sexual abuse, including by clergy and religious.

Ms Andrea Lockhart, a senior clinician at the Ballarat Centre Against Sexual Assault (CASA) and a qualified social worker, also gave evidence. The majority of Ms Lockhart’s clients are adult males who experienced child sexual abuse, including by clergy and religious.
Short-term impacts

Associate Conjoint Professor Quadrio’s evidence about the impact of sexual abuse on children revealed the extensive effects on every aspect of a child’s development. Their capacity to form relationships, their ability to function at school, their ability to progress in education and their ability to progress in employment are all affected.2459

Associate Conjoint Professor Quadrio told us there are no particular symptoms of sexual abuse. However, a very high proportion of children whose behaviour becomes highly sexualised have been sexually abused. If a child shows predatory sexual behaviour, that is almost always a sign of sexual abuse.2460 Such behaviour is easier to spot in little children, as older children are more likely to cover it up.2461

More generally, children who have been sexually abused may ‘show the disturbance in all kinds of ways’, including being sad, being withdrawn, being scared, being unable to sleep, starting to bed wet, regressing in their behaviour, being angry and aggressive, not functioning well at school or starting to refuse to go to school, or showing general nervousness and unhappiness.2462 Most of these symptoms can occur for a wide range of reasons and are frequently misunderstood.2463 Associate Conjoint Professor Quadrio said:

little boys seem to be predisposed to become externalisers and little girls are predisposed to be internalisers; meaning that, if a little boy’s upset he’s more likely to show it in an overt way, become overactive … temper tantrums … Little girls are more likely to internalise, meaning getting sad, scared, withdrawing, that sort of thing. It’s not exclusive, boys can be withdrawn and girls can be angry, but it tends to be a very strong difference.2464

The evidence of survivors

A number of survivors gave evidence about the effect that sexual abuse had on their childhood and adolescence, including its impact on their schooling. Mr David Ridsdale said, ‘After Gerald started abusing me, my behaviour at home became unruly, I was prone to aggressive emotional tantrums and was extremely sensitive about any perceived transgressions on my part’.2465

Mr BAP gave evidence that, after being sexually abused in grade 3 at St Alipius Boys’ School, he started to skip school and hide in the storm water drains. He said, ‘I was never able to be a normal child at school, I was always in fear of something happening to me’, and ‘The abuse changed me from a happy boy who enjoyed learning to someone who couldn’t learn and didn’t want to go to school’.2466
Mr Gordon Hill told us he could never smile when he was young – he said he was always in the background, wearing dark clothes and being a wallflower. He said he would ‘go into [his] own shell. It took a lot of years to come out, but the nightmares never stopped’.2467

Mr BAV gave evidence that he was sexually abused at St Alipius. He said that, by the time he reached form 4 at Ballarat North Technical College, he was ‘not concentrating, I was playing up and lacked motivation. I hated school and people in authority’.2468 He said he left home at 17 and ‘went off the rails for some years and was drinking heaps’.2469

Mr Neil Wileman gave evidence that he has a juvenile criminal record. He said, ‘I was angry at what had happened to me as a child and I thought to myself, “Well, if you can break the law, I can also break the law.” Mostly, my behaviour involved theft and property damage. I spent time in a number of juvenile detention centres’.2470

Mr Andrew Collins gave evidence that after he was sexually abused by Brother CCJ:

I really started acting up. I decided that I needed to show that I was tough so that everyone knew that I wasn’t gay and that I wasn’t weak. In sport, I went in hard and I started to get into fights. Before this, I was not violent at all. My marks dropped and I was caught shoplifting. It was the worst year of my life.2471

Mr Paul Auchettl gave evidence that ‘Intimate violation of children creates a ball of sadness inside. This causes them to disengage and withdraw from society. These children are failing, failing. Once a child’s sense of belonging and their ability to connect with others is interfered with, they become isolated. There are very few people there to draw them back’.2472

Mrs Helen Watson gave evidence about her son Peter’s alleged sexual abuse by Ryan: ‘He withdrew into his room and became anti-social. He became very troubled and started engaging in self-destructive behaviours, such as self-mutilation, drinking alcohol and then using drugs later.’2473 She said that his behaviour ‘was really out of character. I didn’t know what was wrong at the time, I thought it might just have been adolescence’.2474

The ‘sleeper effect’

Associate Conjoint Professor Quadrio told us that about 20 to 40 per cent of children who have been sexually abused will not show any symptoms. However, some of those non-symptomatic children become symptomatic later on. She referred to this as the ‘sleeper effect’.2475

Mr Peter Blenkiron gave evidence that after he left school he became a successful electrician. He said he worked hard, and he now realises he used work to keep busy and distract himself from the emotional trauma inside.2476 Mr Blenkiron gave evidence that it took 26 years before he fell apart and broke down. By the time he was 38. He progressively lost his business and ability to earn a living.2477
In about 2000, his first marriage broke down and he had a breakdown he never really recovered from. Mr Blenkiron said he went to a doctor but did not tell the doctor about the sexual abuse ‘because at that stage I did not fully understand the link between the abuse and the difficulties I was having. During this time, I couldn’t understand what I was feeling or why I couldn’t get out of bed’. 

### Shame and guilt

Associate Conjoint Professor Quadrio said that children who have been sexually abused have a sense of shame: ‘They feel dirty, defiled, damaged, they blame themselves.’ She said, ‘a child doesn’t understand why this is happening and the tendency is to think that they must have caused it in some way or deserved it in some way.’ She continued:

> Even when the offender has gone through a very protracted grooming process and persuaded the child that he’s special and this is our special relationship, and the child becomes a kind of, if you like, willing participant because the grooming has been so effective, there comes a point where those children too begin to feel a deep sense of shame, because they become aware that they’ve allowed themselves to be manipulated, and that brings a sense of shame.

Although intellectually adults can understand that it was not their fault, ‘that sense of being damaged can be very, very difficult to shift and cause a lot of distress in their adult life’. 

Associate Conjoint Professor Quadrio told us that survivors need a treatment process where they can establish a sense of trust with the person who is treating them and be allowed slowly in their own time to talk about what has happened, because ‘usually there’s a lot of guilt and shame and self-doubt that has developed’. She stated that survivors ‘need a lot of opportunity to talk about those feelings and it’s very difficult to get rid of shame which is a very fundamental disturbance.’

We heard examples of this in the evidence of survivors. Mr BAS gave evidence that he was sexually abused by a Christian Brother at St Patrick’s Primary School in Ballarat. He said he felt ‘very embarrassed at the time and I blamed myself for being in trouble all the time’. He said, ‘I still have at the back of my mind that I was the guilty person, that I was the one who said, “Yes, I will masturbate you because I’m sick of getting belted”. That’s the way I feel. I know I always put myself down’. 

Mr Wileman said that after he had been sexually abused by Edward Dowlan he ran away from school and told his father the Brothers at school were hurting him. He said, ‘I didn’t tell him I was being sexually abused because I was ashamed and embarrassed about it. I was also really confused at this time because I had always believed that sex only took place between a man and a woman.’
Mr Timothy Green told us that ‘Guilt and humiliation have always been my overriding emotions. Knowing about all the abuse that took place in Ballarat makes me feel totally ashamed and abjectly guilty. I have tried to cope with this all my life, but by the time I reached 40 it was beginning to consume me. I felt guilty about not doing more than what I did’.  

**Long-term impacts**

Associate Conjoint Professor Quadrio’s evidence was that there is no particular psychiatric disorder that attaches to the long-term outcome of childhood sexual abuse. The most common outcomes for adult survivors of child sexual abuse are depression and anxiety and then, secondarily, resorting to substance abuse or heavy reliance on prescription drugs.

Ms Lockhart similarly gave evidence that:

[The most common long-term issues reported by my male clients who have been sexually abused as children are d]epression, anxiety, self-harming behaviours, low self-esteem, difficulties with trust and substance abuse issues. Many report significant difficulties with physical and emotional intimacy that in turn can impact on their relationships. Many clients have reported that drugs and alcohol are an effective way to block out the memories and feelings associated with child abuse. Nearly all the survivors I have worked with have experienced difficulties with self-esteem and self-worth because they blame themselves for the abuse.

Ms Lockhart also said many survivors of child sexual abuse have told her they experience difficulty in maintaining stable employment due to difficulty in dealing with authority figures. She said, ‘A less common presentation is that survivors may become “workaholic” high achievers in their professional life, using work as a coping mechanism’ and that these ‘high achieving survivors’ have ‘spent years feeling as though they cannot sit still and relax because, if they do, the thoughts and memories are overwhelming’.

**The evidence of survivors**

The impacts described by Associate Conjoint Professor Quadrio and Ms Lockhart were reflected in the evidence of many survivors and family members of survivors. Many survivors gave evidence that they do suffer, or have suffered, from depression.

Mrs Watson told us that after her son Peter left school he moved from place to place, lost touch with his family and friends, was restless and unsettled and found it difficult to maintain employment. She told us, ‘After the abuse, he felt worthless, lacked motivation, had low self-esteem, with bouts of depression’.
Mr BAA gave evidence that he has had hundreds of jobs and ongoing problems with dealing with authority. He said, ‘If there’s pressure put on me, I fold or just shut down’.

Mr BAS said, ‘In my career, I had problems with authority. I was always frightened of getting told off or belted by foremen or the bosses. If I felt threatened, I would just get up and leave’.

Mr Gordon Hill gave evidence that he still has difficulties sleeping because the memories come back. He told us most of the jobs he has had were night shift work, so he could nap in that day, as he had trouble sleeping at night.

Mr Wileman told us he has always suffered from low self-esteem and that he suffers ‘from depression and [I] have been on anti-depressant, antipsychotic and sleeping medication. I have abused alcohol and made several suicide attempts’. Mr BAV told us that he has been diagnosed with post-traumatic stress disorder, chronic anxiety, depression and alcoholism.

A number of survivors gave evidence about their struggles with alcoholism. Mr Paul Levey gave evidence that he finished school halfway through year 10 and struggled with drugs and alcohol when he was in the army. He said, ‘I have drunk alcohol in order to sleep most of my life, and I have only recently stopped because I am taking sleeping medication instead’.

Mr Green said that ‘Alcohol is a big part of my life. I drink to escape but I know that it doesn’t control my life. I deliberately stayed away from drugs because I knew I could become very easily addicted’. Similarly, Mr BAS said, ‘I drink heavily and I drink to the point of passing out. That’s my way of dealing with the pain from the past’.

Mr BAP gave evidence that ‘Over the years I had a number of jobs but my drinking was always a problem. After a while, I started taking drugs as well. It was always the same pattern with work; I would find a good job and drink too much’. He said alcohol and substance abuse ‘made me function and it was the only tool that I had in the box that would allow me to deal with the pain’.

**Difficulties with relationships**

Associate Conjoint Professor Quadrio gave evidence that personality disorders of all kinds are common in survivors of child sexual abuse, which might mean difficulty establishing a functional sexual relationship or difficulties with intimacy. She said, ‘Young boys who have been abused by a male offender over a long period of time are often very confused about their sexuality’. They can become hypervigilant around other men or uncomfortable in situations where they are dealing with other men.

Mr BAC said, ‘It was very traumatic being a teenager and forming relationships. I had lots of trouble with relationships, especially with men. I also had lots of trouble at school and being able to finish school. I struggled playing footy and in other group male situations. I am always wary and cautious’.
Mr Philip Nagle gave evidence that, after he was sexually abused, ‘I came to think that that was what all adult males did to children. I always made sure I didn’t get caught out alone with any adult males, including my dad’.2510

Several survivors gave evidence of the difficulty they have forming close friendships with other men.2511 Mr BAQ gave evidence that he has issues with intimacy and being close to people. He said:

I don’t have one close male friend in my life and I never have. I have better relationships with women because I trust them more. I find it extremely difficult to trust men and I don’t think that it’s normal that I am a 52 year-old and can’t point to one male person who I am or have ever been close to, and I feel bad about that because I feel like I’ve missed out. I think the abuse has impacted me in that simple sense.2512

Post-traumatic symptoms

Associate Conjoint Professor Quadrio’s evidence was that children who have been sexually abused often have post-traumatic symptoms. However, children do not manifest post-traumatic stress disorder (PTSD) in the same way that adults do.2513

Hyperarousal is one symptom of PTSD. Although it is not sufficient to make a diagnosis, it can cause a huge amount of disturbance in a child, as it means they will not be concentrating as well at school, they will not be as attentive and they will not be sleeping well. This will affect their growth and energy levels.2514

Classic PTSD is more likely to be the result of a time-limited trauma, such as a car accident. Because sexual abuse of children is usually ongoing, their developmental sequence is disrupted by the abuse and they end up developing developmental trauma, or complex PTSD.2515 That is a characterological disturbance, and every aspect of the child’s function becomes disturbed – their feelings, their thinking, their memory and their concentration.2516

Adult survivors of child sexual abuse also often exhibit post-traumatic symptoms, but not necessarily the full disorder.2517 PTSD consists of hyperarousal and hypervigilance, which means being ‘revved up a lot’, mistrustful and preoccupied with memories of the trauma and, at the same time, often blanking out as well.2518 PTSD may mean that a survivor is highly avoidant of anything that triggers them – for instance, they will not read anything about it or walk away from a conversation about it or it may mean that they are intensely interested in reading about sexual abuse.2519
Hyperarousal ‘usually results in an inability to sleep, there’s often traumatic dreams, there’s flashbacks, people have a lot of visual imagery of what happened’. Memory is also affected; there will be patches of memory missing and then there will be experiences that are burned into the mind and the person cannot get rid of them. It varies, and ‘Some people are just full of imagery and are tormented by it and other people have huge blanks’.

The evidence of survivors

A number of survivors gave evidence that they have been diagnosed with PTSD. Mr Green told us that five or six years ago he was diagnosed with PTSD. He said, ‘I cry over anything, whether it be a happy or sad occasion. I will even cry if someone is randomly nice to me’.

Mr BAP said, ‘Flashbacks happen to me when there is something that reminds me of the past, like school uniforms, buildings, names of places, people, suburbs, streets. I have never driven past St Alipius, I always take a detour’.

Mr BAA said that in about 1989 he started an adult apprenticeship, but he could not do any of the theory work because he could not sit in a classroom. He said, ‘The classroom setting reminds me of the schools I was in and the times I was abused’. He said, ‘If I can’t study, how do I better myself?’

4.8 Disclosure and the effects of faith

Associate Conjoint Professor Quadrio gave evidence that when a child’s family or their entire community may be strongly affiliated with the particular religion, often the clergy befriends the family and visits the family, all of which is part of establishing themselves very firmly. These factors mean that, when children make disclosures, they very often get a bad reception and are told they are lying. She said, ‘The negative response from family and community can really compound the damage enormously’.

Ms Lockhart gave the following evidence:

Some of my clients who were abused in Catholic institutions have told me that their parents did not believe them when they disclosed their abuse, even though in some cases the perpetrator has been convicted. Some have also told me that their families have shunned them when they have spoken out about their abuse, or that other community members shunned a parent when they disclosed their son’s abuse.
The evidence of survivors

A number of the survivors who gave evidence spoke of the effect of faith on their disclosure of the child sexual abuse and about the response from their families and communities to that disclosure.

Mr BAB said that he did not tell his parents that he was being sexually abused at St Alipius at the time ‘because they were such an integral part of the Catholic community’. He continued:

We were a time-honoured Catholic Ballarat East family. I didn’t want to shake my parents’ faith and I didn’t want to devastate them. I didn’t want them to know that they had put me in a position where this sort of thing could happen, even though I know now that they had no role in that.2531

Mr Green told us:

In 1975 I was having an argument with my mother when I said in anger Dowlan was touching boys. I never told her I was a victim but I did tell her that he had been touching other boys at St Pat’s. My mum didn’t believe Dowlan would do such a thing because he was a Christian Brother. She told me never to say those things again. Years later my mum saw Brother Dowlan’s conviction on the news. She rang me and apologised.2532

Mr BAS said that his sister’s husband’s family are very strict Catholics and that ‘They always say that child sexual abuse didn’t happen and that the Church wouldn’t do something like that’.2533

Mr David Ridsdale gave the following evidence:

When my extended family first found out that I was abused by Gerald, some of them called me a liar and said, ‘No, none of that really happened’. One of my cousins refused to believe Gerald had ever done such a thing and called me a liar. Other members shrugged off my story and said, ‘You know David, he’s emotional and sensitive.’ Other family members have accused me of being a gold digger or that it was so long in the past I should have moved on by now.2534

He continued, ‘With the church being such an integral part of my family’s life, the fallout from revelations against Gerald has permeated every aspect of our family’.2535
4.9 Impact on families

We heard evidence of the very significant impact of child sexual abuse on families.

Mr Nagle gave evidence that ‘The fact that my brother and I were sexually abused has been so hard for mum and dad. Both their boys as 9 year olds were sexually assaulted in a school they put us into. They are devastated’. 2536

Mr Woods said:

My parents were utterly shattered by the revelations of abuse to their three sons. Their faith and their trust in the church was destroyed. They had entrusted their most precious gifts ... to the Church and the Church abused them. 2537

Mrs Levey said, ‘It has been hell to live with the knowledge that [my son] Paul was abused by Gerry [Ridsdale]’. She continued:

I am constantly reminded of it every time someone talks about child sexual abuse on the radio, in the newspapers or on the television. It is especially painful when they are talking about Gerry. I continue to feel guilty and blame myself for not having had my eyes open at the time the abuse occurred. 2538

Mrs Watson gave evidence that her son Peter was sexually abused by Ryan and later died by suicide. She said:

Our family became fractured due to Peter’s journey of self-destruction and my marriage with Tim broke down. I started gambling and drinking alcohol. I threw myself into work because I didn’t want to think about what happened. Work, gambling and drinking were my coping mechanisms. I have had feelings of tremendous guilt that I couldn’t protect my son. 2539

Mr Daniel Ewing told us that about six years ago he found out that his eldest son had been sexually abused by Ridsdale. He said, ‘I wasn’t surprised when I heard this. My son had started going off the rails when he was about 18 and had had some personal difficulties’. He continued, ‘Ridsdale’s actions had a huge impact on our family. We were very close and it split us all apart. We are still feeling the effects of it today’. 2540

Mr Blenkiron told us that the impact of the sexual abuse on his family ‘has been enormous at every level – emotionally, financially and in my relationship with my wife’. 2541
Fear of becoming an abuser

Associate Conjoint Professor Quadrio gave evidence that a small proportion of children who have been sexually abused will go on to become offenders and that this is ‘a source of enormous pain and anxiety because most people who have been abused kind of live in fear and read that somehow it’s contaminated them’.2542

She continued, ‘that’s very sad because it often makes them unwilling to have good relationships with their own children, they kind of hold back from their children the whole time, as if they’re afraid that this thing’s going to come out of them in some way’.2543

Associate Conjoint Professor Quadrio told us that trauma counselling can help survivors to realise that a flashback is different from a fantasy, to understand why they are having the feelings they are having, and to understand that an impulse does not have to become behaviour.2544

Ms Lockhart gave evidence that:

Many male survivors have told me that they struggle with the perception that abused men will go on to abuse others, although in my experience most don’t. Some men talk about being afraid to hold or bathe their children and how that impacts on their relationships with their children.2545

She said, ‘I would say most of the men in the [men’s] group have that fear, because people out in the community believe it, so it actually prevents them from disclosing too and seeking help. It silences them’.2546

Mr BAC told us that when he had his son he was really cautious and questioned everything he did, particularly when his son reached the age Mr BAC was when he was sexually abused. He said, ‘The idea that the abused becomes the abuser has always played on my mind’.2547

Mr Wileman said that his sister had recently told him that she does not want him to be around his five-year-old nephew because she had recently read an article that said those who had been sexually abused in the past would go on to be sexual abusers themselves. He said, ‘This offended and hurt me significantly. As a victim of sexual abuse, I am even more sensitive to protecting children’.2548

Mr David Ridsdale told us, ‘As a teenager, I lived in terror that my growing sexual feelings were indicative that I had a predatory nature like Gerald’.2549 He said, ‘When I was 25, my former partner and I were expecting our second child. I began having terrible feelings and dreams. My main fear was that I would turn into my uncle’.2550
4.10 Suicide and premature death

We heard confronting evidence about the link between sexual abuse of a child and premature death.

Associate Conjoint Professor Quadrio’s evidence was that there is a ‘very strong relationship between abuse and suicide’. She told us that those who have been sexually abused as children do not live as long as children who have not been traumatised, as they often have more real illness and unhealthy lifestyles and they are prone to substance abuse, poverty and unemployment. She said, ‘there’s an enormous morbidity in terms of physical ill-health and psychological ill-health’.

Ms Lockhart gave evidence that many of her male clients who were sexually abused as children are now in their 50s and 60s and experiencing significant physical health issues. She stated:

In my opinion their poor physical health can be attributed to a combination of factors including the effect of long-term substance abuse, the physical impact of injury caused to the body during the actual assault and their chronic lack of care of their physical well being. Many survivors mistakenly form the view (even unconsciously) that their body is to blame for the abuse, as it is the source and location of the abuse. Combined with low self-esteem, this misconception can establish powerful negative patterns where survivors engage in harmful behaviours and neglect their physical health.

The evidence of survivors

The evidence of the survivors was consistent with what we heard from Associate Conjoint Professor Quadrio and Ms Lockhart.

A number of the survivors who gave evidence said they believed a number of their classmates from St Alipius and St Patrick’s College had died by suicide or died prematurely. Many also gave evidence that they had contemplated or attempted suicide themselves.

Mr BAS gave evidence that he was involved in a number of car accidents and that ‘It took me a long time to realise that these accidents were actually suicide attempts’.

Mr Blenkiron said:

If you have not had to battle with this, it is pretty hard to understand. It is like a stereo going off in your head, saying, ‘You’re no good, you’re worthless. What’s the point?’
Sometimes the volume is at 1, other times it is at 5, and other times it is at 10. The more support you have, the better your counsellor, the more the volume goes down. The more you are alone, isolated and left to listen to those thoughts, the more at risk you are. I was convinced that everybody was better off without me.\textsuperscript{2558}

Mr Blenkiron, who started the Ballarat Survivors Group, gave evidence that his friend’s suicide in 2009 was what motivated him to make a vow that there would be no more suicides in Ballarat. He said, ‘I started to work on what solutions we could put in place to keep people alive and stop the suicides.’\textsuperscript{2559}

Mr BAC said that in about 1993 he spoke to a friend of his who had gone to St Alipius, who told him that he had been sexually abused by Farrell at school. BAC said that a couple of months after this conversation this friend drove his car into a pole and was killed.\textsuperscript{2560}

Mr BAV told us that in about 1980 one of his brothers was killed in a single car accident in Ballarat.\textsuperscript{2561}

Mr Collins said:

> Newspapers don’t report suicides, so the public doesn’t hear about the broken families and their shattered lives, about the unseen impact of institutional child sexual abuse. Children are left behind and they don’t understand why. It doesn’t end when the abuse ends.\textsuperscript{2562}

### 4.11 Impact on the Ballarat community

We heard evidence from a number of survivors, church members and Ballarat community members as to both the response of the Diocese community to child sexual abuse and its impact upon the Diocese community.

#### Community response

Associate Conjoint Professor Quadrio told the Royal Commission that, when child sexual abuse occurs within a religious context, the associated loss of faith and shattering of belief is very damaging to the child.\textsuperscript{2563} She continued:

> And also, it’s very important because usually the child’s family or their entire community may be strongly associated with this particular religion, and that means that when children make disclosures they very often get a bad reception and told they’re lying, it can’t be true. The negative response from family and community can really compound the damage enormously.\textsuperscript{2564}
A number of witnesses gave evidence that they or their families have experienced negative responses from the Catholic community in relation to, or in response to them speaking out about, child sexual abuse.

Mr Collins told us that ‘Child sexual abuse doesn’t just tear individuals and families apart. In my experience, its claws reach into the community as well, whether they know it or not’. He said that Ballarat is a very Catholic town and the Catholic community is very closed. He continued, ‘Coming forward and talking publicly about child sex abuse in Catholic institutions not only has repercussions at a family level, but also at the business and social level in Ballarat’.

Mr Collins said that some of the little towns outside of Ballarat are also very Catholic and that he has heard of survivors being stood down from clubs where they were lifelong members after speaking out. He said, ‘It is like they have literally been wiped out of these communities’.

Mr BAC gave evidence that, although in his experience it is getting better, he finds the reactions of the Catholic community to child sexual abuse very disappointing. He said, ‘In my experience some of the Catholic community either don’t believe that it has happened or think that you are trying to destroy the church’.

Mr BAC said that, after he and his brother came forward about the sexual abuse, his family lost Catholic friends. He said, ‘In my experience, victims and their families often feel ostracised because people don’t understand what has happened and are awkward because they don’t know what to say’.

Mr BAV told us that, as a result of speaking out about the sexual abuse, he has been excluded from social events and experienced forms of bullying in the community. Mr BAV told the Royal Commission that he believed he had also lost work opportunities, as people refuse to hire him because he has spoken out against the Catholic Church.

Mr Frank Sheehan is the president of Moving Towards Justice – a Ballarat-based support group for victims of sexual abuse. Moving Towards Justice was established by a group of Catholic lay parishioners, with some members who are clergy or religious, although the group is independent from the Diocese and the orders. Mr Sheehan told the Royal Commission that among the Catholic community in the Diocese ‘There are quite a lot of parishioners who support us [Moving Towards Justice], but then there are other parishioners who seem to regard us as a nuisance’. He said, ‘I have heard a lot of parishioners talk about how hard this issue has been on priests who haven’t offended, but not how hard it has been on the victims and their families’.
Mr Sheehan also said:

I know other families who have spoken up about this issue [child sexual abuse], and who have been ostracised from the Catholic community. I know of one survivor who has lost business after speaking out, and of another family that lost Catholic friends when it became public.2577

The current Bishop of Ballarat, Bishop Bird, told us that he accepts that Ballarat is a community that has divided over its reactions to the history of child sexual abuse.2578

Of the Ballarat community, he said:

Some would be those of course who would be directly hurt, certainly those who have been offended against and their families, would really feel the crimes that have been done. Others who may be more distant from that might not see the real, the full impact or not appreciate it, and therefore they would not be in tune with the thinking, I suppose of those who do appreciate the impact.2579

Bishop Bird said he was aware of divisions inside congregations between members with different views about the extent of child sexual abuse and how to respond to it, and he was also aware that the child abuse has caused division within families.2580

Community impact

We also heard evidence that the impact of child sexual abuse upon the broader Ballarat community is ongoing and significant.

Division in the community

Mr BAP told the Royal Commission that he thought child sexual abuse had split the Ballarat community into factions.2581 He said:

Some people are starting to talk to survivors about it and are starting to understand the impact. There are others in the community that block it out completely. It is like it is not even in their vocabulary and they cannot understand.2582

Mr Green told the Royal Commission that in Ballarat ‘It’s still so raw and the impact is so great ... There are people who are really hurting here’.2583 Mr Auchettl said that within the Ballarat community ‘Shame is rife, it’s like an unseen cancer in this town. There is no collective memory or place to mark the abuse and the horror of the number of suicides’.2584
Mr Woods told us:

Such chronic sexual abuse in the Ballarat community has led to a large number of men who are not able to be productive members of society and in effect have become either emotional, social or financial burdens upon the community.\textsuperscript{2585}

**Impact on faith**

We heard that child sexual abuse has had a significant impact on the faith of survivors and their families. A number of witnesses gave evidence that this has also affected the broader Catholic community within the Diocese.

Mr Green said that his mother no longer considers herself a Catholic.\textsuperscript{2586} His mother used to attend mass weekly and donate to the church, but she does not do that anymore.\textsuperscript{2587}

Mr Auchettl gave evidence that, when he was growing up, ‘The church was part of our life throughout the whole year and my parents were dedicated to that’.\textsuperscript{2588} Mr Auchettl told the Royal Commission that now his mother was heartbroken about the sexual abuse: ‘There is a sense of betrayal of the community that were giving themselves so openly and wholly to these people and to the church.’\textsuperscript{2589}

Mr Woods told us his family had been involved with the Catholic Church for three generations but that their faith has been lost.\textsuperscript{2590} He said his parents’ faith and trust in the Church was destroyed by the revelation that three of their sons were sexually abused\textsuperscript{2591} and that his sisters and brothers have told him that they despise the Church.\textsuperscript{2592}

Mrs Watson told us that Ryan’s sexual abuse of her son has had an impact on her faith. She said, ‘I have lost my faith, which was historically a huge part of my life. I have also lost my trust in the Catholic Church because I felt that it protected the offender but did nothing to protect the victims’.\textsuperscript{2593}

Mrs BAI, who reported to Bishop Mulkearns that her sons were sexually abused by Ridsdale in Mortlake, gave evidence that she became very disillusioned by the Catholic Church and eventually stopped going to mass. She said, ‘I felt like there was a wall between me and some of the other parishioners who still maintained support for Ridsdale’.\textsuperscript{2594}

Father Adrian McInerney has been the parish priest of St Alipius parish in Ballarat since 2001.\textsuperscript{2595} He gave the following evidence:

I am confident that some people in St Alipius parish in particular have walked away from the Church because of the scourge of child sexual abuse in Ballarat. Indeed one
parishioner has told me that she no longer comes to church because of the church’s handling of the issue. Certainly the numbers of people attending Mass have declined considerably over the past two decades. 2596

Father Justin Driscoll, the vicar general of the Diocese, said:

To my mind, there is no question that the congregations attending Catholic churches in Ballarat have become smaller at least in part because of the history of child sexual abuse, which appears to have stopped some people from coming to the church altogether. 2597

Mr BAC gave evidence that in 2012 he gave a talk to a group of concerned Catholics about his experiences. 2598 Mr BAC said that the ‘group had noticed that the Catholic churches were starting to lose parishioners and that some of the people that were leaving were parents of victims of child sexual abuse’. 2599 That group would later become Moving Towards Justice. 2600

The Royal Commission also heard evidence on the impact of child sexual abuse in the school community in the Diocese.

Ms Audrey Brown is the current Director of Catholic Education in the Diocese. She gave evidence that her understanding was that in the 1990s and early 2000s in Diocese schools there was a loss of confidence in the Catholic school system and a noticeable drop in enrolments, particularly in schools in smaller towns where the child sexual abuse occurred. 2601 Ms Brown gave evidence that she believes there are large numbers of people in the community who will probably never return to the Church or send their children to Catholic schools. 2602

Dr Peter Casey gave evidence on the impact of sexual abuse on the St Patrick’s College community, saying that ‘I have been informed that with some families who have been impacted by sexual abuse, the generational connection with St Patrick’s has ended’. 2603

**Support for survivors**

Associate Conjoint Professor Quadrio told us that, in trauma-informed counselling services, the support people get from other survivors is very important. Finding other people who have been through the same experience is a great comfort. 2604

We heard about a number of positive initiatives being undertaken to support survivors of child sexual abuse, both among survivors themselves and members of the Ballarat Catholic community and Diocese.
Mr Woods told us that in 1996 he went public with the sexual abuse on television and the radio, partly because he wanted to help other men to come forward.\textsuperscript{2605} Mr Woods told the Royal Commission that, ‘After this, people started to contact my family, or me, or Broken Rites ... As the victims came forward, it was quite literally like a dam bursting.’\textsuperscript{2606} In 1996, Mr Woods hosted a public forum at the Ballarat civic hall, which was attended by about 200 people.\textsuperscript{2607}

However, Mr Woods also said that, after his mother went public with him about the sexual abuse and appeared on television and radio, she was ostracised by the local Catholic community.\textsuperscript{2608} His mother was part of a women’s group, and after she went public many of her friends from the women’s group stopped calling her.\textsuperscript{2609}

Mr Blenkiron said he made contact with Mr Woods in about 2008, and it was good to talk to him.\textsuperscript{2610} After this, Mr Blenkiron began telling others he was sexually abused at St Patrick’s College and began meeting other victims of sexual abuse in Ballarat.\textsuperscript{2611} Mr Blenkiron began organising monthly events for survivors to meet and talk, and the group got bigger.\textsuperscript{2612} The group still meets and is known as the Ballarat Survivors Group, which is run through the Ballarat CASA.\textsuperscript{2613}

Mr BAA gave told us he joined the men’s group at the Ballarat CASA and that this has benefitted him.\textsuperscript{2614} He said, ‘We don’t talk about what happened to us, we talk about what we do in our life. Everyone’s behaviour is so similar. I have seen a transition with everyone who has come to CASA.’\textsuperscript{2615} He also said, ‘It was great not to feel lonely now because there are others with the same problem ... that isolation and loneliness I felt has been broken down by the group’.\textsuperscript{2616}

Mr Sheehan has been the president of the group Moving Towards Justice since 2012.\textsuperscript{2617} Mr Sheehan said the group began in 2011 after a parishioner told him a friend’s son had been sexually abused by a religious brother;\textsuperscript{2618} and they discussed what could be done by lay people within the Church.\textsuperscript{2619} Their main objective was to try and establish contact with survivors of child sexual abuse.\textsuperscript{2620} Moving Towards Justice is working on a Quilt of Hope as a symbol of making contact with victims and they are also working to establish a memorial at the Botanical Gardens in Ballarat.\textsuperscript{2621} Previously, Moving Towards Justice provided what they called ‘Survivor Packages’ to survivors of child sexual abuse.\textsuperscript{2622}

The current Bishop of Ballarat’s response to the Ballarat community

Bishop Bird told us that he had met some survivors and families whose relationship with their local parish has been destroyed by the child sexual abuse and failings of Church leaders in responding to it.\textsuperscript{2623} He said, ‘I believe that some Catholics in the diocese have turned away from the Church as a result of the historical legacy of abuse and that this is one of the reasons why fewer people are attending church or actively participating in their parishes’.\textsuperscript{2624}
Bishop Bird said his ‘impression has been that the history of child abuse in this diocese hangs over the community like a dark cloud. To some extent, the way the Church is seen by others in Ballarat ... is coloured by the memory of the abuse that has occurred’. The bishop told us that, in his experience and observation, ‘many people ... have developed distrust of all priests and religious, including bishops’.

Bishop Bird told the Royal Commission that as a bishop he had a role in healing the rift in the Ballarat community. He said to do that he would give the message that it is a good thing for the Church for survivors of child sexual abuse to come forward and encourage them ‘by my own response to those who have been abused and encouragement to people to come forward’.

Bishop Bird was asked about whether he had an expectation that Church authorities in Rome would laicise priests who had been convicted for sexually assaulting a child. He told us he was aware that a number of cases around the world have not been concluded in that way. When asked if he could justify that to himself, Bishop Bird said:

No, I believe that’s not appropriate. What a Bishop is able to do is to take away the faculties of the priest, so that the person cannot act as a priest. To laicise is the next step which are (sic) not within the competence of the local Bishop. My own personal view is that a conviction for child abuse should be met with laicisation.

The bishop said that the Diocese held Community Engagement Forums in Ballarat and Warrnambool in 2014 to encourage the community to come together to talk about child sexual abuse issues and that he had ‘addressed in one particular parish the sad history of that parish’. In 2014, in Child Protection Week, a number of parishes allocated the week for prayers ‘to lament that these crimes had been committed’. Bishop Bird has sought to encourage and assist the Moving Towards Justice group in the personal support they have offered – for example, providing financial support for their assistance to survivors.

He had spoken with parish priests about this in Diocese meetings. He said he saw their role as ‘to try to be in touch personally with all their congregation and in that way to be something of a mediator between different groups’ – for example, to hold special events such as prayer time for those who have suffered child sexual abuse as a unifying means. Bishop Bird also said that some priests had given good leadership in helping people appreciate the impact of child sexual abuse through their sermons.

Bishop Bird’s evidence was that he considered he had a role to play as bishop in giving priests in the Diocese guidance as to what they should be doing to heal divisions in the community.
5 Systemic Issues

The systemic issues arising in Case Study 28 are:

- the governance of the Diocese and of the Christian Brothers
- the effect of cultural, structural and factors present within the Diocese, the Christian Brothers and their institutions on the response to allegations of child sexual abuse
- knowledge of senior Church personnel of allegations of sexual abuse of children by priests
- movement and treatment of priests and religious accused of child sexual abuse
- disciplinary action against priests and religious accused of child sexual abuse
- reporting allegations of child sexual abuse to child protection authorities and the police
- recordkeeping
- the impact of child sexual abuse on families and the community.
Appendix A: Terms of Reference

Letters Patent dated 11 January 2013

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,
Mr Robert Atkinson,
The Honourable Justice Jennifer Ann Coate,
Mr Robert William Fitzgerald AM,
Dr Helen Mary Milroy, and
Mr Andrew James Marshall Murray

GREETING

WHEREAS all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child’s right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children’s development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.
AND it is important that those sexually abused as a child in an Australian institution can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the Royal Commissions Act 1902 and every other enabling power, appoint you to be a Commission of inquiry, and require and authorise you, to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

a. what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;

b. what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;

c. what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;

d. what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND We direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.
AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

e. the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;

f. the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;

g. the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;

h. changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND We further declare that you are not required by these Our Letters Patent to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and We authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

i. the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with section 6P of the Royal Commissions Act 1902 or any other relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences;

j. the need to establish investigation units to support your inquiry;

k. the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
l. the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;

m. the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND We appoint you, the Honourable Justice Peter David McClellan AM, to be the Chair of the Commission.

AND We declare that you are a relevant Commission for the purposes of sections 4 and 5 of the *Royal Commissions Act 1902*.

AND We declare that you are authorised to conduct your inquiry into any matter under these Our Letters Patent in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by any of Our Governors of the States or by the Government of any of Our Territories.

AND We declare that in these Our Letters Patent:

*child* means a child within the meaning of the *Convention on the Rights of the Child of 20 November 1989*.

*government* means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

*institution* means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

i. includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and

ii. does not include the family.
**institutional context**: child sexual abuse happens in an institutional context if, for example:

i. it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or

ii. it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or

iii. it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

**law** means a law of the Commonwealth or of a State or Territory.

**official**, of an institution, includes:

i. any representative (however described) of the institution or a related entity; and

ii. any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and

iii. any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and

iv. any other person who you consider is, or should be treated as if the person were, an official of the institution.

**related matters** means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

AND We:

n. require you to begin your inquiry as soon as practicable, and

o. require you to make your inquiry as expeditiously as possible; and

p. require you to submit to Our Governor-General:
i. first and as soon as possible, and in any event not later than 30 June 2014 (or such later date as Our Prime Minister may, by notice in the Gazette, fix on your recommendation), an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date, not later than 31 December 2015, to be fixed for the submission of your final report; and

ii. then and as soon as possible, and in any event not later than the date Our Prime Minister may, by notice in the Gazette, fix on your recommendation, your final report of the results of your inquiry and your recommendations; and

q. authorise you to submit to Our Governor-General any additional interim reports that you consider appropriate.

IN WITNESS, We have caused these Our Letters to be made Patent

WITNESS Quentin Bryce, Governor-General of the Commonwealth of Australia.

Dated 11th January 2013
Governor-General
By Her Excellency’s Command
Prime Minister

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,
Mr Robert Atkinson,
The Honourable Justice Jennifer Ann Coate,
Mr Robert William Fitzgerald AM,
Dr Helen Mary Milroy, and
Mr Andrew James Marshall Murray

GREETING

WHEREAS We, by Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia, appointed you to be a Commission of inquiry, required and authorised you to inquire into certain matters, and required you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 31 December 2015.

AND it is desired to amend Our Letters Patent to require you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 15 December 2017.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the Royal Commissions Act 1902 and every other enabling power, amend the Letters Patent issued to you by omitting from subparagraph (p)(i) of the Letters Patent “31 December 2015” and substituting “15 December 2017”.

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS General the Honourable Sir Peter Cosgrove AK MC (Ret’d),
Governor-General of the Commonwealth of Australia.

Dated 13th November 2014
Governor-General
By His Excellency’s Command
Prime Minister
# Appendix B: Public Hearing

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<th><strong>The Royal Commission</strong></th>
<th>Justice Peter McClellan AM (Chair)</th>
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<th>Legal representation</th>
<th>G Furness SC, Senior Counsel Assisting the Royal Commission</th>
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<td>A Stewart SC, Counsel Assisting the Royal Commission</td>
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<td>T Seccull, instructed by V Waller of Waller Legal, appearing for BAV, Andrea Lockhart, BAP and Timothy Barlow</td>
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<td>T Seccull, instructed by G Hills of Heinz &amp; Partners, appearing for Helen Watson</td>
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<td>K Hanscombe QC, instructed by L Kane and E Zelez of Waller Legal, appearing for Peter Blenkiron, Timothy Green, BAB, BAA, BWA and Martinus Claassen</td>
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<td>K Hanscombe QC, instructed by A Furstenberg of Lewenberg &amp; Lewenberg, appearing for BAS</td>
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<td>J Taaffe, instructed by C O’Brien of Doogue O’Brien George, appearing for Stephen Farrell</td>
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<td>P Gray SC and A Woods, instructed by K Harrison of Gilbert + Tobin, appearing for the Diocese of Ballarat, Congregation of Christian Brothers, Sisters of Nazareth and Truth Justice and Healing Council</td>
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<td>J Shaw, instructed by I Irwin of Irwin &amp; Irwin, appearing for Andrew Collins and Stephen Woods</td>
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<td>A Kernaghan, instructed by S Exner of Dr Martine Marich &amp; Associates, appearing for Francis Sheehan</td>
<td></td>
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<tr>
<td>A Kernaghan, instructed by J Howell of Kernaghan &amp; Associates, appearing for BWM</td>
<td></td>
</tr>
<tr>
<td>Stephen Odgers SC and M Marich, instructed by E Murphy of Dr Martine Marich &amp; Associates, appearing for David Ridsdale</td>
<td></td>
</tr>
<tr>
<td>AJ Myers QC and S Duggan, instructed by M do Rozario of Corrs Chambers Westgarth, appearing for Cardinal George Pell</td>
<td></td>
</tr>
<tr>
<td>A Haban-Beer and L Brown, instructed by the Victorian Government Solicitor, appearing for the State of Victoria</td>
<td></td>
</tr>
<tr>
<td>D R J O’Brien, instructed by Paul Holdway of Lewis Holdway Lawyers, appearing for BPD</td>
<td></td>
</tr>
<tr>
<td>M Fitzgerald, instructed by S Exner of Dr Martine Marich &amp; Associates, appearing for Paul Levey and Beverley Levey</td>
<td></td>
</tr>
<tr>
<td>M Stanton, instructed by P Galbally of Galbally &amp; O’Bryan Lawyers, appearing for Father Brian McDermott</td>
<td></td>
</tr>
<tr>
<td>M Marich, instructed by E Murphy of Dr Martine Marich &amp; Associates, appearing for BWE and Gordon Hill</td>
<td></td>
</tr>
<tr>
<td>P O’Brien, instructed by S Exner of Dr Martine Marich &amp; Associates, appearing for BWF</td>
<td></td>
</tr>
<tr>
<td>A Sim, instructed by D Bullard of Bullards Solicitors, appearing for Father John Walshe</td>
<td></td>
</tr>
</tbody>
</table>
| **Legal representation** | D Grace QC, instructed by M Foran of Minter Ellison, appearing for Bishop Emeritus Ronald Mulkearns  
C Randazzo SC, instructed by P Rankin of Rankin Legal, appearing for Daniel Torpy |
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<thead>
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<tr>
<td><strong>Pages of transcript</strong></td>
<td>2,654 pages</td>
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<tr>
<td><strong>Notice to Produce issued under <em>Royal Commissions Act 1902</em> (Cth) and documents produced</strong></td>
<td>17 notices producing 8,002 documents</td>
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<tr>
<td><strong>Summons to Produce issued under <em>Evidence (Miscellaneous Provisions) Act 1958</em> (Vic) and documents produced</strong></td>
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<tr>
<td><strong>Summons to Produce issued under <em>Royal Commissions Act 1923</em> (NSW) and documents produced</strong></td>
<td>5 summons to attend producing 165 documents</td>
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<td><strong>Number of exhibits</strong></td>
<td>190 exhibits consisting of a total of 1,053 documents tendered at and after the hearing</td>
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| **Witnesses** | Philip Nagle  
Survivor  
BAC  
Survivor  
BAS  
Survivor  
BAP  
Survivor  
BAA  
Survivor  
Paul Auchetti  
Survivor  
Gordon Hill  
Survivor  
BAV  
Survivor |
<table>
<thead>
<tr>
<th>Witnesses</th>
<th>Name</th>
<th>Title/Role</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Neil Wileman</td>
<td>Survivor</td>
</tr>
<tr>
<td></td>
<td>Timothy Green</td>
<td>Survivor</td>
</tr>
<tr>
<td></td>
<td>BAB</td>
<td>Survivor</td>
</tr>
<tr>
<td></td>
<td>David Ridsdale</td>
<td>Survivor</td>
</tr>
<tr>
<td></td>
<td>Helen Watson</td>
<td>Mother of survivor</td>
</tr>
<tr>
<td></td>
<td>Peter Blenkiron</td>
<td>Survivor</td>
</tr>
<tr>
<td></td>
<td>Paul Tatchell</td>
<td>Survivor</td>
</tr>
<tr>
<td></td>
<td>Stephen Woods</td>
<td>Survivor</td>
</tr>
<tr>
<td></td>
<td>Francis Sheehan</td>
<td>President, Moving Towards Justice</td>
</tr>
<tr>
<td></td>
<td>Andrea Lockhart</td>
<td>Senior Counsellor, Ballarat Centre Against Sexual Assault (CASA)</td>
</tr>
<tr>
<td></td>
<td>BAQ</td>
<td>Survivor</td>
</tr>
<tr>
<td></td>
<td>Andrew Collins</td>
<td>Survivor</td>
</tr>
<tr>
<td></td>
<td>Brother Peter Clinch</td>
<td>Province leader, Christian Brothers Oceania Province</td>
</tr>
<tr>
<td></td>
<td>Dr Carolyn Quadrio</td>
<td>Associate Conjoint Professor, School of Psychiatry, University of New South Wales</td>
</tr>
<tr>
<td></td>
<td>Father Adrian McInerney</td>
<td>Priest, Diocese of Ballarat</td>
</tr>
<tr>
<td></td>
<td>Gerald Ridsdale</td>
<td>Former priest, Diocese of Ballarat</td>
</tr>
<tr>
<td>Witnesses</td>
<td>Bishop Paul Bird CSsR</td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bishop, Diocese of Ballarat</td>
<td></td>
</tr>
<tr>
<td>BWE</td>
<td>Survivor</td>
<td></td>
</tr>
<tr>
<td>BWA</td>
<td>Survivor</td>
<td></td>
</tr>
<tr>
<td>Paul Levey</td>
<td>Survivor</td>
<td></td>
</tr>
<tr>
<td>Beverley Levey</td>
<td>Mother of survivor</td>
<td></td>
</tr>
<tr>
<td>BWF</td>
<td>Survivor</td>
<td></td>
</tr>
<tr>
<td>Denis Ryan</td>
<td>Former detective, Victoria Police</td>
<td></td>
</tr>
<tr>
<td>Sinclair Miller</td>
<td>Former chief commissioner, Victoria Police</td>
<td></td>
</tr>
<tr>
<td>Father William Melican</td>
<td>Retired priest, Diocese of Ballarat</td>
<td></td>
</tr>
<tr>
<td>Father James Francis Madden</td>
<td>Retired priest, Diocese of Ballarat</td>
<td></td>
</tr>
<tr>
<td>Father Eric Bryant</td>
<td>Priest, Diocese of Ballarat</td>
<td></td>
</tr>
<tr>
<td>Monsignor Glynn Murphy</td>
<td>Former priest, Diocese of Ballarat; Principal Chaplain, Australian Army</td>
<td></td>
</tr>
<tr>
<td>Bishop Brian Finnigan</td>
<td>Former priest, Diocese of Ballarat; auxiliary bishop, Catholic Archdiocese of Brisbane</td>
<td></td>
</tr>
<tr>
<td>Father Brian McDermott</td>
<td>Retired priest, Diocese of Ballarat and Archdiocese of Melbourne</td>
<td></td>
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<tr>
<td>Father John McKinnon</td>
<td>Retired priest, Diocese of Ballarat</td>
<td></td>
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<tr>
<td>Witnesses</td>
<td>Father John Walshe</td>
<td>Priest, Archdiocese of Melbourne</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>--------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td></td>
<td>Father Lawrence O’Toole</td>
<td>Priest, Diocese of Ballarat</td>
</tr>
<tr>
<td></td>
<td>Father Daniel Arundell</td>
<td>Retired priest, Diocese of Ballarat</td>
</tr>
<tr>
<td>BPD</td>
<td>Survivor</td>
<td></td>
</tr>
<tr>
<td>Ann Ryan</td>
<td>Former schoolteacher, St Colman’s Parish School, Mortlake</td>
<td></td>
</tr>
<tr>
<td>Timothy Barlow</td>
<td>Former student of St Patrick’s College</td>
<td></td>
</tr>
<tr>
<td>Martinus Claassen</td>
<td>Survivor</td>
<td></td>
</tr>
<tr>
<td>CCD</td>
<td>Survivor</td>
<td></td>
</tr>
<tr>
<td>Brother Paul Nangle</td>
<td>Retired Christian Brother, former headmaster of St Patrick’s College, Ballarat, and superior of the Ballarat Christian Brothers community</td>
<td></td>
</tr>
<tr>
<td>Brother Brian Brandon</td>
<td>Professional Standards Officer of Christian Brothers Province of St Patrick’s and Oceania</td>
<td></td>
</tr>
<tr>
<td>Bishop Ronald Mulkearns</td>
<td>Retired bishop, Diocese of Ballarat</td>
<td></td>
</tr>
<tr>
<td>Dr Peter Evans</td>
<td>Former consultant psychiatrist</td>
<td></td>
</tr>
<tr>
<td>Cardinal George Pell</td>
<td>Former priest, Diocese of Ballarat</td>
<td></td>
</tr>
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</table>
## Appendix C: Ridsdale’s list of appointments

<table>
<thead>
<tr>
<th>Date appointed</th>
<th>Position</th>
<th>Parish</th>
<th>Length of time position held (approx)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1962</td>
<td>Assistant Priest</td>
<td>Ballarat North</td>
<td>Two years</td>
</tr>
<tr>
<td>1964</td>
<td>Assistant Priest</td>
<td>Mildura</td>
<td>Two years</td>
</tr>
<tr>
<td>1966</td>
<td>Assistant Priest</td>
<td>Swan Hill</td>
<td>Four years</td>
</tr>
<tr>
<td>1970</td>
<td>Assistant Priest</td>
<td>Warrnambool</td>
<td>Two years</td>
</tr>
<tr>
<td>1972</td>
<td>Assistant Priest</td>
<td>Ballarat East</td>
<td>Two years</td>
</tr>
<tr>
<td>1974</td>
<td>Parish Priest</td>
<td>Apollo Bay</td>
<td>One year</td>
</tr>
<tr>
<td>February 1975</td>
<td>Parish Priest</td>
<td>Inglewood</td>
<td>One year, two months</td>
</tr>
<tr>
<td>3 April 1976</td>
<td>Administrator</td>
<td>Edenhope</td>
<td>Three years, six months</td>
</tr>
<tr>
<td>19 July 1977</td>
<td>Parish Priest</td>
<td>Edenhope</td>
<td></td>
</tr>
<tr>
<td>1980</td>
<td>Study Leave</td>
<td>National Pastoral Institute</td>
<td>One year</td>
</tr>
<tr>
<td>January 1981</td>
<td>Parish Priest</td>
<td>Mortlake</td>
<td>One year, eight months</td>
</tr>
<tr>
<td>November 1982</td>
<td>Full time, Catholic Enquiry Centre, Sydney</td>
<td></td>
<td></td>
</tr>
<tr>
<td>February 1986</td>
<td>Administrator</td>
<td>Various parishes, Archdiocese of Sydney</td>
<td>Five months</td>
</tr>
<tr>
<td>July 1986</td>
<td>Assistant Priest</td>
<td>Horsham</td>
<td>One year, ten months</td>
</tr>
<tr>
<td>May 1988</td>
<td>Not working</td>
<td>White Cliffs, NSW</td>
<td>One year, seven months</td>
</tr>
<tr>
<td>December 1989</td>
<td>Treatment</td>
<td>Jemez Springs, New Mexico</td>
<td>Nine months</td>
</tr>
<tr>
<td>March 1991</td>
<td>Chaplain</td>
<td>St John of God Hospital, Richmond, NSW</td>
<td>One year, nine months</td>
</tr>
</tbody>
</table>
Appendix D: Data

The Royal Commission conducted a comprehensive data survey of all Catholic Church authorities in Australia, including the Christian Brothers and the Diocese of Ballarat (the Diocese).

The data survey sought information about all claims and substantiated complaints that were received by Catholic Church authorities during the period 1 January 1980 to 28 February 2015.

The data in relation to the Diocese of Ballarat and the Christian Brothers was presented in the form of data analysis reports prepared by the Royal Commission from the data produced by the Catholic Church authorities. These reports analysed claims of child sexual abuse or complaints of child sexual abuse that were subsequently substantiated, that have been received by a Catholic Church authority against one or more Christian Brother, or relating to an accused person operating within the Diocese of Ballarat at the time of the alleged sexual abuse.

The reports were tendered in Parts Two and Three of the public hearing.2636

Data in relation to the Christian Brothers

The data produced to the Royal Commission revealed that 56 people have made a claim or substantiated complaint of child sexual abuse against one or more Christian Brothers in relation to a Ballarat Christian Brothers school. Sixteen of these people made allegations against more than one accused.

Of the claims and substantiated complaints of child sexual abuse against one or more Christian Brothers in relation to a Ballarat Christian Brothers school, 61 per cent related to St Alipius Boys’ School, Ballarat East, and 34 per cent related to St Patrick’s College, Ballarat. Some of these claims included both of these schools.

Of the 56 claims and substantiated complaints of child sexual abuse against one or more Christian Brothers in relation to a Ballarat Christian Brothers school:

- 22 (39 per cent) reported that the allegations also involved physical abuse
- the gender of the people who made a claim or substantiated complaint was 100 per cent male
- the average age at the time of the alleged child sexual abuse was 10 years old; 94 per cent of claimants were under the age of 13 years
- 71 per cent alleged the incidents to have occurred in the period from 1969 to 1974.
Data in relation to Brother Fitzgerald

The data produced to the Royal Commission revealed that 15 people, all of whom were male, made a claim of child sexual abuse against Brother Fitzgerald alleging incidents of child sexual abuse occurring in the period from 1950 to 1975. The first alleged incident of child sexual abuse the subject of a claim against Brother Fitzgerald occurred 30 years after he professed his initial vows, when he was 48 years old. The average age of the victims at the time of the alleged child sexual abuse was eight years old.  

Data in relation to Brother BWX

The data produced to the Royal Commission showed that two people have made a claim of child sexual abuse against Brother BWX alleging incidents of child sexual abuse occurring in the period from 1961 to 1976. The first alleged incident of child sexual abuse the subject of a claim against Brother BWX occurred four years after he professed his initial vows, when he was 22 years old.  

Data in relation to Robert Best

The data produced to the Royal Commission revealed that the highest number of claims or substantiated complaints of child sexual abuse against an individual Christian Brother that alleged incidents in Victoria and/or Tasmania was 46, made against Robert Best. The first alleged incident of child sexual abuse the subject of a claim against Best occurred two years after he professed his initial vows, when he was 22 years old. The average age of the victims at the age of the alleged child sexual abuse was 11 years.  

Data in relation to Stephen Farrell

The data produced to the Royal Commission revealed that six people, all of whom were male, had made a claim of child sexual abuse against Stephen Farrell alleging incidents of child sexual abuse occurring in the period from 1971 to 1974. The first alleged incident of child sexual abuse the subject of a claim against Farrell occurred in the year he professed his initial vows, when he was 20 years old.
Data in relation to Edward Dowlan

The data produced to the Royal Commission showed that 28 people, all of whom were male, have made a claim of child sexual abuse against Edward Dowlan alleging incidents of child sexual abuse occurring in the period from 1969 to 1984. The first alleged incident of child sexual abuse the subject of a claim against Dowlan occurred the same year he professed his initial vows, when he was 31 years old. The average age of the victims at the time of the alleged child sexual abuse was 11 years.\textsuperscript{2641}

Data in relation to Peter Toomey

The data produced to the Royal Commission showed that 17 people made a claim of child sexual abuse against Peter Toomey alleging incidents of child sexual abuse occurring in the period from 1971 to 1983 (inclusive). The data indicated that the gender of the people who made a claim of child sexual abuse against Toomey was 94 per cent male and 6 per cent female. The first alleged incident of child sexual abuse the subject of a claim against Brother Toomey occurred two years after he professed his initial vows, when he was 22 years old. The average age of the victims at the time of the alleged child sexual abuse was unknown for females and 11 years for males.\textsuperscript{2642}

Data in relation to the Diocese

The data reported that between January 1980 and 28 February 2015, 140 people made a claim of child sexual abuse against priests and religious operating within the Diocese. This does not include those claims contained within the data survey dealt with by the Christian Brothers. No claims relating to employees or volunteers have been identified by the Diocese.

Ninety-five per cent of the claims related to incidents alleged to have occurred from 1950 to 1989. The 1970s decade had the highest number of claims: 47 claims, or 38 per cent of the total claims.

Ninety per cent of all claims were made against seven priests, who were each subject to three or more claims of child sexual abuse. The highest number of claims of child sexual abuse relating to an individual priest was 78, being those against Gerald Ridsdale.
Data in relation to Monsignor John Day

The data produced to the Royal Commission revealed that 15 people made a claim of child sexual abuse against Monsignor John Day occurring in the period from 1954 to 1973. Of the 15 claims, 13 related to Mildura parish. The gender of the people who have made a claim of child sexual abuse against Monsignor Day, where reported, was 73 per cent male and 27 per cent female. The average age of these children at the time of the alleged child sexual abuse, where reported, was 10 years old for both females and males.\textsuperscript{2643}

Data in relation to Gerald Ridsdale

The data produced to the Royal Commission revealed that 78 people made a claim of child sexual abuse against Gerald Ridsdale occurring in the period from 1961 to 1988 at 13 institutions. Of those claims, where the date is known, 34 relate to alleged incidents that occurred after 1975. The first alleged incident occurred the year of his ordination, when he was 27 years old.\textsuperscript{2644}

The data indicates that the gender of people who made a claim of child sexual abuse against Ridsdale (where the gender is reported) is 88 per cent male and 12 per cent female. The average age of these children at the time of the alleged child sexual abuse (where age was reported) was 10 years of age for females and 11 years of age for males. Where the age of the claimant was known, 73 per cent of the claimants were under the age of 13 at the time of the alleged child sexual abuse and 27 per cent were 13 years old or more.\textsuperscript{2645}

Data in relation to Paul David Ryan

The data produced to the Royal Commission revealed that four people made a claim of child sexual abuse against Paul David Ryan occurring in the period from 1979 to 1992. The first alleged incident occurred three years after Ryan’s ordination, when he was 31 years old. One claim related to the Parish of Penshurst and one claim related to the Parish of Ararat in the Diocese. The other two claims related to alleged incidents in Virginia, United States.\textsuperscript{2646}

The data indicates that the gender of people who made a claim of child sexual abuse against Ryan (where the gender is reported) was all male. The average age of these children at the time of the alleged child sexual abuse (where age was reported) was 14 years of age.\textsuperscript{2647}
Endnotes

1 Exhibit 28-0086, ‘Data analysis of claims of child sexual abuse in relation to the Diocese of Ballarat’, Case Study 28, REPT.0009.001.0001; Exhibit 28-0154, ‘Data Analysis of claims and Substantiated Complaints of Child Sex Abuse in Relation to the Christian Brothers in Ballarat Report’, Case Study 28, INT.0010.001.0001_R.

2 Transcript, Case Study 28, 11 December 2015 at 14661:24–27.

3 Transcript, Case Study 28, 8 February 2016 at 61:12–18.

4 Transcript, Case Study 28, 8 February 2016 at 61:34–44.

5 Transcript, Case Study 28, 8 February 2016 at 62:7–22.

6 Transcript of G Ridsdale, Case Study 28, 28 May 2015 at 8743:28–45.

7 Transcript of G Ridsdale, Case Study 28, 28 May 2015 at 8743:28–45.


9 Transcript of T Green, Case Study 28, 20 May 2015 at 8259:6–8260:12.


13 Exhibit 28-0180, ‘Letter from Gilbert + Tobin to the Royal Commission into Institutional Responses to Child Sexual Abuse in relation to the questioning of survivor witnesses’, Case Study 28, CTJH.0031.001.0008_R at 0009_R.

14 Practice Guideline 1 was revised in 2015.

15 Transcript, Case Study 28, 19 May 2015 at 8166:15–44.

16 Previously clause 67. Practice Guideline 1 was revised in 2015.

17 Submissions of Cardinal Pell, 15 July 2016, Case Study 28, SUBM.1028.009.0001 at 0009.


21 Transcript of B Finnigan, Case Study 28, 14 December 2015 at 14772:8–14773:45.


23 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14641:43:45.

24 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14594:44–14595:3.


27 Exhibit 28-0001, ‘Extract of transcript of interview between Catholic Church Insurance Limited and Fr Brian Finnigan, Vicar General of the Diocese of Ballarat’, Case Study 28, CTJH.0011.00632.0104_E_R.

Exhibit 28-0001, ‘Extract of transcript of interview between Catholic Church Insurance Limited and Fr Brian Finnigan, Vicar General of the Diocese of Ballarat’, Case Study 28, CTJH.0011.00632.0104_E_R.

28 Exhibit 28-0001, ‘Extract of transcript of interview between Catholic Church Insurance Limited and Fr Brian Finnigan, Vicar General of the Diocese of Ballarat’, Case Study 28, CTJH.0011.00632.0104_E_R.


34 Transcript of B Finnigan, Case Study 28, 14 December 2015 at 14772:8–47.
35 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1188–1189.
36 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1190.
43 Exhibit 28-0111, ‘Transcript of private hearing with Bishop Finnigan’, Case Study 28, TRAN.5006.001.0001_R at 1567:38–44.
44 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14611:12–16.
45 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14611:31–38.
46 Submissions of Counsel Assisting the Royal Commission, Case Study 28, SUBM.0028.001.0001, para 1764.
47 Submissions of Counsel Assisting the Royal Commission, Case Study 28, SUBM.0028.001.0001, para 1764.
48 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1192–1194.
49 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1324–1330.
50 St Alipius Boys’ School, Ballarat East; St Patrick’s Primary School, Drummond Street, Ballarat; St Patrick’s College, Ballarat; St Paul’s Technical School, Ballarat; St Joseph’s Primary School, Warrnambool; St Joseph’s Christian Brothers College, Warrnambool.
51 Peter Toomey was previously given the pseudonym ‘CCJ’ in this case study due to criminal proceedings.
52 Robert Best at times during this case study was given the pseudonym ‘CCK’ due to criminal proceedings.
55 Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent’s Orphanage Clontarf, St Mary’s Agricultural School Tardun and Bindoon Farm School, Sydney, 2014, p 29.
56 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1326–1327.
57 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1328.
58 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1329.
Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1330.

Report of Case Study No 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent’s Orphanage Clontarf, St Mary’s Agricultural School Tardun and Bindoon Farm School, Sydney, 2014.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1331.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1332.

Exhibit 28-0151, ‘Report Table entitled “Provincials & Provincial Council Members of St Patrick’s Province from 1 January 1965 to 31 December 1990”’, Case Study 28, CTJH.056.64027.0001; Transcript of B Brandon, Case Study 28, 24 February 2016 at 16015:21–27.

Transcript of B Brandon, Case Study 28, 24 February 2016 at 16013:33–47.

Transcript of B Brandon, Case Study 28, 24 February 2016 at 16014:7–38; Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1334.

Transcript of B Brandon, Case Study 28, 24 February 2016 at 16015:13–19.

Transcript of B Brandon, Case Study 28, 24 February 2016 at 16014:7–38.


Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1335.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1336.

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [18]; Transcript of P Nangle, Case Study 28, 23 February 2016 at 15899:11–40;

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [9]; Transcript of P Nangle, Case Study 28, 23 February 2016 at 15899:11–40;

Transcript of P Nangle, Case Study 28, 23 February 2016 at 15899:11–40.


Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1338; Transcript of B Brandon, Case Study 28, 24 February 2016 at 16015:21–16017:27.

Exhibit 28-0151, ‘Letter to Hollows Lawyers from Paul Gamble re Brother Dowlan’, Case Study 28, CTJH.056.35088.0129_R at [13];

Transcript of B Brandon, Case Study 28, 24 February 2016 at 16015:21–16016:3.

Transcript of B Brandon, Case Study 28, 24 February 2016 at 16016:14–17.

Transcript of B Brandon, Case Study 28, 24 February 2016 at 16072:9–14.

Transcript of B Brandon, Case Study 28, 24 February 2016 at 16015:21–16017:27.


Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [15].

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [17].


Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [28].

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [29].

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [28]–[29].

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [30].

Exhibit 28-0151, ‘Summary of Placement re Brother CCK’, Case Study 28, CTJH.056.35047.0040_R at 0041_R.

Exhibit 28-0151, ‘Summary of Placement re Brother CCK’, Case Study 28, CTJH.056.35047.0040_R at 0041_R.

Transcript of P Auchettl, Case Study 28, 19 May 2015 at 8199:16–35.


Transcript of BAC, Case Study 28, 19 May 2015 at 8143:32–42.

Transcript of BAC, Case Study 28, 19 May 2015 at 8143:32–42.

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [9].

Transcript of P Nangle, Case Study 28, 23 February 2016 at 15904:12–35.

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [36]–[46].

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [36]–[46].

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [36]–[46].

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [36]–[46].

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [36]–[46].

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [36]–[46].

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [36]–[46].

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [36]–[46].

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [36]–[46].


Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1370–1372.


Exhibit 28-0151, ‘Statement of Brother Paul Nangle’, Case Study 28, CTJH.056.62001.0002_R at 0004_R; Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1916.

Exhibit 28-0151, ‘Statement of Brother Paul Nangle’, Case Study 28, CTJH.056.62001.0002_R at 0004_R.


Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1913.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1911–1918.

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [36]–[46].


Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1380–1386.

Exhibit 28-0151, ‘Visitation Report of St Patrick’s Ballarat’, Case Study 28, CTJH.056.50055.0089_R at 0091_R.

Exhibit 28-0151, ‘Visitation Report of St Patrick’s Ballarat’, Case Study 28, CTJH.056.50055.0089_R at 0091_R.


Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [36]–[46].

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [36]–[46].


Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1380.


Transcript of BAQ, Case Study 28, 21 May 2015 at 8373:14–27.

Exhibit 28-0115, ‘Transcript of private hearing with Father Lawrence O’Toole’, Case Study 28, TRAN.5005.001.0001, 1981:41–44. Father O’Toole later clarified in a letter that there was no indication that Fitzgerald himself swam naked: Exhibit 28-0185, ‘Letter from Father Lawrence O’Toole to the Royal Commission into Institutional Responses to Child Sexual Abuse’, Case Study 28, CTJH.0031.001.0007_R.


178 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1391, 1831.


191 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001, paras 35–39.

192 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001, paras 35–39.

193 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001, paras 35–39.

194 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001, paras 35–39.


196 Exhibit 28-0151, ‘Personnel document for Brother BWX’, Case Study 28, CTJH.056.50047.0191_R.

197 Exhibit 28-0151, ‘Personnel document for Brother BWX’, Case Study 28, CTJH.056.50047.0191_R.

198 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1329.


200 Exhibit 28-0151, ‘Letter from Catholic Church Insurances to Shane Wall re Brother BWX’, Case Study 28, CTJH.056.65001.0001_R; Exhibit 28-0151, ‘Letter to Brother Consultant from Christian Brothers College, St George’s Terrace, Perth re Brother BWX’, Case Study 28, CTJH.056.65001.0005_R.

201 Exhibit 28-0151, ‘Letter from Catholic Church Insurances to Shane Wall re Brother BWX’, Case Study 28, CTJH.056.65001.0001_R; Exhibit 28-0151, ‘Letter to Brother Consultant from Christian Brothers College, St George’s Terrace, Perth re Brother BWX’, Case Study 28, CTJH.056.65001.0005_R.

202 Exhibit 28-0151, ‘Letter from Catholic Church Insurances to Shane Wall re Brother BWX’, Case Study 28, CTJH.056.65001.0001_R; Exhibit 28-0151, ‘Letter to Brother Consultant from Christian Brothers College, St George’s Terrace, Perth re Brother BWX’, Case Study 28, CTJH.056.65001.0005_R.

203 Exhibit 28-0151, ‘Letter from Catholic Church Insurances to Shane Wall re Brother BWX’, Case Study 28, CTJH.056.65001.0001_R; Exhibit 28-0151, ‘Letter to Brother Consultant from Christian Brothers College, St George’s Terrace, Perth re Brother BWX’, Case Study 28, CTJH.056.65001.0005_R.

204 Exhibit 28-0151, ‘Letter from Catholic Church Insurances to Shane Wall re Brother BWX’, Case Study 28, CTJH.056.65001.0001_R; Exhibit 28-0151, ‘Letter to Brother Consultant from Christian Brothers College, St George’s Terrace, Perth re Brother BWX’, Case Study 28, CTJH.056.65001.0005_R.

205 Exhibit 28-0151, ‘Personnel document for Brother BWX’, Case Study 28, CTJH.056.50047.0191_R.
206  Exhibit 28-0151, ‘Letter from Catholic Church Insurances to Shane Wall re Brother BWX’, Case Study 28, CTJH.056.65001.0001_R at 0002_R.

207  Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1428–1429.

208  Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1430.

209  Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1431.

210  Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1432.

211  Exhibit 28-0151, ‘Personnel document for Brother BWX’, Case Study 28, CTJH.056.50047.0191_R.

212  Exhibit 28-0151, ‘List of Brother BWX locations’, Case Study 28, CTJH.056.50046.0005_R.

213  Exhibit 28-0151, ‘Assessors Record Sheet – Allegation by BWU of Sexual Assault by Brother BWX Whilst at CBC Warrnambool in 1963–64’, Case Study 28, CTJH.056.50019.0027_R at 0030_R; Exhibit 28-0157, ‘Statement of Francis Madden’, Case Study 28, CTJH.500.70001.0001_R at [7].

214  Exhibit 28-0151, ‘Assessors Record Sheet – Allegation by BWU of Sexual Assault by Brother BWX Whilst at CBC Warrnambool in 1963–64’, Case Study 28, CTJH.056.50019.0027_R.

215  Exhibit 28-0151, ‘Assessors Record Sheet – Allegation by BWU of Sexual Assault by Brother BWX Whilst at CBC Warrnambool in 1963–64’, Case Study 28, CTJH.056.50019.0027_R at 0029_R.

216  Exhibit 28-0151, ‘Assessors Record Sheet – Allegation by BWU of Sexual Assault by Brother BWX Whilst at CBC Warrnambool in 1963–64’, Case Study 28, CTJH.056.50019.0027_R at 0029_R.

217  Exhibit 28-0151, ‘Personnel document for Brother BWX’, Case Study 28, CTJH.056.50047.0191_R at 0192_R.

218  Exhibit 28-0157, ‘Statement of Francis Madden’, Case Study 28, CTJH.500.70001.0001_R at [8].

219  Exhibit 28-0157, ‘Statement of Francis Madden’, Case Study 28, CTJH.500.70001.0001_R at [15].

220  Exhibit 28-0157, ‘Statement of Francis Madden’, Case Study 28, CTJH.500.70001.0001_R at [8].

221  Exhibit 28-0157, ‘Statement of Francis Madden’, Case Study 28, CTJH.500.70001.0001_R at [8].

222  Exhibit 28-0157, ‘Statement of Francis Madden’, Case Study 28, CTJH.500.70001.0001_R at [9]–[10].

223  Exhibit 28-0157, ‘Statement of Francis Madden’, Case Study 28, CTJH.500.70001.0001_R at [9]–[10].


226  Exhibit 28-0157, ‘Statement of Francis Madden’, Case Study 28, CTJH.500.70001.0001_R at [12]–[13].

227  Father Madden was assistant priest in Ballarat from May 1968 until May 1971, after which time he was administrator of Redan parish, which is on the outskirts of Ballarat: Exhibit 28-0104, ‘Father Francis James Madden – CV’, Case Study 28, CTJH.120.05006.0001_E.

228  Exhibit 28-0151, ‘Assessors Record Sheet – Allegation by BWU of Sexual Assault by Brother BWX Whilst at CBC Warrnambool in 1963–64’, Case Study 28, CTJH.056.50019.0027_R at 0030_R.

229  Exhibit 28-0151, ‘Assessors Record Sheet – Allegation by BWU of Sexual Assault by Brother BWX Whilst at CBC Warrnambool in 1963–64’, Case Study 28, CTJH.056.50019.0027_R at 0031_R.


231  Exhibit 28-0151, ‘Assessors Record Sheet – Allegation by BWU of Sexual Assault by Brother BWX Whilst at CBC Warrnambool in 1963–64’, Case Study 28, CTJH.056.50019.0027_R at 0031_R.

232  Exhibit 28-0151, ‘Assessors Record Sheet – Allegation by BWU of Sexual Assault by Brother BWX Whilst at CBC Warrnambool in 1963–64’, Case Study 28, CTJH.056.50019.0027_R at 0032_R.

233  Exhibit 28-0151, ‘Assessors Record Sheet – Allegation by BWU of Sexual Assault by Brother BWX Whilst at CBC Warrnambool in 1963–64’, Case Study 28, CTJH.056.50019.0027_R at 0033_R.

234  Exhibit 28-0151, ‘Assessors Record Sheet – Allegation by BWU of Sexual Assault by Brother BWX Whilst at CBC Warrnambool in 1963–64’, Case Study 28, CTJH.056.50019.0027_R at 0034_R.

235  Exhibit 28-0151, ‘Assessors Record Sheet – Allegation by BWU of Sexual Assault by Brother BWX Whilst at CBC Warrnambool in 1963–64’, Case Study 28, CTJH.056.50019.0027_R at 0035_R.

236  Exhibit 28-0151, ‘Personnel document for Brother BWX’, Case Study 28, CTJH.056.50047.0191_R.

237  Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1431.
...
Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1332.

Exhibit 28-0151, ‘Assessors Record Sheet – Allegation by BWU of Sexual Assault by Brother BWX Whilst at CBC Warrnambool in 1963–64’, Case Study 28, CTJH.056.50019.0027_R at 0036_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1332.

Exhibit 28-0151, ‘List of Brother BWX locations’, Case Study 28, CTJH.056.50046.0005_R; Exhibit 28-0151, ‘St Patrick’s Province notes’, Case Study 28, CTJH.056.40002.1858_R; Exhibit 28-0151, ‘Memo to Province Leadership Team from Kevin Ryan re Brother BWX’, Case Study 28, CTJH.056.50048.0110_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1332.

Exhibit 28-0151, ‘Assessors Record Sheet – Allegation by BWU of Sexual Assault by Brother BWX Whilst at CBC Warrnambool in 1963–64’, Case Study 28, CTJH.056.50019.0027_R at 0036_R.

Exhibit 28-0151, ‘List of Brother BWX locations’, Case Study 28, CTJH.056.50046.0005_R; Exhibit 28-0151, ‘St Patrick’s Province notes’, Case Study 28, CTJH.056.40002.1858_R; Exhibit 28-0151, ‘Memo to Province Leadership Team from Kevin Ryan re Brother BWX’, Case Study 28, CTJH.056.50048.0110_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1424.

Exhibit 28-0151, ‘Contract Between Congregation of Christian Brothers St Patrick’s Province re Brother BWX’, Case Study 28, CTJH.056.50046.0034_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1419–1421.

Exhibit 28-0151, ‘Assessors Record Sheet – Allegation by BWU of Sexual Assault by Brother BWX Whilst at CBC Warrnambool in 1963–64’, Case Study 28, CTJH.056.50019.0027_R at 0036_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1332.

Exhibit 28-0151, ‘List of Brother BWX locations’, Case Study 28, CTJH.056.50046.0005_R; Exhibit 28-0151, ‘St Patrick’s Province notes’, Case Study 28, CTJH.056.40002.1858_R; Exhibit 28-0151, ‘Memo to Province Leadership Team from Kevin Ryan re Brother BWX’, Case Study 28, CTJH.056.50048.0110_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1332.

Exhibit 28-0151, ‘List of Brother BWX locations’, Case Study 28, CTJH.056.50046.0005_R; Exhibit 28-0151, ‘St Patrick’s Province notes’, Case Study 28, CTJH.056.40002.1858_R; Exhibit 28-0151, ‘Memo to Province Leadership Team from Kevin Ryan re Brother BWX’, Case Study 28, CTJH.056.50048.0110_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1332.

Exhibit 28-0151, ‘List of Brother BWX locations’, Case Study 28, CTJH.056.50046.0005_R; Exhibit 28-0151, ‘St Patrick’s Province notes’, Case Study 28, CTJH.056.40002.1858_R; Exhibit 28-0151, ‘Memo to Province Leadership Team from Kevin Ryan re Brother BWX’, Case Study 28, CTJH.056.50048.0110_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1332.
314 Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [137]–[138].
315 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15934:11–42.
317 Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [139].
318 Exhibit 28-0156, ‘Statement of CCE’, Case Study 28, STAT.0859.001.0001_R at [14]–[16].
319 Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [125].
321 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1504–1514.
322 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15936:28–47.
323 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1854.
324 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1504–1514, 1854.
325 Exhibit 28-0151, ‘Statement of Paul Gabriel Nangle’, Case Study 28, IND.0284.001.0024_E_R at 0024_E_R.
326 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15965:44–15970:42.
327 Exhibit 28-0151, ‘Statement of Brother Paul Nangle’, Case Study 28, CTJH.056.62001.0002_R at 0006_R.
328 Exhibit 28-0151, ‘Statement of Brother Paul Nangle’, Case Study 28, CTJH.056.62001.0002_R at 0006_R.
329 Exhibit 28-0151, ‘Statement of Brother Paul Nangle’, Case Study 28, CTJH.056.62001.0002_R at 0004_R.
330 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1870–1871.
332 Exhibit 28-0004, ‘Statement of Philip Francis Nagle’, Case Study 28, STAT.0571.001.0001 at [15]–[16].
334 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1490.
341 Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [87].
Transcript of P Nangle, Case Study 28, 23 February 2016 at 15958:2–39.

Transcript of T Barlow, Case Study 28, 22 February 2016 at 15880:40–15883:34.

Transcript of T Barlow, Case Study 28, 22 February 2016 at 15880:40–15883:34.

Transcript of T Barlow, Case Study 28, 22 February 2016 at 15880:40–15883:34.

Transcript of T Barlow, Case Study 28, 22 February 2016 at 15880:40–15883:34.

Transcript of T Barlow, Case Study 28, 22 February 2016 at 15880:40–15883:34.

Transcript of T Barlow, Case Study 28, 22 February 2016 at 15880:40–15883:34.

Transcript of T Barlow, Case Study 28, 22 February 2016 at 15880:40–15883:34.

Transcript of T Barlow, Case Study 28, 22 February 2016 at 15880:40–15883:34.

Transcript of T Barlow, Case Study 28, 22 February 2016 at 15880:40–15883:34.

Transcript of T Barlow, Case Study 28, 22 February 2016 at 15880:40–15883:34.


Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [108].


Transcript of P Nangle, Case Study 28, 23 February 2016 at 15921:5–8.

Transcript of P Nangle, Case Study 28, 23 February 2016 at 15993:40–15994:10.

Exhibit 28-0173, ‘Extracts from the St Patrick’s College Ballarat Yearbook for 1973’, Case Study 28, CTJH.131.01001.0369_E at 0383_E; Exhibit 28-0174, ‘Extracts from the St Patrick’s College Ballarat Yearbook for 1974’, Case Study 28, CTJH.131.01001.0556_E at 0563_E.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1650.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1650(c).

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1650(c).


Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [105].

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [105].

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1879–1881.

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [88].

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [88].

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [89].

Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTJH.500.69001.0001_R at [89].

Exhibit 28-0151, ‘Transcript of interview with [Redacted]’, Case Study 28, CCI.0001.00383.0242_R; Exhibit 28-0098, ‘Statement of BWG’, Case Study 28, CCI.0001.00383.0059_R.

Exhibit 28-0151, ‘Transcript of interview with [Redacted]’, Case Study 28, CCI.0001.00383.0242_R.

Transcript of P Nangle, Case Study 28, 23 February 2016 at 15907:27–45.

Transcript of P Nangle, Case Study 28, 23 February 2016 at 15907:27–45.

Transcript of P Nangle, Case Study 28, 23 February 2016 at 15907:27–45.

Transcript of P Nangle, Case Study 28, 23 February 2016 at 15907:27–45.
471

383 Exhibit 28-0151, ‘Transcript of interview with [Redacted]’, Case Study 28, CCI.0001.00383.0242_R at 0243_R.
384 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15912:20–23.
385 Exhibit 28-0151, ‘Transcript of interview with [Redacted]’, Case Study 28, CCI.0001.00383.0242_R.
386 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15913:21–25.
387 Exhibit 28-0098, ‘Statement of BWG’, Case Study 28, CCI.0001.00383.0059_R at 0062_R–0064_R.
388 Exhibit 28-0098, ‘Statement of BWG’, Case Study 28, CCI.0001.00383.0059_R at 0065_R.
390 Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTIH.500.69001.0001_R at [89].
391 Exhibit 28-0151, ‘Extracts from Report from JE O’Connor entitled “Christian Brothers at BWG” (Brother Dowlan)’, Case Study 28, CCI.0001.00383.0216_E_R at 0218_E_R.
392 Exhibit 28-0151, ‘Extracts from Report from JE O’Connor entitled “Christian Brothers at BWG” (Brother Dowlan)’, Case Study 28, CCI.0001.00383.0216_E_R at 0219_E_R.
393 Exhibit 28-0151, ‘Statutory Declaration of Maurice Holloway re Brother Dowlan’, Case Study 28, WAL.0004.001.0142_R.
394 Exhibit 28-0151, ‘Extracts from Report from JE O’Connor entitled “Christian Brothers at BWG” (Brother Dowlan)’, Case Study 28, CCI.0001.00383.0216_E_R at 0218_E_R.
395 Exhibit 28-0151, ‘Statutory Declaration of Maurice Holloway re Brother Dowlan’, Case Study 28, WAL.0004.001.0142_R at 0042_R.
396 Exhibit 28-0151, ‘Extracts from Report from JE O’Connor entitled “Christian Brothers at BWG” (Brother Dowlan)’, Case Study 28, CCI.0001.00383.0216_E_R at 0219_E_R.
397 Exhibit 28-0151, ‘Extracts from Report from JE O’Connor entitled “Christian Brothers at BWG” (Brother Dowlan)’, Case Study 28, CCI.0001.00383.0216_E_R at 0220_E_R.
398 Exhibit 28-0151, ‘Statutory Declaration of Maurice Holloway re Brother Dowlan’, Case Study 28, WAL.0004.001.0142_R at 0142_R.
399 Exhibit 28-0151, ‘Extracts from Report from JE O’Connor entitled “Christian Brothers at BWG” (Brother Dowlan)’, Case Study 28, CCI.0001.00383.0216_E_R at 0218_E_R.
400 Exhibit 28-0151, ‘Extracts from Report from JE O’Connor entitled “Christian Brothers at BWG” (Brother Dowlan)’, Case Study 28, CCI.0001.00383.0216_E_R at 0218_E_R.
401 Exhibit 28-0151, ‘Extracts from Report from JE O’Connor entitled “Christian Brothers at BWG” (Brother Dowlan)’, Case Study 28, CCI.0001.00383.0216_E_R at 0220_E_R.
402 Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTIH.500.69001.0001_R at [127].
403 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15921:15–15922:19.
404 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1707.
405 Transcript of M Claassen, Case Study 28, 22 February 2016 at 15885:9–15887:19.
406 Exhibit 28-0140, ‘Statement of Martinus Claassen’, Case Study 28, STAT.0860.001.0001 at [2], [5].
408 Transcript of M Claassen, Case Study 28, 22 February 2016 at 15885:9–15887:19.
409 Transcript of M Claassen, Case Study 28, 22 February 2016 at 15885:9–15887:19.
410 Transcript of M Claassen, Case Study 28, 22 February 2016 at 15885:9–15887:19.
411 Transcript of M Claassen, Case Study 28, 22 February 2016 at 15885:9–15887:19.
412 Transcript of M Claassen, Case Study 28, 22 February 2016 at 15885:9–15887:19.
414 Exhibit 28-0142, ‘Statement of Paul Nangle’, Case Study 28, CTIH.500.69001.0001_R at [127]–[129].
415 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15919:20–15920:30.
419 Transcript of P Tatchell, Case Study 28, 21 May 2015 at 8329:9–22.
Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1931.


Exhibit 28-0161, ‘Statement of Robert McBride’, Case Study 28, STAT.0877.001.0001_R at [10].

Exhibit 28-0161, ‘Statement of Robert McBride’, Case Study 28, STAT.0877.001.0001_R at [4]–[6].

Exhibit 28-0161, ‘Statement of Robert McBride’, Case Study 28, STAT.0877.001.0001_R at [10].


Exhibit 28-0161, ‘Statement of Robert McBride’, Case Study 28, STAT.0877.001.0001_R at [15].


Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1737, 1933.

Transcript of B Brandon, Case Study 28, 24 February 2016 at 16022:39–16023:34.

Transcript of B Brandon, Case Study 28, 24 February 2016 at 16022:39–16023:34.

Transcript of B Brandon, Case Study 28, 24 February 2016 at 16022:39–16023:34.


Transcript of B Brandon, Case Study 28, 24 February 2016 at 16026:39–47.


Transcript of B Brandon, Case Study 28, 24 February 2016 at 16027:2–16029:1.


Transcript of B Brandon, Case Study 28, 24 February 2016 at 16027:2–16029:1.

Transcript of B Brandon, Case Study 28, 24 February 2016 at 16023:36–16024:40.

Transcript of B Brandon, Case Study 28, 24 February 2016 at 16022:39–16023:34.

Transcript of B Brandon, Case Study 28, 24 February 2016 at 16028:7–9, 16037:1–5,16027:2–16038:45.

Transcript of B Brandon, Case Study 28, 24 February 2016 at 16034:16–34.
Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1623–1624.

Exhibit 28-0162, ‘Statement of Isabel Clingan’, Case Study 28, STAT.0881.001.0001_R.

Exhibit 28-0162, ‘Statement of Isabel Clingan’, Case Study 28, STAT.0881.001.0001_R at [7]–[8].

Exhibit 28-0162, ‘Statement of Isabel Clingan’, Case Study 28, STAT.0881.001.0001_R at [12].

Exhibit 28-0162, ‘Statement of Isabel Clingan’, Case Study 28, STAT.0881.001.0001_R at [8], [11], [13].

Exhibit 28-0162, ‘Statement of Isabel Clingan’, Case Study 28, STAT.0881.001.0001_R at [15].

Exhibit 28-0162, ‘Statement of Isabel Clingan’, Case Study 28, STAT.0881.001.0001_R at [18].

Exhibit 28-0162, ‘Statement of Isabel Clingan’, Case Study 28, STAT.0881.001.0001_R at [20]–[21].

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1749.

See also Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1750.


Exhibit 28-0188, ‘Statement of Philip Roach’, Case Study 28, STAT.0982.001.0001 at [10].

Exhibit 28-0188, ‘Statement of Philip Roach’, Case Study 28, STAT.0982.001.0001 at [13]–[15].

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1753.


Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1764.

Exhibit 28-0151, ‘Letter from John C Schiller to Brother Provincial re Brother Dowlan’, Case Study 28, CTJH.056.35017.0168_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1624.


St Mary’s College in Geelong merged with a girls’ school in 1991 to become the Catholic Regional College, Geelong. The school was staffed almost entirely by lay teachers: Exhibit 28-0162, ‘Statement of Isabel Clingan’, Case Study 28, STAT.0881.001.0001_R at [27].


Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1624.


Exhibit 28-0151, ‘Statement of Acting Senior Sergeant Blair Smith re Brother Dowlan’, Case Study 28, WAL.0003.008.0358_R.


Transcript of B Brandon, Case Study 28, 24 February 2016 at 16033:15–16034:47.

Exhibit 28-0151, ‘Email from Brother Brandon to Joseph Bucci re Enquiry about First Knowledge (Brother Dowlan)’, Case Study 28, CCI.0603.00008.0080_R.


Transcript of B Brandon, Case Study 28, 24 February 2016 at 16043:3–27.


Transcript of B Brandon, Case Study 28, 24 February 2016 at 16064:44–16068:35; Exhibit 28-0151, ‘Report from Doyle Considine Lawyers to Brother Brandon re Brother Ted Dowlan’, Case Study 28, CTIH.056.35017.0028_R.

Exhibit 29-0021, ‘Statement of Stephen Woods’, Case Study 28, STAT.0577.001.0001_R at [37]–[39].

Exhibit 28-0151, ‘Report from Glynis McNeight to Doyle Considine Lawyers re Brother Dowlan’, Case Study 28, CTIH.056.35017.0197_R at 0199_R.

Exhibit 28-0151, ‘Report from Glynis McNeight to Doyle Considine Lawyers re Brother Dowlan’, Case Study 28, CTIH.056.35017.0197_R at 0200_R.

Exhibit 28-0151, ‘Report from Glynis McNeight to Doyle Considine Lawyers re Brother Dowlan’, Case Study 28, CTIH.056.35017.0197_R at 0202_R.

Transcript of B Brandon, Case Study 28, 24 February 2016 at 16068:8–22.


Exhibit 28-0151, ‘List entitled “Brother CCJ Peter Colman”’, Case Study 28, CTIH.056.50030.0036_R.

Exhibit 28-0151, ‘List entitled “Brother CCJ Peter Colman”’, Case Study 28, CTIH.056.50030.0036_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1557.

Exhibit 28-0151, ‘Visitation Report of Brunswick’, Case Study 28, CTIH.056.50011.0088_E at 0090_E.

Exhibit 28-0151, ‘List entitled “Brother CCJ Peter Colman”’, Case Study 28, CTIH.056.50030.0036_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1563.

Exhibit 28-0151, ‘Email from Brian Brandon to Len Francis re confidential re Brother CCJ’, Case Study 28, CTIH.056.50004.0092_R.

Exhibit 28-0151, ‘Letter from Voitin Walker Davis to Christian Brothers re Brother CCJ’, Case Study 28, CTIH.056.50004.0097_R.

Exhibit 28-0151, ‘Letter from Brother Brian Brandon to Joe Bucci re Brother CCJ’, Case Study 28, CTIH.056.50004.0089_R.

Exhibit 28-0151, ‘Letter from Brother Brian Brandon to Joe Bucci re Brother CCJ’, Case Study 28, CTIH.056.50004.0089_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1558–1563.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 3.

By August 1975, Brother Len Francis was no longer superior of the Brunswick community: Exhibit 28-0151, ‘Letter from Brother Naughtin to Brother Cameron’, Case Study 28, CTIH.056.50011.0097_E.

Exhibit 28-0151, Case Study 28, ‘Handwritten Note from Len Francis re Brother CCJ’, Case Study 28, CTIH.056.50024.0139_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1955.

Exhibit 28-0151, ‘List entitled “Brother CCJ Peter Colman”’, Case Study 28, CTIH.056.50030.0036_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1537.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1563.


Exhibit 28-0151, Case Study 28, ‘Handwritten Note from Len Francis re Brother CCJ’, Case Study 28, CTJH.056.50024.0139.

Exhibit 28-0151, ‘List entitled “Brother CCJ Peter Colman”’, Case Study 28, CTJH.056.50030.0036_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1956, 1563.

Exhibit 28-0151, ‘List entitled “Brother CCJ Peter Colman”’, Case Study 28, CTJH.056.50030.0036_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1538.


Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1584–1587.


Exhibit 28-0151, ‘Email from Shane Lavery to Brian Brandon re Confidential Enquiry re Brother CCJ’, Case Study 28, CTJH.056.50002.0076_R.

Exhibit 28-0151, ‘Email from Shane Lavery to Brian Brandon re Confidential Enquiry re Brother CCJ’, Case Study 28, CTJH.056.50002.0076_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1332.

Exhibit 28-0151, ‘Report entitled “Brother CCJ Peter Colman”’, Case Study 28, CTJH.056.50030.0036_R; Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1541.

Exhibit 28-0151, ‘List entitled “Brother CCJ – some notes”’, Case Study 28, CTJH.056.50025.0159_R.
Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1572.

Exhibit 28-0151, ‘Letter from Brother Faulkner to Father Joe Walsh re Brother CCJ’, Case Study 28, CTJH.056.50029.0059_R.

Exhibit 28-0151, ‘File Note from Brother CCJ’, Case Study 28, CTJH.056.50029.0057_R.


Exhibit 28-0151, ‘Document entitled ‘File Note: Visitation interview with Brother CCJ’ by Brother Tony Shanahan, 11 August 1997, Case Study 28, CTJH.056.50025.0107_R at 0107_R.


Exhibit 28-0151, ‘File Note re Brother CCJ – Visitation Interview from Kevin Ryan’ 5 June 1999, Case Study 28, CTJH.056.50025.0073_R at 0073_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1572.


Exhibit 28-0151, ‘List entitled “Brother CCJ Peter Colman”’, Case Study 28, CTJH.056.50030.0036_R.


Exhibit 28-0151, ‘Memorandum from Kevin Ryan re Brother CCJ’, Case Study 28, CTJH.056.50028.0023_R.

Exhibit 28-0151, ‘Memorandum from Kevin Ryan re Brother CCJ’, Case Study 28, CTJH.056.50028.0023_R.

Exhibit 28-0151, ‘Memorandum from Brother Kevin P Ryan re Brother CCJ’, Case Study 28, CTJH.056.50028.0125_R.

Exhibit 28-0151, ‘Letter from Brother CCJ to Kevin Ryan’, Case Study 28, CTJH.056.50028.0122_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1581.


Exhibit 28-0151, ‘Letter from Gerardine Taylor and Elizabeth Hoad E to Brother Kevin Ryan re Brother CCJ’, Case Study 28, CTJH.056.50028.0073_R.


Exhibit 28-0151, ‘Email from Jan Clarke to Gerardine Taylor re Brother CCJ’, Case Study 28, CTJH.301.07002.0364_R.

Exhibit 28-0151, ‘Letter from Brother Peter Dowling to Treacy Centre re Brother CCJ’, Case Study 28, CTJH.056.50027.0007_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 110–111.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 111–113.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 112.

Submission of the Truth, Justice and Healing Council to Issues Paper No 2, Towards Healing, 30 September 2013 at 21–23, [10]–[22].

Submission of the Truth, Justice and Healing Council to Issues Paper No 2, Towards Healing, 30 September 2013 at 21, [10].
Submission of the Truth, Justice and Healing Council to Issues Paper No 2, Towards Healing, 30 September 2013 at 22, [12].

Submission of the Truth, Justice and Healing Council to Issues Paper No 2, Towards Healing, 30 September 2013 at 22, [16].

Submission of the Truth, Justice and Healing Council to Issues Paper No 2, Towards Healing, 30 September 2013 at 21–23, [10]–[22].

Submission of the Truth, Justice and Healing Council to Issues Paper No 2, Towards Healing, 30 September 2013 at 22, [18]–[20].

Submission of the Truth, Justice and Healing Council to Issues Paper No 2, Towards Healing, 30 September 2013 at 21, [7]–[9].


Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 120, 122.

Transcript of A McInerney, Case Study 28, 26 May 2015 at 8512:13–43.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 117.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 119.


In effect from 1917 until 1983.

In effect from 1983 to present.


Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 145.


Exhibit 28-0100, ‘Statement of Denis Ryan’, Case Study 28, Case Study 28, STAT.0772.001.0001_R at [4]–[5].

Exhibit 28-0100, ‘Statement of Denis Ryan’, Case Study 28, Case Study 28, STAT.0772.001.0001_R at [22].

Exhibit 28-0100, ‘Statement of Denis Ryan’, Case Study 28, Case Study 28, STAT.0772.001.0001_R at [117].

Exhibit 28-0100, ‘Statement of Denis Ryan’, Case Study 28, STAT.0772.001.0001_R at [29]; Transcript of D Ryan, Case Study 28, 8 December 2015 at 14291:41.

Exhibit 28-0102, ‘Statement of Sinclair Imrie Miller’, Case Study 28, STAT.0774.001.0001 at [6].

Exhibit 28-0102, ‘Statement of Sinclair Imrie Miller’, Case Study 28, STAT.0774.001.0001 at [7].

Exhibit 28-0102, ‘Statement of Sinclair Imrie Miller’, Case Study 28, STAT.0774.001.0001 at [5].

Exhibit 28-0102, ‘Statement of Sinclair Imrie Miller’, Case Study 28, STAT.0774.001.0001 at [5].


Exhibit 28-0102, ‘Statement of Sinclair Imrie Miller’, Case Study 28, STAT.0774.001.0001 at [9].

Exhibit 28-0102, ‘Statement of Sinclair Imrie Miller’, Case Study 28, STAT.0774.001.0001 at [9].

Exhibit 28-0102, ‘Statement of Sinclair Imrie Miller’, Case Study 28, STAT.0774.001.0001 at [12].

Exhibit 28-0100, ‘Statement of Denis Ryan’, Case Study 28, STAT.0772.001.0001_R at [29].
841 Exhibit 28-0102, ‘Statement of Sinclair Imrie Miller’, Case Study 28, STAT.0774.001.0001 at [9].
842 Exhibit 28-0100, ‘Statement of Denis Ryan’, Case Study 28, STAT.0772.001.0001_R at [45].
843 Exhibit 28-0100, ‘Statement of Denis Ryan’, Case Study 28, STAT.0772.001.0001_R at [46].
844 Exhibit 28-0100, ‘Statement of Denis Ryan’, Case Study 28, STAT.0772.001.0001_R at [47].
845 Exhibit 28-0100, ‘Statement of Denis Ryan’, Case Study 28, STAT.0772.001.0001_R at [48].
846 Exhibit 28-0100, ‘Statement of Denis Ryan’, Case Study 28, STAT.0772.001.0001_R at [49].
847 Exhibit 28-0100, ‘Statement of Denis Ryan’, Case Study 28, STAT.0772.001.0001_R at [51].
848 Exhibit 28-0100, ‘Statement of Denis Ryan’, Case Study 28, STAT.0772.001.0001_R at [52].
849 Exhibit 28-0100, ‘Statement of Denis Ryan’, Case Study 28, STAT.0772.001.0001_R at [53].
Exhibit 28-0101, ‘Report from Superintendent Duffey re Monsignor Day’, Case Study 28, VPOL.0017.009.0020_R.

Exhibit 28-0101, ‘Report from Superintendent Duffey re Monsignor Day’, Case Study 28, VPOL.0017.009.0020_R.

Exhibit 28-0101, ‘Report from Superintendent Duffey re Monsignor Day’, Case Study 28, VPOL.0017.009.0020_R.

Exhibit 28-0101, ‘Report from Superintendent Duffey re Monsignor Day’, Case Study 28, VPOL.0017.009.0020_R.

Exhibit 28-0101, ‘Report from Superintendent Duffey re Monsignor Day’, Case Study 28, VPOL.0017.009.0020_R.

Exhibit 28-0101, ‘Statement of John O’Connor’, Case Study 28, VPOL.0017.017.0413_R.

Exhibit 28-0101, ‘Statement of John O’Connor’, Case Study 28, VPOL.0017.017.0413_R.

Exhibit 28-0101, ‘Statement of John O’Connor’, Case Study 28, VPOL.0017.017.0413_R.

Exhibit 28-0101, ‘Letter from Chief Commissioner Christine Nixon’, Case Study 28, IND.0278.001.0217_R–0218_R.

Exhibit 28-0101, ‘Statement of John O’Connor’, Case Study 28, VPOL.0017.017.0413_R.

Exhibit 28-0101, ‘Statement of John O’Connor’, Case Study 28, VPOL.0017.017.0413_R.

Exhibit 28-0101, ‘Statement of John O’Connor’, Case Study 28, VPOL.0017.017.0413_R.

Exhibit 28-0101, ‘Statement of John O’Connor’, Case Study 28, VPOL.0017.017.0413_R.

Transcript of D Ryan, Case Study 28, 8 December 2015 at 14315:13–14316:3.

Submissions of Counsel Assisting the Royal Commission, Case Study 28, SUBM.0028.001.0001, para 783.

Submissions of Counsel Assisting the Royal Commission, Case Study 28, SUBM.0028.001.0001, para 988.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 200.

Exhibit 28-0117, ‘Statement of BPA’, Case Study 28, STAT.0741.001.0001_R at [12].

Exhibit 28-0117, ‘Statement of BPA’, Case Study 28, STAT.0741.001.0001_R at [14].

Exhibit 28-0117, ‘Statement of BPA’, Case Study 28, STAT.0741.001.0001_R at [16].

Exhibit 28-0117, ‘Statement of BPA’, Case Study 28, STAT.0741.001.0001_R at [18].

Exhibit 28-0117, ‘Statement of BPA’, Case Study 28, STAT.0741.001.0001_R at [19]–[21].

Exhibit 28-0117, ‘Statement of BPA’, Case Study 28, STAT.0741.001.0001_R at [21].

Exhibit 28-0117, ‘Statement of BPA’, Case Study 28, STAT.0741.001.0001_R at [22]–[23].

Exhibit 28-0117, ‘Statement of BPA’, Case Study 28, STAT.0741.001.0001_R at [24].

Exhibit 28-0104, ‘Father Dan Torpy – CV’, Case Study 28, CTJH.120.05010.0001_E.

Report of Case Study No. 28

Transcript of F Madden, Case Study 28, 9 December 2015 at 14380:29–46, 14382:6–9, 14384:2–14385:30.

Exhibit 28-0101, ‘Extract from Bishop Mulkearns’ diary’, Case Study 28, CTJH.120.03004.0200_E.

Exhibit 28-0101, ‘Extract from Bishop Mulkearns’ diary’, Case Study 28, CTJH.120.03004.0201_E.


Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 181.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1002(e).

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 33–41.


Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1002.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 33–41.


Exhibit 28-0101, ‘Transcript of interview with Monsignor Day’, Case Study 28, VPOL.0017.009.0041_R.


Exhibit 28-0100, ‘Statement of Denis Ryan’, Case Study 28, STAT.0772.001.0001_R at [99]–[100].

Exhibit 28-0101, ‘Extract from Hansard’, 7 March 1972, Case Study 28, VPOL.0017.017.0344_E.

Exhibit 28-0101, ‘Article from the Melbourne Observer entitled “RC Priest in Govt Scandal: Sex crimes covered up”’, Case Study 28, VPOL.0017.017.0288_E.

Transcript of F Madden, Case Study 28, 9 December 2015 at 14392:2–16.

Transcript of F Madden, Case Study 28, 9 December 2015 at 14392:42–45.

Transcript of F Madden, Case Study 28, 9 December 2015 at 14393:16–25.

Transcript of F Madden, Case Study 28, 9 December 2015 at 14393:7–8.

Transcript of F Madden, Case Study 28, 9 December 2015 at 14393:19.

Transcript of F Madden, Case Study 28, 9 December 2015 at 14393:29–31.

Transcript of F Madden, Case Study 28, 9 December 2015 at 14394:8–26.

Transcript of W Melican, Case Study 28, 8 December 2015 at 14346:22–41.

Transcript of W Melican, Case Study 28, 8 December 2015 at 14347:32–37.

Transcript of W Melican, Case Study 28, 8 December 2015 at 14349:15–35.


Transcript of D Arundell, Case Study 28, 15 December 2015 at 14889:27–47.


Transcript of W Melican, Case Study 28, 8 December 2015 at 14345:2–10, 36–42.

Transcript of W Melican, Case Study 28, 8 December 2015 at 14346:5–20.

Transcript of W Melican, Case Study 28, 8 December 2015 at 14346:5–20.

Transcript of W Melican, Case Study 28, 8 December 2015 at 14344:7–19.

Transcript of W Melican, Case Study 28, 8 December 2015 at 14345:2–10, 36–42.

Transcript of G Pell, Case Study 28, 29 February 2016 at 16251:11–47.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 211, 998.

Exhibit 28-0101, ‘Minutes of Diocesan Consultiors meeting’, Case Study 28, CTJH.120.03001.0062.

Exhibit 28-0101, ‘Minutes of Diocesan Consultiors meeting’, Case Study 28, CTJH.120.01093.0040_E.

Exhibit 28-0101, ‘Minutes of Diocesan Consultiors meeting’, Case Study 28, CTJH.120.03001.0060.

Transcript of F Madden, Case Study 28, 9 December 2015 at 14395:5–6.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 234.

Exhibit 28-0101, ‘Minutes of Diocesan Consultiors meeting’, Case Study 28, CTJH.120.03001.0064.


Exhibit 28-0101, ‘Minutes of Diocesan Consultiors meeting’, Case Study 28, CTJH.120.03001.0064.

Exhibit 28-0101, ‘Minutes of Diocesan Consultiors meeting’, Case Study 28, CTJH.120.03001.0064.

Exhibit 28-0101, ‘Letter from Bishop Mulkearns to BPI’, Case Study 28, CTJH.120.01093.0038_R at 0039_R.

Transcript of F Madden, Case Study 28, 9 December 2015 at 14396:19–27.

Transcript of W Melican, Case Study 28, 8 December 2015 at 14351:5–10.


Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 169.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 252, 1009.

Exhibit 28-0001, ‘Personnel document for Gerald Ridsdale’ Case Study 28, CTJH.120.01095.0001_R.

Exhibit 28-0001, ‘Extracts of transcript of interview between Catholic Church Insurance Limited and Gerald Ridsdale’, Case Study 28, CCI.0500.00005.0025_E_R at 0026_E_R–0027_E_R.

Exhibit 28-0001, ‘Extracts of transcript of interview between Catholic Church Insurance Limited and Gerald Ridsdale’, Case Study 28, CCI.0500.00005.0025_E_R at 0028_E_R, 0031_E_R.

Exhibit 28-0001, ‘Personnel document for Gerald Ridsdale’, Case Study 28, CTJH.120.01095.0001_R.

Exhibit 28-0001, ‘Personnel document for Gerald Ridsdale’, Case Study 28, CTJH.120.01095.0001_R.

Exhibit 28-0001, ‘Personnel document for Gerald Ridsdale’, Case Study 28, CTJH.120.01095.0001_R.

Exhibit 28-0001, ‘Personnel document for Gerald Ridsdale’, Case Study 28, CTJH.120.01095.0001_R.

Exhibit 28-0001, ‘Extracts of transcript of interview between Catholic Church Insurance Limited and Gerald Ridsdale’, Case Study 28, CCI.0500.00005.0025_E_R at 0042_E_R.

Transcript of G Pell, Case Study 28, 1 March 2016 at 16262:1–22.

Transcript of G Pell, Case Study 28, 1 March 2016 at 16262:1–22.

Exhibit 28-0001, ‘Personnel document for Gerald Ridsdale’, Case Study 28, CTJH.120.01095.0001_R.

Exhibit 28-0001, ‘Extracts of transcript of interview between Catholic Church Insurance Limited and Gerald Ridsdale’, Case Study 28, CCI.0500.00005.0025_E_R at 0042_E_R.


Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8626:14–16.

Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8626:14–16.

Transcript of D Arundell, Case Study 28, 15 December 2015 at 14893:8–16; Exhibit 28-0104, Case Study 28, ‘Father Daniel Arundell – CV’, CTJH.120.05011.0001_E; Exhibit 28-0001, ‘Personnel document for Gerald Ridsdale’, Case Study 28, CTJH.120.01095.0001_R.


Exhibit 28-0001, ‘Letter from Bishop Mulkearns to Rev Fr Peter Lechner, Director of Villa Louis Martin, Jemez Springs, New Mexico’, Case Study 28, CCI.0001.00632.0058_R.

Exhibit 28-0001, ‘Letter from Bishop Mulkearns to Rev Fr Peter Lechner, Director of Villa Louis Martin, Jemez Springs, New Mexico’, Case Study 28, CCI.0001.00632.0058_R.


Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 299.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 299.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 299.


Exhibit 28-0001, ‘Minutes of Diocesan Consultants’ meeting’, Case Study 28, CTJH.120.01154.0004.

Transcript of D Arundell, Case Study 28, 15 December 2015 at 14893:8–16; Exhibit 28-0104, Case Study 28, ‘Father Daniel Arundell – CV’, CTJH.120.05011.0001_E; Exhibit 28-0001, ‘Personnel document for Gerald Ridsdale’, Case Study 28, CTJH.120.01095.0001_R.


Exhibit 28-0001, ‘Letter from Bishop Mulkearns to Rev Fr Peter Lechner, Director of Villa Louis Martin, Jemez Springs, New Mexico’, Case Study 28, CCI.0001.00632.0058_R.

Exhibit 28-0001, ‘Letter from Bishop Mulkearns to Rev Fr Peter Lechner, Director of Villa Louis Martin, Jemez Springs, New Mexico’, Case Study 28, CCI.0001.00632.0058_R.


Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 299.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 299.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 299.


Exhibit 28-0001, ‘Minutes of Diocesan Consultants’ meeting’, Case Study 28, CTJH.120.01154.0005 at 0005.


Transcript of G Pell, Case Study 28, 29 February 2016 at 16248:28–16249:5.
1228 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00632.0159_R at 0159_R, 0160_R.
1229 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00632.0159_R at 0160_R.
1230 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00632.0159_R at 0160_R.
1231 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00659.0138_R at 0138_R.
1232 Exhibit 28-0146, ‘Statement of Dr Peter Evans’, Case Study 28, STAT.0872.001.0001 at [21].
1233 Exhibit 28-0146, ‘Statement of Dr Peter Evans’, Case Study 28, STAT.0872.001.0001 at [52].
1234 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 304.
1235 Exhibit 28-0146, ‘Statement of Dr Peter Evans’, Case Study 28, STAT.0872.001.0001 at [53]–[55].
1236 Exhibit 28-0146, ‘Statement of Dr Peter Evans’, Case Study 28, STAT.0872.001.0001 at [56].
1237 Exhibit 28-0146, ‘Statement of Dr Peter Evans’, Case Study 28, STAT.0872.001.0001 at [62], [65].
1238 Exhibit 28-0146, ‘Statement of Dr Peter Evans’, Case Study 28, STAT.0872.001.0001 at [68].
1239 Exhibit 28-0146, ‘Statement of Dr Peter Evans’, Case Study 28, STAT.0872.001.0001 at [69].
1240 Exhibit 28-0146, ‘Statement of Dr Peter Evans’, Case Study 28, STAT.0872.001.0001 at [73].
1244 Transcript of F Madden, Case Study 28, 9 December 2015 at 14402:1–14404:1.
1245 Transcript of F Madden, Case Study 28, 9 December 2015 at 14406:19–14407:20.
1246 Transcript of F Madden, Case Study 28, 9 December 2015 at 14407:22–14408:9.
1247 Transcript of F Madden, Case Study 28, 9 December 2015 at 14428:20–33.
1248 Transcript of W Melican, Case Study 28, 8 December 2015 at 14357:31–37.
1250 Transcript of W Melican, Case Study 28, 8 December 2015 at 14358:12–15.
1251 Transcript of W Melican, Case Study 28, 8 December 2015 at 14359:1–14.
1252 Transcript of W Melican, Case Study 28, 8 December 2015 at 14358:12–15.
1253 Transcript of W Melican, Case Study 28, 8 December 2015 at 14357:31–37.
1271 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8588:42–46.
1273 Transcript of G Pell, Case Study 28, 1 March 2016 at 16265:7–16266:29.
1278 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8587:26–8588:38.
1284 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8563:33–46.
1285 Transcript of F Madden, Case Study 28, 9 December 2015 at 14407:25–33.
1286 Transcript of F Madden, Case Study 28, 9 December 2015 at 14407:25–33.
1287 Transcript of F Madden, Case Study 28, 9 December 2015 at 14407:25–33.
1288 Transcript of F Madden, Case Study 28, 9 December 2015 at 14407:25–33.
1289 Transcript of F Madden, Case Study 28, 9 December 2015 at 14407:25–33.
1290 Exhibit 28-0001, ‘Minutes of meeting held at Wendouree Parade’, 18 March 1976, Case Study 28, CTJH.120.01095.0127_E at 0128_E.
1291 Exhibit 28-0001, ‘Minutes of meeting held at Wendouree Parade’, 18 March 1976, Case Study 28, CTJH.120.01095.0127_E at 0128_E.
1292 Exhibit 28-0001, ‘Minutes of meeting held at Wendouree Parade’, 18 March 1976, Case Study 28, CTJH.120.01095.0127_E at 0128_E.
1293 Exhibit 28-0001, ‘Minutes of meeting held at Wendouree Parade’, 18 March 1976, Case Study 28, CTJH.120.01095.0127_E at 0128_E.
1294 Exhibit 28-0001, ‘Minutes of meeting held at Wendouree Parade’, 18 March 1976, Case Study 28, CTJH.120.01095.0127_E at 0128_E.
1295 Exhibit 28-0001, ‘Minutes of meeting held at Wendouree Parade’, 18 March 1976, Case Study 28, CTJH.120.01095.0127_E at 0128_E.
1296 Exhibit 28-0001, ‘Minutes of meeting held at Wendouree Parade’, 18 March 1976, Case Study 28, CTJH.120.01095.0127_E at 0128_E.
1297 Exhibit 28-0001, ‘Minutes of meeting held at Wendouree Parade’, 18 March 1976, Case Study 28, CTJH.120.01095.0127_E at 0128_E.
1298 Exhibit 28-0001, ‘Minutes of meeting held at Wendouree Parade’, 18 March 1976, Case Study 28, CTJH.120.01095.0127_E at 0128_E.
1299 Exhibit 28-0001, ‘Minutes of meeting held at Wendouree Parade’, 18 March 1976, Case Study 28, CTJH.120.01095.0127_E at 0128_E.
1352 Exhibit 28-0187, ‘Statement of Daniel Torpy’, Case Study 28, STAT.0983.001.0001 at [7].
1353 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00632.0159_R at 0160; Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00644.0208_R at 0215_R; Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00659.0138_R at 0139_R.
1354 Submissions on behalf of Mr Daniel Torpy, Case Study 28, SUBM.1028.014.0001 at [9]–[13].
1355 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 418–428.
1357 Transcript of W Melican, Case Study 28, 8 December 2015 at 16288:3–10.
1358 Transcript of G Pell, Case Study 28, 1 March 2016 at 16289:12–18, 16289:11–19.
1381 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 571.
1382 Exhibit 28-0001, ‘Minutes of Diocesan Consultants’ meeting’, 19 January 1980, Case Study 28, CTJH.120.01095.0137_E at 0137_E, 0138_R.
1383 Exhibit 28-0001, ‘Minutes of Diocesan Consultants’ meeting’, 19 January 1980, CTJH.120.01095.0137_E at 0137_E.
1384 Transcript of F Madden, Case Study 28, 9 December 2015 at 14410:24–14411:4.
1385 Transcript of W Melican, Case Study 28, 8 December 2015 at 14360:23–14361:1.
1388 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 580.
1389 Exhibit 28-0001, ‘Minutes of Diocesan Consultants’ meeting’, 16 January 1981, CTJH.120.01095.0139_E at 0139_E, 0140_E.
1391 Exhibit 28-0001, ‘Minutes of Diocesan Consultants’ meeting’, 16 January 1981, Case Study 28, CTJH.120.01095.0139_E at 0139_E.
1394 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 590.
1396 Exhibit 28-0001, ‘Extracts of transcript of interview between Catholic Church Insurance Limited and Gerald Ridsdale’, CCI.0500.00005.0060_E_R at 0063_E_R.
1397 Exhibit 28-0001, ‘Extracts of transcript of interview between Catholic Church Insurance Limited and Gerald Ridsdale’, Case Study 28, CCI.0500.00005.0060_E_R at 0063_E_R.
1399 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14602:34–14603:11.
1400 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14606:2–37.
1401 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14607:28–35.
1403 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14609:35–14610:11.
1404 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14612:34–14613:11.
1405 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14612:34–14613:11.
1406 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14612:34–14613:11.
1407 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14612:34–14613:11.
1408 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14612:34–14613:11.
1409 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14612:34–14613:11.
1410 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14612:34–14613:11.
1411 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14612:34–14613:11.
1412 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14612:34–14613:11.
1413 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14612:34–14613:11.
1414 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14612:34–14613:11.
1415 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14612:34–14613:11.

Royal Commission into Institutional Responses to Child Sexual Abuse childabuseroyalcommission.gov.au
1419  Transcript of G Pell, Case Study 28, 1 March 2016 at 16304:21–47.
1420  Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1043, 449.
1424  Transcript of B Sinn, Case Study 28, 11 December 2015 at 14613:30–14615:32.
1426  Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14618:2–35.
1427  Exhibit 28-0001, 'Extract of transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns', 14 April 1993, Case Study 28, CCI.0001.00632.0159_R at 0161_R.
1428  Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1050.
1429  Exhibit 28-0111, 'Transcript of private hearing with Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1571:11–1572:35.
1430  Exhibit 28-0111, 'Transcript of private hearing with Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1571:11–1572:35.
1432  Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14613:30–14615:32.
1434  Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14618:2–35.
1435  Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14612:29–35.
1436  Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 456, 1045–1047.
1437  Exhibit 28-0126, 'Statement of BPF', Case Study 28, STAT.0744.001.0001_R at [7]–[9].
1439  Exhibit 28-0126, 'Statement of BPF', Case Study 28, STAT.0744.001.0001_R at [12]–[13].
1440  Exhibit 28-0126, 'Statement of BPF', Case Study 28, STAT.0744.001.0001_R at [14].
1441  Exhibit 28-0001, 'Extracts of the supplementary report from JE O’Connors, Chartered Loss Adjustor, to Dunhill Madden Butler Solicitors’, Case Study 28, CCI.0500.00005.0117_E_R.
1442  Exhibit 28-0001, 'Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns', 14 April 1993, Case Study 28, CCI.0001.00632.0159_R at 0161_R.
1443  Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1050.
1445  Exhibit 28-0001, ‘Extract of transcript of interview between Catholic Church Insurance Limited and Fr Brian Finnigan, Vicar General of the Diocese of Ballarat’, Case Study 28, CCI.0001.00632.0104_E_R at 0111_E_R–0112_E_R.
1446  Exhibit 28-0111, 'Transcript of private hearing with Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1564:30–1565:10.
1447  Transcript of B Sinn, Case Study 28, 11 December 2015 at 14617:35–47.
1448  Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1051.
1449  Exhibit 28-0094, ‘Statement of Paul Levey’, Case Study 28, STAT.0740.001.0001 at [5]–[7].
1450  Exhibit 28-0094, ‘Statement of Paul Levey’, Case Study 28, STAT.0740.001.0001 at [5], [7].
1451  Exhibit 28-0095, ‘Statement of Beverley Anne Levey’, Case Study 28, STAT.0739.001.0001 at [11], [16].
1452  Exhibit 28-0094, ‘Statement of Paul Levey’, Case Study 28, STAT.0740.001.0001 at [15].
1453  Exhibit 28-0094, ‘Statement of Paul Levey’, Case Study 28, STAT.0740.001.0001 at [16].
1454  Exhibit 28-0094, ‘Statement of Paul Levey’, Case Study 28, STAT.0740.001.0001 at [17].
1492 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Sister Vagg, Sisters of Mercy’, Case Study 28, CCI.0500.00005.0181_R at 0185_R.
1493 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Sister Vagg, Sisters of Mercy’, Case Study 28, CCI.0500.00005.0181_R at 0185_R.
1494 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8681:23–33.
1495 Exhibit 28-0125, ‘Statement of BAI’, Case Study 28, STAT.0742.001.0001_R at 0185_R; Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00659.0138_R at 0141_R.
1496 Exhibit 28-0126, ‘Statement of BPF’, Case Study 28, STAT.0744.001.0001_R at 0185_R; Exhibit 28-0125, ‘Statement of BAI’, Case Study 28, STAT.0742.001.0001_R at 0185_R.
1497 Exhibit 28-0125, ‘Statement of BAI’, Case Study 28, STAT.0742.001.0001_R at 0185_R; Exhibit 28-0126, ‘Statement of BPF’, Case Study 28, STAT.0744.001.0001_R at 0185_R.
1498 Exhibit 28-0126, ‘Statement of BPF’, Case Study 28, STAT.0744.001.0001_R at 0185_R; Exhibit 28-0125, ‘Statement of BAI’, Case Study 28, STAT.0742.001.0001_R at 0185_R.
1499 Exhibit 28-0126, ‘Statement of BPF’, Case Study 28, STAT.0744.001.0001_R at 0185_R; Exhibit 28-0125, ‘Statement of BAI’, Case Study 28, STAT.0742.001.0001_R at 0185_R.
1500 Exhibit 28-0125, ‘Statement of BAI’, Case Study 28, STAT.0742.001.0001_R at 0185_R; Exhibit 28-0126, ‘Statement of BPF’, Case Study 28, STAT.0744.001.0001_R at 0185_R.
1501 Exhibit 28-0125, ‘Statement of BAI’, Case Study 28, STAT.0742.001.0001_R at 0185_R; Exhibit 28-0126, ‘Statement of BPF’, Case Study 28, STAT.0744.001.0001_R at 0185_R.
1502 Exhibit 28-0125, ‘Statement of BAI’, Case Study 28, STAT.0742.001.0001_R at 0185_R; Exhibit 28-0126, ‘Statement of BPF’, Case Study 28, STAT.0744.001.0001_R at 0185_R.
1503 Exhibit 28-0125, ‘Statement of BAI’, Case Study 28, STAT.0742.001.0001_R at 0185_R; Exhibit 28-0126, ‘Statement of BPF’, Case Study 28, STAT.0744.001.0001_R at 0185_R.
1504 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00644.0208_R at 0208_R; Exhibit 28-0001, ‘Extracts of transcript of interview between Catholic Church Insurance Limited and Gerald Ridsdale’, Case Study 28, CCI.0500.00005.0060_E_R at 0064_E_R.
1505 Exhibit 28-0001, ‘Extracts of transcript of interview between Catholic Church Insurance Limited and Gerald Ridsdale’, Case Study 28, CCI.0500.00005.0060_E_R at 0064_E_R.
1506 Exhibit 28-0129, ‘Statement of Sister Kathleen McGrath’, Case Study 28, CTJH.500.68001.0001_R at 049.
1507 Exhibit 28-0129, ‘Statement of Sister Kathleen McGrath’, Case Study 28, CTJH.500.68001.0001_R at 049.
1508 Exhibit 28-0127, ‘Statement of BPE’, Case Study 28, STAT.0737.001.0001_R at 04.
1509 Exhibit 28-0127, ‘Statement of BPE’, Case Study 28, STAT.0737.001.0001_R at 07.
1510 Exhibit 28-0127, ‘Statement of BPE’, Case Study 28, STAT.0737.001.0001_R at 09.
1518 Exhibit 28-0001, ‘Extracts of transcript of interview between Catholic Church Insurance Limited and Monsignor Henry Nolan’, Case Study 28, CCI.0500.00005.0165_E_R at 0168_E_R.
1519 Exhibit 28-0001, ‘Extracts of transcript of interview between Catholic Church Insurance Limited and Monsignor Henry Nolan, Parish Priest of Warrnambool’, Case Study 28, CCI.0500.00005.0165_E_R at 0168_E_R.
1520 Submissions in response to the submissions of Counsel Assisting from the Truth, Justice Healing Council, Case Study 28, 22 July 2016, SUBM.1028.022.0001_R, para 1057.
1521 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1058.
1523 Transcript of B McDermott, Case Study 28, 14 December 2015 at 14710:5–14711:35.
1525 Transcript of B McDermott, Case Study 28, 14 December 2015 at 14710:10–14711:36
1530 Exhibit 28-0109, ‘Transcript of private hearing with Father McDermott’, Case Study 28, TRAN.5004.001.0001_R at 0029_R, 12–18.
1533 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8564:23–41.
1534 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00644.0208_R at 0208_R; Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00659.0138_R at 0142_R.
1535 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00659.0138_R at 0140_R.
1536 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00659.0138_R at 0140_R.
1537 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00659.0138_R at 0141_R.
1538 Exhibit 28-0125, ‘Statement of BAI’, Case Study 28, STAT.0742.001.0001_R at [35].
1540 Exhibit 28-0001, ‘Letter from Bishop Mulkearns to Rev Fr Peter Lechner, Director of Villa Louis Martin, Jemez Springs, New Mexico’, Case Study 28, CCI.0001.00632.0058_R.
1541 Exhibit 28-0001, ‘Minutes of Diocesan Consultants’ meeting’, Case Study 28, CTJH.120.01095.0142_E.
1542 Exhibit 28-0001, ‘Minutes of Diocesan Consultants’ meeting’, Case Study 28, CTJH.120.01095.0142_E.
1543 Exhibit 28-0132, ‘Statement of James FitzPatrick’, Case Study 28, STAT.0771.001.0001_R at [7]–[8].
1544 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14441:32–14442:3.
1547 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14442:39–45.
1548 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14442:47–14443:3.
1549 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14446:24–35.
1552 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14446:24–46.
1553 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14447:1–4.
1554 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14447:1–22.
1555 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14447:35–38.
1556 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14447:40–45.
1558 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14452:42–45.
1559 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14453:36–14454:25.
1560 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14448:6–17.
1561 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14448:6–17.
1563 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14449:27–38.
1564 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14448:39–45.
1565 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14450:3–22.
1567 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14440:35–14441:12.
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Submissions of Counsel Assisting, Case Study 28, SUBM.0028.001.0001 at [1705].
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Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001 at [597]–[600].
Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001 at [601].
1609 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001 at [602].
1610 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001 at [604].
1611 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001 at [608]–[611].
1612 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001 at [602].
1613 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001 at [604].
1614 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001 at [608]–[611].
1615 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001 at [134]–[135].
1616 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001 at [136].
1617 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001 at [137]–[142].
1618 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001 at [143].
1619 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001 at [144]–[146].
1620 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001 at [147]–[150].
1621 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001 at [151]–[152].
1622 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001 at [153(a)]; Transcript of G Pell, Case Study 28, 1 March 2016 at 16259:9–12.
1623 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001 at [153(b)]; Transcript of G Pell, Case Study 28, 3 March 2016 at 16560:28–16561:7; Transcript of G Pell, Case Study 28, 1 March 2016 at 16265:13–16.
1624 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001 at [153(c)]; Transcript of G Pell, Case Study 28, 3 March 2016 at 16560:28–16561:7.
1625 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001 at [153(d)]; Transcript of G Pell, Case Study 28, 3 March 2016 at 16560:28–16561:7.
1626 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001 at [154].
1627 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001 at [155]–[158].
1628 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001 at [159].
1629 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001 at [160].
1630 Submissions of Cardinal Pell, Case Study 28, SUBM.1028.009.0001 at [161]–[163].
1633 Submissions of Cardinal Pell, Case Study 28, 15 July 2016, SUBM.1028.009.0001 at [143].
1634 Exhibit 28-0001, ‘File note of interview with Cardinal Clancy’, Case Study 28, CCI.0001.00636.0654_R at [12].
1635 Exhibit 28-0001, ‘File note of interview with Cardinal Clancy’, Case Study 28, CCI.0001.00636.0654_R at 0654_R.
1636 Exhibit 28-0132, ‘Statement of James FitzPatrick’, Case Study 28, STAT.0771.001.0001 at [17].
1638 Transcript of G Pell, Case Study 28, 1 March 2016 at 16228:12–18, 16289:11–19.
1639 Exhibit 28-0001, ‘Minutes of Diocesan Consultants Meeting’, Case Study 28, CTJH.120.01095.0141_E.
1640 Exhibit 28-0001, ‘Letter from Bishop Mulkearns to Father Denis Dennehy’, Case Study 28, CTJH.120.06015.0149.
1642 Exhibit 28-0001, ‘Letter from Bishop Mulkearns to the Warrnambool Standard’, Case Study 28, VPOL.0014.001.0065_E.
1643 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1059.
1644 Exhibit 28-0001, ‘Extracts of a letter from JE O’Connor to Dunhill Madden Butler’, Case Study 28, CCI.0500.00005.0087_E_R at 0087_E_R–0088_E_R.
1645 Exhibit 28-0127, ‘Statement of BPE’, Case Study 28, STAT.0737.001.0001_R at [26].
1646 Exhibit 28-0127, ‘Statement of BPE’, Case Study 28, STAT.0737.001.0001_R at [26].
1647 Exhibit 28-0129, ‘Statement of Sister Kathleen McGrath’, Case Study 28, CTJH.500.68001.0001_R at [66].
1648 Exhibit 28-0129, ‘Statement of Sister Kathleen McGrath’, Case Study 28, CTJH.500.68001.0001_R at [66].
1649 Exhibit 28-0129, ‘Statement of Sister Kathleen McGrath’, Case Study 28, CTJH.500.68001.0001_R at [66].
1650 Exhibit 28-0001, ‘Extracts of Transcript of interview between Catholic Church Insurance Limited and Fr Eugene McKinnon, Parish Priest of Edenhope’, Case Study 28, CCI.0001.00632.0018_E_R.
1651 Exhibit 28-0001, ‘Extracts of Transcript of interview between Catholic Church Insurance Limited and Fr Eugene McKinnon, Parish Priest of Edenhope’, Case Study 28, CCI.0001.00632.0018_E_R at 0018_E_R–0019_E_R.
1652 Exhibit 28-0001, ‘Extracts of Transcript of interview between Catholic Church Insurance Limited and Fr Eugene McKinnon, Parish Priest of Edenhope’, Case Study 28, CCI.0001.00632.0018_E_R at 0019_E_R.
1653 Exhibit 28-0001, ‘Extracts of a letter from JE O’Connor to Dunhill Madden Butler regarding: Sexual Molestation Claims – Catholic Church Insurances Limited; Diocese of Ballarat. Ridsdale ats Ruth Anors’, Case Study 28, CCI.0500.00005.0087_E_R at 0087_E_R–0088_E_R.
1654 Exhibit 28-0001, ‘Extracts of a letter from JE O’Connor to Dunhill Madden Butler regarding: Sexual Molestation Claims – Catholic Church Insurances Limited; Diocese of Ballarat. Ridsdale ats Ruth Anors’, Case Study 28, CCI.0500.00005.0087_E_R at 0088_E_R–0089_E_R.
1655 Exhibit 28-0001, ‘Extracts of a letter from JE O’Connor to Dunhill Madden Butler regarding: Sexual Molestation Claims – Catholic Church Insurances Limited; Diocese of Ballarat. Ridsdale ats Ruth Anors’, Case Study 28, CCI.0500.00005.0087_E_R at 0089_E_R.
1656 Exhibit 28-0001, ‘Letter from Father Denis Dennehy to Bishop Mulkearns’, Case Study 28, CTJH.120.06015.0129.
1657 Exhibit 28-0001, ‘Letter from Bishop Mulkearns to Father Denis Dennehy’, Case Study 28, CTJH.120.06015.0127.
1658 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00659.0138_R at 0143_R.
1659 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00659.0138_R at 0143_R–0144_R.
1660 Submissions of the Truth, Justice and Healing Council, Case Study 28, 22 July 2016, SUBM.1028.022.0001_R, para 1060.
1661 Exhibit 28-0129, ‘Statement of Sister Kathleen McGrath’, Case Study 28, CTJH.500.68001.0001_R at [54]–[55].
1662 Exhibit 28-0129, ‘Statement of Sister Kathleen McGrath’, Case Study 28, CTJH.500.68001.0001_R at [60]–[61].
1663 Exhibit 28-0127, ‘Statement of BPE’, Case Study 28, STAT.0737.001.0001_R at [25].
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1665 Exhibit 28-0001, ‘Letter from Bishop Mulkearns to Mrs Ann Ryan regarding concerns about events in the Parish of Mortlake, 14 November 1989, Case Study 28, VPOL.0014.001.0172_E_R.
1666 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00632.0159_R at 0160_R–0161_R.
1667 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00632.0159_R at 0161_R–0162_R.
1668 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00632.0159_R at 0162_R.
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1708 Exhibit 28-0132, ‘Statement of James FitzPatrick’, Case Study 28, STAT.0771.001.0001 at [32].
1709 Exhibit 28-0001, ‘Statement of Marika Gubacsi’, Case Study 28, CTJH.400.20001.0145_R at [5].
1710 Exhibit 28-0001, ‘Statement of Marika Gubacsi’, Case Study 28, CTJH.400.20001.0145_R at [5], [7].
1711 Exhibit 28-0001, ‘Statement of Marika Gubacsi’, Case Study 28, CTJH.400.20001.0145_R at [6].
1713 Exhibit 28-0001, ‘Transcript of interview between Ian Whitehead and Mrs Val Leal, Secretary, Catholic Enquiry Centre, Maroubra’, Case Study 28, CCI.0001.00636.0605_R at 0621_R.
1714 Exhibit 28-0001, ‘Statement of Valerie Leal’, Case Study 28, STAT.0771.001.0001 at [13]–[14].
1715 Exhibit 28-0132, ‘Statement of Valerie Leal’, Case Study 28, STAT.0771.001.0001 at [16], [17].
1716 Exhibit 28-0132, ‘Statement of James FitzPatrick’, Case Study 28, STAT.0771.001.0001 at [33].
1717 Exhibit 28-0132, ‘Statement of James FitzPatrick’, Case Study 28, STAT.0771.001.0001 at [34].
1718 Exhibit 28-0132, ‘Statement of James FitzPatrick’, Case Study 28, STAT.0771.001.0001 at [36], [39].
1719 Exhibit 28-0001, ‘Letter from Reverend FitzPatrick to Bishop Mulkearns’, Case Study 28, CCI.120.01154.0023.
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1724 Exhibit 28-0001, ‘Letter from Bishop Mulkearns to Reverend FitzPatrick’, Case Study 28, CCI.0001.00636.0647.
1725 Exhibit 28-0001, ‘Letter from Bishop Mulkearns to Father James FitzPatrick’, Case Study 28, CCI.0001.00636.0647.
1726 Exhibit 28-0001, ‘Letter from Bishop Mulkearns to Father James FitzPatrick’, Case Study 28, CCI.0001.00636.0647.
1727 Exhibit 28-0001, ‘File note of interview with Cardinal Clancy’, Case Study 28, CCI.0001.00636.0654_R at [5].
1728 Exhibit 28-0001, ‘Meeting minutes of the College of Consultants’, Case Study 28, CTJH.400.20003.0014_R at 0018_R.
1729 Exhibit 28-0132, ‘Statement of James FitzPatrick’, Case Study 28, STAT.0771.001.0001 at [41]–[43].
1730 Exhibit 28-0132, ‘Statement of James FitzPatrick’, Case Study 28, STAT.0771.001.0001 at [43].
1731 Exhibit 28-0132, ‘Statement of James FitzPatrick’, Case Study 28, STAT.0771.001.0001 at [44].
1732 Exhibit 28-0132, ‘Statement of James FitzPatrick’, Case Study 28, STAT.0771.001.0001 at [46].
1733 Exhibit 28-0001, ‘Meeting minutes of the College of Consultants’, Case Study 28, CTJH.400.20003.0027_R at CTJH.400.20003.0031_R.
1734 Exhibit 28-0001, ‘Meeting minutes of the College of Consultants’, Case Study 28, CTJH.400.20003.0040_R at 0042_R.
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1740 Transcript of G Ridsdale, Case Study 28, 28 May 2015 at 8714:25–34.
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507

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1745 Transcript of F Madden, Case Study 28, 9 December 2015 at 14417:18–21.
1746 Transcript of F Madden, Case Study 28, 9 December 2015 at 14404:44–14405:2, 14405:36–38, 14430:9–17; Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Father Frank Madden’, Case Study 28, CCI.0001.00632.0024_R at 0024_R.
1747 Transcript of F Madden, Case Study 28, 9 December 2015 at 14404:11–14406:17.
1748 Transcript of F Madden, Case Study 28, 9 December 2015 at 14432:21–35.
1750 Transcript of F Madden, Case Study 28, 9 December 2015 at 14428:20–33.
1752 Exhibit 28-0001, ‘Meeting minutes of Diocesan Consultants’, Case Study 28, CTJH.120.01095.0145_E.
1753 Exhibit 28-0001, ‘Meeting minutes of Diocesan Consultants’, Case Study 28, CTJH.120.01095.0145_E.
1754 Transcript of B McDermott, Case Study 28, 14 December 2015 at 14710:5–14711:35.
1758 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14463:1–6.
1760 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14463:6–8.
1761 Transcript of M O’Toole, Case Study 28, 15 December 2015 at 14869:1–27.
1762 Transcript of M O’Toole, Case Study 28, 15 December 2015 at 14869:12–27, 14871:15–18.
1763 Submissions in response to the submissions of Counsel Assisting from the Truth, Justice Healing Council, Case Study 28, 22 July 2016, SUBM.1028.022.0001_R, para 637.
1764 Submissions in response to the submissions of Counsel Assisting from the Church parties, Case Study 28, 22 July 2016, SUBM.1028.022.0001_R, para 634.
1766 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14463:1–6.
1768 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14463:6–8.
1769 Transcript of M O’Toole, Case Study 28, 15 December 2015 at 14869:1–27.
1770 Transcript of M O’Toole, Case Study 28, 15 December 2015 at 14869:12–27, 14871:15–18.
1772 Transcript of M O’Toole, Case Study 28, 15 December 2015 at 14872:9–18.
1773 Transcript of M O’Toole, Case Study 28, 15 December 2015 at 14872:9–18.
1774 Exhibit 28-0001, ‘Statement of BAE’, Case Study 28, VPOL.0014.001.0122_E_R at 0122_E_R.
1775 Exhibit 28-0001, ‘Statement of BAE’, Case Study 28, VPOL.0014.001.0122_E_R at 0122_E_R.
1776 Exhibit 28-0001, ‘Statement of BAE’, Case Study 28, VPOL.0014.001.0122_E_R at 0122_E_R.
1777 Exhibit 28-0001, ‘Statement of BAE’, Case Study 28, VPOL.0014.001.0122_E_R at 0122_E_R.
1785 Exhibit 28-0110, ‘Letter from BAE to Bishop Mulkearns’, Case Study 28, VPOL.0014.001.0091_E_R.
1786 Exhibit 28-0110, ‘Letter from BAE to Bishop Mulkearns’, Case Study 28, VPOL.0014.001.0091_E_R at 0091_E_R.
Exhibit 28-0110, ‘Letter from BAE to Bishop Mulkearns’, Case Study 28, VPOL.0014.001.0091_E_R at 0093_E_R.


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Exhibit 28-0001, ‘Statement of Marika Gubacsi’, Case Study 28, CTJH.400.20001.0145_R at [8].

Exhibit 28-0001, ‘Letter from BAL to Bishop Mulkearns’, Case Study 28, COR.0009.0001.0036_R at 0037_R.

Exhibit 28-0001, ‘Letter from Archbishop of Sydney to BAL’, Case Study 28, CTJH.400.20001.0102_R.

Exhibit 28-0001, ‘Statement of Marika Gubacsi’, Case Study 28, CTJH.400.20001.0145_R at [9].

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Exhibit 28-0001, ‘Memorandum to Counsel from A Darvall (Corrs Chambers Westgarth) re Gerald Ridsdale’, Case Study 28, COR.0009.0002.0413_R.

Transcript of F Madden, Case Study 28, 9 December 2015 at 14417:43–14418:16.

Transcript of F Madden, Case Study 28, 9 December 2015 at 14418:21–27.

Exhibit 28-0001, ‘Letter from Bishop Mulkearns to Ridsdale’, Case Study 28, CTJH.120.01154.0028.


Exhibit 28-0001, ‘Extract of minutes of meeting at Diocesan Offices, Ballarat’, Case Study 28, CTJH.120.01154.0027.

Exhibit 28-0001, ‘Extract of minutes of meeting at Diocesan Offices, Ballarat’, Case Study 28, CTJH.120.01154.0027.

Exhibit 28-0001, ‘Extract of minutes of meeting at Diocesan Offices, Ballarat’, Case Study 28, CTJH.120.01154.0027.


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Transcript of B Finnigan, Case Study 28, 14 December 2015 at 14772:8–47.

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Exhibit 28-0001, ‘Letter from Ridsdale to Bishop Mulkearns’, Case Study 28, CCI.0001.00632.0042_R at 0042_R.

Exhibit 28-0001, ‘Extract of transcript of interview between Catholic Church Insurance Limited and Fr Brian Finnigan, Vicar General of the Diocese of Ballarat’, Case Study 28, CCI.0001.00632.0104_E_R at 0114_E_R.

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Exhibit 28-0001, ‘Letter from Ridsdale to Bishop Mulkearns’, Case Study 28, CCI.0001.00632.0042_R at CCI.0001.00632.0042_R.
<table>
<thead>
<tr>
<th>Page</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>1821</td>
<td>Exhibit 28-0001, ‘Letter from Bishop Mulkearns to Ridsdale’, Case Study 28, CCI.0001.00632.0044_R.</td>
</tr>
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<td>1833</td>
<td>Exhibit 28-0001, ‘Letter from Bishop Mulkearns to Rev Fr Peter Lechner, Director of Villa Louis Martin, Jemez Springs, New Mexico’, CCI.0001.00632.0058_R at 0058_E_R, 0059_E_R.</td>
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<td>Exhibit 28-0001, ‘Letter from Ridsdale to Bishop Mulkearns’, Case Study 28, CCI.0001.00632.0065_R.</td>
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<td>Exhibit 28-0001, ‘Planning/Discharge meeting re Reverend Ridsdale’, Case Study 28, CCI.0001.00632.0099 at 0099.</td>
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<tr>
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<td>Exhibit 28-0001, ‘Planning/Discharge meeting re Reverend Ridsdale’, Case Study 28, CCI.0001.00632.0099 at 0100.</td>
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<td>Page</td>
<td>Note</td>
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<tr>
<td>1845</td>
<td>Transcript of W Melican, Case Study 28, 8 December 2015 at 14363:10–19.</td>
</tr>
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<td>1846</td>
<td>Transcript of G Pell, Case Study 28, 1 March 2016 at 16303:37–43.</td>
</tr>
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<td>Exhibit 28-0001, ‘Extracts of transcript of interview between Catholic Church Insurance Limited and Father McKinnon’, Case Study 28, CCI.0001.00632.0011_E_R; Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1428.</td>
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<td>Exhibit 28-0001, ‘Memorandum to Counsel from A Darvall (Corrs Chambers Westgarth) re Gerald Ridsdale’, Case Study 28, COR.0009.0002.0413_R; Exhibit 28-0158, ‘Statement of Anthony Darvall’, Case Study 28, STAT.0873.001.0001_R at [5], [6].</td>
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<td>Exhibit 28-0158, ‘Statement of Anthony Darvall’, Case Study 28, STAT.0873.001.0001_R at [7].</td>
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<td>Exhibit 28-0001, ‘Sentencing remarks of the Supreme Court of Melbourne’, Case Study 28, CTIH.120.01143.00111_R at CTIH.120.01143.0022_R.</td>
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<td>Exhibit 28-0001, ‘Sentencing remarks of the Supreme Court of Melbourne’, Case Study 28, CTIH.120.01143.00111_R at CTIH.120.01143.00111_R.</td>
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<td>Exhibit 28-0001, ‘Sentencing remarks of the Supreme Court of Melbourne’, Case Study 28, CTIH.120.01143.00111_R at CTIH.120.01143.0028_R.</td>
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<td>Exhibit 28-0001, ‘Sentencing remarks of the Supreme Court of Melbourne’, Case Study 28, CTIH.120.01143.00111_R at CTIH.120.01143.00221_R.</td>
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<td>Exhibit 28-0001, ‘Reasons for sentence – R v Ridsdale’, Case Study 28, OPP.3014.004.0185_R at [1].</td>
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<td>1863</td>
<td>Exhibit 28-0001, ‘Reasons for sentence – R v Ridsdale’, Case Study 28, OPP.3014.004.0185_R at [58], [59].</td>
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<td>Exhibit 28-0001, ‘Reasons for Sentence – DPP v Ridsdale’, Case Study 28, VPOL.00111.001.0558 at [1], [4].</td>
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<td>Exhibit 28-0001, ‘Reasons for Sentence – DPP v Ridsdale’, Case Study 28, VPOL.00111.001.0558 at [46].</td>
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<td>Exhibit 28-0001, ‘Letter from A Darvall to Father Gerald Ridsdale’, Case Study 28, COR.0009.0002.0353_R.</td>
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<td>Exhibit 28-0001, ‘Letter from A Darvall to Father Gerald Ridsdale’, Case Study 28, COR.0009.0002.0223_R.</td>
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Exhibit 28-0015, ‘Statement of David Ridsdale’, Case Study 28, STAT.0587.001.0001_R at [46], [47].

Exhibit 28-0015, ‘Statement of David Ridsdale’, Case Study 28, STAT.0587.001.0001_R at [47].

Exhibit 28-0015, ‘Statement of David Ridsdale’, Case Study 28, STAT.0587.001.0001_R at [48]–[49].

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Exhibit 28-0015, ‘Statement of David Ridsdale’, Case Study 28, STAT.0587.001.0001_R at [48]–[50].


Exhibit 28-0015, ‘Statement of David Ridsdale’, Case Study 28, STAT.0587.001.0001_R at [52].

Exhibit 28-0015, ‘Statement of David Ridsdale’, Case Study 28, STAT.0587.001.0001_R at [53].

Exhibit 28-0015, ‘Statement of David Ridsdale’, Case Study 28, STAT.0587.001.0001_R at [53].


Transcript of D Ridsdale, Case Study 28, 3 March 2016 at 16474:24–27.

Transcript of D Ridsdale, Case Study 28, 3 March 2016 at 16474:21–24.

Transcript of D Ridsdale, Case Study 28, 3 March 2016 at 16471:1–24.

Transcript of D Ridsdale, Case Study 28, 3 March 2016 at 16481:43–45.

Transcript of D Ridsdale, Case Study 28, 3 March 2016 at 16474:13–19.

Transcript of D Ridsdale, Case Study 28, 3 March 2016 at 16471:1–24.

Transcript of D Ridsdale, Case Study 28, 3 March 2016 at 16478:38–41.

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Exhibit 28-0135, ‘Statement of Patricia Ridsdale’, Case Study 28, STAT.0791.001.0001_R at [4].

Exhibit 28-0135, ‘Statement of Patricia Ridsdale’, Case Study 28, STAT.0791.001.0001_R at [5].

Exhibit 28-0137, ‘Statement of Bernadette Lukaitis’, Case Study 28, STAT.0795.001.0001 at [5].

Exhibit 28-0137, ‘Statement of Bernadette Lukaitis’, Case Study 28, STAT.0795.001.0001 at [6].

Exhibit 28-0087, ‘Statement of Reverend John Thomas Walshe’, Case Study 28, STAT.0797.001.0001_R at [3], [6].


Exhibit 28-0087, ‘Statement of Reverend John Thomas Walshe’, Case Study 28, STAT.0797.001.0001_R at [7]–[8].

Exhibit 28-0087, ‘Statement of Reverend John Thomas Walshe’, Case Study 28, STAT.0797.001.0001_R at [8].

Exhibit 28-0087, ‘Statement of Reverend John Thomas Walshe’, Case Study 28, STAT.0797.001.0001_R at [7].

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Transcript of J Walshe, Case Study 28, 15 December 2015 at 14922:12–32.


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Submissions of Cardinal Pell, Case Study 28, 15 July 2016, SUBM.1028.009.0001 at [209]–[210].

Submissions of Cardinal Pell, Case Study 28, 15 July 2016, SUBM.1028.009.0001 at [209(a)].


Exhibit 28-0103, ‘Letter from Reverend Harvey to Bishop Mulkearns’, Case Study 28, CTJH.120.01099.0007.

Exhibit 28-0103, ‘Letter from Reverend Harvey to Bishop Mulkearns’, Case Study 28, CTJH.120.01099.0007.

Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Ryan’, Case Study 28, CTJH.120.60019.0042 at 0043.

Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Ryan’, Case Study 28, CTJH.120.60019.0042 at 0043.

Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Ryan’, Case Study 28, CTJH.120.60019.0042 at 0043.

Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Ryan’, Case Study 28, CTJH.120.60019.0042 at 0043.

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Exhibit 28-0103, ‘File note by Bishop Mulkearns of call from Keane’, Case Study 28, CTJH.120.01099.0010_R.

Exhibit 28-0103, ‘File note by Bishop Mulkearns of call from Keane’, Case Study 28, CTJH.120.01099.0010_R.

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Exhibit 28-0103, ‘File note by Bishop Mulkearns of call from Keane’, Case Study 28, CTJH.120.01099.0010_R.

Exhibit 28-0103, ‘Letter from Ryan to Bishop Mulkearns’, Case Study 28, CTJH.120.60019.0045.

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Exhibit 28-0103, ‘Letter from Ryan to Bishop Mulkearns’, Case Study 28, CTJH.120.60019.0045 at 0046.


Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Paul Ryan’, Case Study 28, CTJH.120.01099.0012.

Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Paul Ryan’, Case Study 28, WAL.0001.001.0105 at 0107.

Exhibit 28-0103, ‘Minutes of Consultants’ Meeting’, Case Study 28, CTJH.120.03001.0147 at 0150.

Exhibit 28-0103, ‘Minutes of Consultants’ Meeting’, Case Study 28, CTJH.120.03001.0147.


Exhibit 28-0103, ‘Minutes of Consultants’ Meeting at Wendouree Pde, Ballarat’, Case Study 28, CTJH.120.03001.0154.

Exhibit 28-0103, ‘Minutes of Consultants’ Meeting at Wendouree Pde, Ballarat’, Case Study 28, CTJH.120.03001.0154 at 0155.


Exhibit 28-0103, ‘Transcript of audiotaape of Father Gaughan’, Case Study 28, CTJH.120.01099.0166_R.

Exhibit 28-0103, ‘Letter from Donald Howard, Christ the Redeemer Catholic Church (Richmond, Virginia) to William Young, Spinella Owings Shaeia’, Case Study 28, CTJH.120.01089.0022_R at 0022_R, 0023_R.

Exhibit 28-0103, ‘Letter from Donald Howard, Christ the Redeemer Catholic Church (Richmond, Virginia) to William Young, Spinella Owings Shaeia’, Case Study 28, CTJH.120.01089.0022_R at 0023_R.
Exhibit 28-0103, 'Transcription of audiotape by Father Paul Gaughan regarding Ryan', Case Study 28, CTIH.120.01099.0166_R at 0168_R; Exhibit 28-0103, 'Letter from Rev Robert Perkins, Vicar for Priests Diocese of Richmond, Virginia USA, to Bishop Mulkearns', Case Study 28, CTIH.120.01099.0161_R.

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Exhibit 28-0103, 'Letter from Ryan to Bishop Mulkearns', Case Study 28, CTIH.120.01099.0016_R at 0016_R.

Exhibit 28-0103, 'Minutes of Consultors' meeting at Ballarat', Case Study 28, CTIH.120.01099.0254_E.

Exhibit 28-0103, 'Minutes of Consultors' Meeting at Wendouree Pde, Ballarat', Case Study 28, CTIH.120.01099.0254_E; Exhibit 28-0103, 'Minutes of Consultors' Meeting at Wendouree Pde, Ballarat', Case Study 28, CTIH.120.03001.0171.

Exhibit 28-0103, 'Minutes of Consultors' meeting at Ballarat', Case Study 28, CTIH.120.03001.0173.

Exhibit 28-0103, 'Minutes of Consultors' meeting at Ballarat', Case Study 28, CTIH.120.03001.0173 at 0173.

Exhibit 28-0103, 'Minutes of Consultors' meeting at Ballarat', Case Study 28, CTIH.120.03001.0173 at 0175.

Exhibit 28-0103, 'Minutes of Consultors' meeting at Ballarat', Case Study 28, CTIH.120.03001.0173 at 0175.

Exhibit 28-0002, 'Transcript of Private Hearing with Paul David Ryan', Case Study 28, TRAN.5002.001.0001_E_R at 886:11–14.

Exhibit 28-0002, 'Transcript of Private Hearing with Paul David Ryan', Case Study 28, TRAN.5002.001.0001_E_R at 886:7–14.

Exhibit 28-0002, 'Transcript of Private Hearing with Paul David Ryan', Case Study 28, TRAN.5002.001.0001_E_R at 886:11–17.

Exhibit 28-0002, 'Transcript of Private Hearing with Paul David Ryan', Case Study 28, TRAN.5002.001.0001_E_R at 886:19–27.


Exhibit 28-0002, 'Transcript of Private Hearing with Paul David Ryan', Case Study 28, TRAN.5002.001.0001_E_R at 877:14–18.

Exhibit 28-0002, 'Transcript of Private Hearing with Paul David Ryan', Case Study 28, TRAN.5002.001.0001_E_R at 877:14–22.


Exhibit 28-0002, 'Transcript of Private Hearing with Paul David Ryan', Case Study 28, TRAN.5002.001.0001_E_R at 882:37–43.

Exhibit 28-0002, 'Transcript of Private Hearing with Paul David Ryan', Case Study 28, TRAN.5002.001.0001_E_R at 875:13–25.

Exhibit 28-0002, 'Transcript of Private Hearing with Paul David Ryan', Case Study 28, TRAN.5002.001.0001_E_R at 877:20–36.


2095 Exhibit 28-0103, ‘Letter from Ryan to Bishop Mulkearns’, Case Study 28, CTJH.120.60020.0004


2098 Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Paul David Ryan’, Case Study 28, CTJH.120.01099.0026 at 0027.

2099 Exhibit 28-0103, ‘Minutes of Consultants’ meeting’, Case Study 28, CTJH.120.03001.0255.


2101 Exhibit 28-0103, ‘Minutes of Consultants’ meeting’, Case Study 28, CTJH.120.03001.0255 at 0255.


2103 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14464:1–10.


2105 Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Paul David Ryan’, Case Study 28, CTJH.120.01099.0023 at 0025.

2106 Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Paul David Ryan’, Case Study 28, CTJH.120.01099.0023 at 0024.

2107 Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Ryan’, Case Study 28, CTJH.120.01099.0026 at 0026.

2108 Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Ryan’, Case Study 28, CTJH.120.01099.0026 at 0027.

2109 Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Ryan’, Case Study 28, CTJH.120.01099.0026 at 0026.

2110 Exhibit 28-0103, ‘Minutes of consultants’ meeting’, Case Study 28, CTJH.120.03001.0269.

2111 Exhibit 28-0103, ‘Minutes of consultants’ meeting’, Case Study 28, CTJH.120.03001.0269.

2112 Transcript of B McDermott, Case Study 28, 14 December 2015 at 14751:11–17.

2113 Exhibit 28-0103, ‘Minutes of consultants’ meeting’, Case Study 28, CTJH.120.03001.0269 at 0270.

2114 Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Ryan’, Case Study 28, CTJH.120.01099.0031 at 0031.

2115 Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Ryan’, Case Study 28, CTJH.120.01099.0031 at 0031.


2117 Exhibit 28-0103, ‘Minutes of meeting of Consultants’, Case Study 28, CTJH.120.03001.0271.

2118 Transcript of B McDermott, Case Study 28, 14 December 2015 at 14751:11–17.

2119 Exhibit 28-0103, ‘Minutes of meeting of Consultants’, Case Study 28, CTJH.120.03001.0271.

2120 Exhibit 28-0103, ‘Minutes of Consultants’ meeting’, Case Study 28, CTJH.120.03001.0273 at 0274.

2121 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14465:1–21.


2124 Exhibit 28-0103, ‘Minutes of Consultants’ meeting’, Case Study 28, CTJH.120.03001.0318 at 0318.


2127 Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Ryan’, Case Study 28, CTJH.120.01099.0044.

2128 Exhibit 28-0106, ‘Statement of BWJ’, Case Study 28, STAT.0792.001.0001_E_R at [5].

2129 Exhibit 28-0106, ‘Statement of BWJ’, Case Study 28, STAT.0792.001.0001_E_R at [8], [9].
2130  Exhibit 28-0106, ‘Statement of BWJ’, Case Study 28, STAT.0792.001.0001_R at [10].
2131  Exhibit 28-0106, ‘Statement of BWJ’, Case Study 28, STAT.0792.001.0001_R at [10].
2134  Exhibit 28-0106, ‘Statement of BWJ’, Case Study 28, STAT.0792.001.0001_R at [12].
2135  Exhibit 28-0106, ‘Statement of BWJ’, Case Study 28, STAT.0792.001.0001_R at [12].
2136  Exhibit 28-0103, ‘Special Issues Incident Report’, Case Study 28, CTJH.120.01112.0001_R.
2137  Exhibit 28-0103, ‘Special Issues Incident Report’, Case Study 28, CTJH.120.01112.0001_R.
2138  Exhibit 28-0103, ‘Special Issues Incident Report’, Case Study 28, CTJH.120.01112.0001_R.
2139  Exhibit 28-0106, ‘Statement of BWJ’, Case Study 28, STAT.0792.001.0001_R at [12].
2142  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14521:17–27, 14522:3–8, 14522:33–42.
2143  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14522:16–31.
2144  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2145  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2146  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2147  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2148  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2149  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2150  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2151  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2152  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2153  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2154  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2155  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2156  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2157  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2158  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2159  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2160  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2161  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2162  Transcript of G Murphy, Case Study 28, 10 December 2015 at 14523:44–14523:1.
2169 Exhibit 28-0016, ‘Statement of Helen Margaret Watson’, Case Study 28, STAT.0575.001.0001 at [10], [16], [22].
2170 Exhibit 28-0016, ‘Statement of Helen Margaret Watson’, Case Study 28, STAT.0575.001.0001 at [34]–[38].
2171 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 684–685.
2172 Transcript of G Murphy, Case Study 28, 10 December 2015 at 14531:2–14532:14.
2173 Exhibit 28-0103, ‘Minutes of Consultants’ Meeting at Catholic Diocesan Offices, Ballarat’, Case Study 28, CTJH.120.03001.0345.
2174 Exhibit 28-0103, ‘Minutes of Consultants’ Meeting at Catholic Diocesan Offices, Ballarat’, Case Study 28, CTJH.120.03001.0345.
2175 Transcript of G Murphy, Case Study 28, 10 December 2015 at 14502:24–41, 14533:34–42.
2176 Exhibit 28-0103, ‘Minutes of Consultants’ Meeting at Catholic Diocesan Offices, Ballarat’, Case Study 28, CTJH.120.03001.0345 at 0346.
2178 Transcript of G Murphy, Case Study 28, 10 December 2015 at 14534:16–14535:5.
2183 Exhibit 28-0103, ‘Record of interview with Father Paul David Ryan (Special Issues Committee)’, Case Study 28, CTJH.120.01099.0077 at 0079.
2185 Exhibit 28-0103, ‘Record of interview with Father Paul David Ryan (Special Issues Committee)’, Case Study 28, CTJH.120.01099.0077 at 0079.
2187 Exhibit 28-0103, ‘Letter from Mulkearns to Ryan’, Case Study 28, WAL.0001.001.0027_R.
2188 Exhibit 28-0103, ‘Letter from Mulkearns to Ryan’, Case Study 28, WAL.0001.001.0027_R.
2189 Exhibit 28-0103, ‘Letter from Mulkearns to Ryan’, Case Study 28, WAL.0001.001.0027_R.
2190 Exhibit 28-0103, ‘Letter from Mulkearns to Ryan’, Case Study 28, WAL.0001.001.0027_R.
2191 Exhibit 28-0103, ‘Minutes of Consultants’ Meeting at Catholic Diocesan Offices, Ballarat’, Case Study 28, CTJH.120.03001.0354 at 0354.
2192 Exhibit 28-0103, ‘Minutes of Consultants’ Meeting at Catholic Diocesan Offices, Ballarat’, Case Study 28, CTJH.120.03001.0354 at 0354.
2193 Exhibit 28-0103, ‘Minutes of Consultants’ Meeting at Catholic Diocesan Offices, Ballarat’, Case Study 28, CTJH.120.03001.0354 at 0354.
2194 Exhibit 28-0103, ‘Minutes of Consultants’ Meeting at Catholic Diocesan Offices, Ballarat’, Case Study 28, CTJH.120.03001.0354 at 0355.
2195 Transcript of G Murphy, Case Study 28, 10 December 2015 at 14536:17–21.
2196 Transcript of G Murphy, Case Study 28, 10 December 2015 at 14536:17–39.
2197 Transcript of G Murphy, Case Study 28, 10 December 2015 at 14538:37–40.
2199 Transcript of G Murphy, Case Study 28, 10 December 2015 at 14539:41–14540:1.


Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Father Dan Torpy’, Case Study 28, CTJH.120.01099.0049.


Exhibit 28-0153, ‘Transcript of Private Hearing with Daniel Torpy’, Case Study 28, TRAN.0005.001.0001 at 1514:8–11.


Exhibit 28-0187, ‘Statement of Mr Daniel Torpy’, Case Study 28, STAT.0983.001.0001 at 0043.

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Exhibit 28-0103, ‘Record of interview with Father Paul David Ryan (Special Issues Committee)’, Case Study 28, CTIJH.120.01099.0077 at 0079.

Exhibit 28-0103, ‘Record of interview with Father Paul David Ryan (Special Issues Committee)’, Case Study 28, CTIJH.120.01099.0077 at 0079.

Exhibit 28-0105, ‘Letter from Bishop Mulkearns to Jim Ryan’, Case Study 28, CTIJH.120.03008.0024_R.

Exhibit 28-0103, ‘Attachment entitled “BPB”’, Case Study 28, CTIJH.120.01090.0005_R at 0007_R.


Exhibit 28-0103, ‘Minutes of Consultants and Personnel Board Meeting at Catholic Diocesan Offices, Ballarat’, Case Study 28, CTIJH.120.03001.0360_R.

Transcript of G Murphy, Case Study 28, 10 December 2015 at 14543:4–6.
521

Exhibit 28-0103, ‘Minutes of Consultors and Personnel Board Meeting at Catholic Diocesan Offices, Ballarat’, Case Study 28, CTJH.120.03001.0360_R.


Transcript of G Murphy, Case Study 28, 10 December 2015 at 14543:16–19.


Transcript of J McKinnon, Case Study 28, 15 December 2015 at 14808:5–16.


Memorandum to Bishop Mulkearns from Special Issues Committee Re PD Ryan’, Case Study 28, WAL.0001.002.0262.

Exhibit 28-0103, ‘Statement Of BPD’, Case Study 28, STAT.0736.001.0001_R at [4]–[5].

Exhibit 28-0118, ‘Statement Of BPD’, Case Study 28, STAT.0736.001.0001_R at [8].


Exhibit 28-0118, ‘Statement Of BPD’, Case Study 28, STAT.0736.001.0001_R at [18].

Exhibit 28-0118, ‘Statement Of BPD’, Case Study 28, STAT.0736.001.0001_R at [18]–[19].

Exhibit 28-0118, ‘Statement Of BPD’, Case Study 28, STAT.0736.001.0001_R at [19].

Exhibit 28-0118, ‘Statement Of BPD’, Case Study 28, STAT.0736.001.0001_R at [20].


Exhibit 28-0103, ‘Minutes of Meeting of Consultants’ Committee’, Case Study 28, CTJH.120.03001.0369.

Exhibit 28-0103, ‘Minutes of Meeting of Consultants and Personnel Board Meeting at Catholic Diocesan Offices, Ballarat’, Case Study 28, CTJH.120.03001.0360_R.

Exhibit 28-0103, ‘Letter from Bishop Mulkearns to the Congregation for the Doctrine of the Faith’, Case Study 28, CTJH.120.01099.0155_R.

Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Paul David Ryan’, Case Study 28, CTJH.120.01099.0151_R.

Exhibit 28-0103, ‘Letter from Bishop Mulkearns to PaulDavid Ryan’, Case Study 28, CTJH.120.01099.0151_R.

Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Paul David Ryan’, Case Study 28, CTJH.120.01099.0151_R.

Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Paul David Ryan’, Case Study 28, CTJH.120.01099.0151_R.

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Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Paul David Ryan’, Case Study 28, CTJH.120.01099.0151_R.

Exhibit 28-0103, ‘Letter from Bishop Mulkearns to Paul David Ryan’, Case Study 28, CTJH.120.01099.0151_R.

Exhibit 28-0103, ‘Letter from Bishop Mulkearns to the Congregation for the Doctrine of the Faith’, Case Study 28, CTJH.120.01099.0241_R.

Exhibit 28-0103, ‘Letter from Bishop Peter Connors to the Congregation for the Doctrine of the Faith’, Case Study 28, CTJH.120.01099.0241_R.

Exhibit 28-0103, ‘Letter from Bishop Peter Connors to the Congregation for the Doctrine of the Faith’, Case Study 28, CTJH.120.01099.0241_R at 0242_R.

Exhibit 28-0103, ‘Letter from Bishop Peter Connors to the Congregation for the Doctrine of the Faith’, Case Study 28, CTJH.120.01099.0243.

Exhibit 28-0103, ‘Letter from Bishop Peter Connors to the Congregation for the Doctrine of the Faith’, Case Study 28, CTJH.120.01099.0243.

Exhibit 28-0123, ‘Notice regarding Paul David Ryan From Bishop Bird’, Case Study 28, CTJH.120.10001.0001.

Exhibit 28-0086, ‘Data analysis of claims of child sexual abuse in relation to the Diocese of Ballarat’, Case Study 28, REPT.0009.001.0001 at [75]–[78].

Exhibit 28-0105, ‘Curriculum Vitae of BPB (marked up)’, Case Study 28, CTJH.120.01002.0078_R.

Exhibit 28-0105, ‘Curriculum Vitae of BPB (marked up)’, Case Study 28, CTJH.120.01002.0078_R.

Exhibit 28-0105, ‘File note of Bishop Mulkearns’, Case Study 28, CTJH.120.01109.0002_R.

Exhibit 28-0105, ‘File note of Bishop Mulkearns’, Case Study 28, CTJH.120.01109.0002_R.

Exhibit 28-0105, ‘File note of Bishop Mulkearns’, Case Study 28, CTJH.120.01109.0002_R.

Exhibit 28-0105, ‘File note of Bishop Mulkearns’, Case Study 28, CTJH.120.01109.0002_R.
Exhibit 28-0105, ‘File note of Bishop Mulkearns’, Case Study 28, CTJH.120.01109.0002_R.

Exhibit 28-0105, ‘File note of Bishop Mulkearns’, Case Study 28, CTJH.120.01109.0002_R.

Exhibit 28-0105, ‘Letter from Fr BPB to Bishop Mulkearns’, Case Study 28, CTJH.120.01090.0038_R.

 Transcript of G Murphy, Case Study 28, 10 December 2015 at 14511:43–14512:4.

 Transcript of G Murphy, Case Study 28, 10 December 2015 at 14512:23–40.

 Transcript of G Murphy, Case Study 28, 10 December 2015 at 14512:26–40.

 Transcript of G Murphy, Case Study 28, 10 December 2015 at 14512:46–14513:3.

 Transcript of G Murphy, Case Study 28, 10 December 2015 at 14512:46–14513:15.


 Exhibit 28-0111, ‘Transcript of Private Hearing of Bishop Brian Finnigan’, Case Study 28, TRAN.5006.001.0001_R at 1595:1–35.

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 Transcript of D Arundell, Case Study 28, 15 December 2015 at 14903:1–47.


 Exhibit 28-0105, ‘Letter from Bishop Mulkearns to Fr BPB’, Case Study 28, CTJH.120.01109.0002_R.

 Exhibit 28-0105, ‘Minutes of Meeting of the College of Consultors’, Case Study 28, CTJH.120.03001.0325_R at 0325_R.

 Exhibit 28-0105, ‘Minutes of Meeting of the College of Consultors’, Case Study 28, CTJH.120.03001.0325_R at 0327_R.

 Exhibit 28-0105, ‘Minutes of Meeting of the College of Consultors’, Case Study 28, CTJH.120.03001.0325_R at 0327_R.

 Exhibit 28-0105, ‘Minutes of Meeting of the College of Consultors’, Case Study 28, CTJH.120.03001.0325_R.


 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14638:4–14.


 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].

 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17]–[18].
Transcript of E Bryant, Case Study 28, 10 December 2015 at 14474:45–14475:33.

Transcript of E Bryant, Case Study 28, 10 December 2015 at 14474:45–14475:33.

Transcript of E Bryant, Case Study 28, 10 December 2015 at 14476:2–4.

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Transcript of E Bryant, Case Study 28, 10 December 2015 at 14476:10–14477:17.


Transcript of E Bryant, Case Study 28, 10 December 2015 at 14480: 18 – 21.

Transcript of E Bryant, Case Study 28, 10 December 2015 at 14476:2–4.

Transcript of E Bryant, Case Study 28, 10 December 2015 at 14476:10–14477:17.


Transcript of E Bryant, Case Study 28, 10 December 2015 at 14476:2–4.

Transcript of E Bryant, Case Study 28, 10 December 2015 at 14476:10–14477:17.

Transcript of E Bryant, Case Study 28, 10 December 2015 at 14480: 18 – 21.


Transcript of E Bryant, Case Study 28, 10 December 2015 at 14476:2–4.


Transcript of E Bryant, Case Study 28, 10 December 2015 at 14476:10–14477:17.

Transcript of E Bryant, Case Study 28, 10 December 2015 at 14476:10–14477:17.

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Exhibit 28-0105, ‘Letter from Bishop Mulkearns to “Most Holy Father”’, Case Study 28, CTJH.120.01090.0101_R at 0102_R.

Exhibit 28-0105, ‘Record of Interview – Fr BPB’, Case Study 28, CTJH.120.01090.0046_R at 0050_R.

Exhibit 28-0105, ‘Letter from Bishop Mulkearns to “Most Holy Father”’, 27 May 1994, Case Study 28, CTJH.120.01090.0101_R at 0102_R.

Exhibit 28-0105, ‘Minutes of Meeting of the College of Consultors’, Case Study 28, CTJH.120.03001.0360_R at 0360_R.

Exhibit 28-0105, ‘Minutes of Meeting of the College of Consultors’, Case Study 28, CTJH.120.03001.0360_R at 0360_R.

Exhibit 28-0105, ‘Minutes of Consultors and Personnel Board Meeting at Catholic Diocesan Offices, Ballarat’, Case Study 28, CTJH.120.03001.0360_R at 0360_R.

Exhibit 28-0105, ‘Minutes of Consultors and Personnel Board Meeting at Catholic Diocesan Offices, Ballarat’, Case Study 28, CTJH.120.03001.0360_R at 0360_R.

 Transcript of G Murphy, Case Study 28, 10 December 2015 at 14515:8–23.


 Transcript of Glynn Murphy, Case Study 28, 10 December 2015 at 14515:8–23.


 Exhibit 28-0105, ‘Memorandum from Fr Murphy to Bishop Mulkearns’, Case Study 28, CTJH.120.01090.0074_R.

 Transcript of G Murphy, Case Study 28, 10 December 2015 at 14516:19–14517:9.

 Exhibit 28-0105, ‘Statement of Fr G Murphy (Special Issues Committee) re Fr BPB’, Case Study 28, CTJH.120.01111.0007_R.

 Exhibit 28-0105, ‘Letter from Bishop Mulkearns to Most Rev T F Little’, Case Study 28, CTJH.120.01090.0062_R.

 Exhibit 28-0105, ‘Contact Record – Diocese of Ballarat’, Case Study 28, CTJH.120.01111.0006_R; Exhibit 28-0105, ‘Statement of Fr G Murphy (Special Issues Committee) re Fr BPB’, CTJH.120.01111.0007_R.

 Exhibit 28-0105, ‘Statement of Fr G Murphy (Special Issues Committee) re Fr BPB’, Case Study 28, CTJH.120.01111.0007_R at 0007_R.

 Exhibit 28-0105, ‘Statement of Fr G Murphy (Special Issues Committee) re Fr BPB’, Case Study 28, CTJH.120.01111.0007_R at 0008_R.

 Exhibit 28-0105, ‘Record of Interview – Fr BPB’, Case Study 28, CTJH.120.01090.0046_R at 0051_R.


 Exhibit 28-0105, ‘Letter from Bishop Mulkearns to Most Rev T F Little ’, 7 July 1993, Case Study 28, CTJH.120.01090.0062_R.

 Exhibit 28-0105, ‘Contact Record – Diocese of Ballarat’, Case Study 28, CTJH.120.01090.0070_R.

 Exhibit 28-0105, ‘Memorandum from Fr Murphy to Bishop Mulkearns’, 4 March 1994, Case Study 28, CTJH.120.01090.0097_R.
Exhibit 28-0105, ‘Letter from Bishop Mulkearns to Fr Murphy’, Case Study 28, CTJH.120.01110.0004_R.

Exhibit 28-0105, ‘Memorandum from Fr Murphy to Bishop Mulkearns’, Case Study 28, CTJH.120.01150.0026_R.

Exhibit 28-0105, ‘Letter from Bishop Mulkearns to Fr Franco Brambilla’, Case Study 28, CTJH.120.01090.0101_R.

Exhibit 28-0105, ‘Letter from Bishop Mulkearns to “Most Holy Father”’, Case Study 28, CTJH.120.01090.0101_R.

Exhibit 28-0105, ‘Catholic Diocese of Ballarat – Notice of Dispensation’, Case Study 28, CTJH.120.01090.0114_R.

Exhibit 28-0127, ‘Statement of BPE’, Case Study 28, STAT.0737.001.0001_R at [25].

Exhibit 28-0129, ‘Statement of Sister Kathleen McGrath’, Case Study 28, CTJH.500.68001.0001_R at [61].

Exhibit 28-0122, ‘Statement of Ann Ryan’, Case Study 28, STAT.0743.001.0001_R at [18].

Exhibit 28-0122, ‘Statement of Ann Ryan’, STAT.0743.001.0001_R at [19].

Exhibit 28-0122, ‘Letter to Bishop Mulkearns’, Case Study 28, IND.0323.001.0001_R at 0002_R.

Exhibit 28-0122, ‘Letter to Bishop Mulkearns’, Case Study 28, IND.0323.001.0001_R at 0002_R.

Exhibit 28-0122, ‘Letter from Bishop Mulkearns to Mrs Ann Ryan regarding concerns about events in the Parish of Mortlake’, Case Study 28, VPOL.0014.001.0172_E_R.

Exhibit 28-0122, ‘Letter from Bishop Mulkearns to Mrs Ann Ryan regarding concerns about events in the Parish of Mortlake’, Case Study 28, VPOL.0014.001.0172_E_R.

Exhibit 28-0122, ‘Letter from Bishop Mulkearns to Mrs Ann Ryan regarding concerns about events in the Parish of Mortlake’, Case Study 28, VPOL.0014.001.0172_E_R.

Exhibit 28-0122, ‘Letter from Bishop Mulkearns to Mrs Ann Ryan regarding concerns about events in the Parish of Mortlake’, Case Study 28, VPOL.0014.001.0172_E_R.

Exhibit 28-0122, ‘Letter from Bishop Mulkearns to Mrs Ann Ryan regarding concerns about events in the Parish of Mortlake’, Case Study 28, VPOL.0014.001.0172_E_R.

Exhibit 28-0122, ‘Letter to priests of Ballarat’, Case Study 28, IND.0323.001.0003_R.

Exhibit 28-0122, ‘Letter to Bishop Mulkearns’, Case Study 28, IND.0323.001.0003_R.

Exhibit 28-0122, ‘Reply from Bishop Mulkearns’, Case Study 28, VPOL.0014.001.0173_E_R.


Exhibit 28-0122, ‘Reply from Bishop Mulkearns’, Case Study 28, VPOL.0014.001.0174_E_R.


Exhibit 28-0122, ‘Statement of Ann Ryan’, Case Study 28, STAT.0743.001.0001_R at [32].


Exhibit 28-0122, ‘Reply from Bishop Mulkearns’, Case Study 28, VPOL.0014.001.0160_E.

Exhibit 28-0122, ‘Reply from Bishop Mulkearns’, Case Study 28, VPOL.0014.001.0160_E.

Exhibit 28-0122, ‘Reply from Bishop Mulkearns’, Case Study 28, VPOL.0014.001.0160_E at 0162_E.


Exhibit 28-0001, ‘Letter from Bishop Mulkearns to BPE’, Case Study 28, VPOL.0014.001.0154_E_R.

Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 96–97.

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Exhibit 28-0105, ‘Letter from Fr BPB to Bishop Mulkearns’, Case Study 28, CTJH.120.01090.0038_R.
2419 Exhibit 28-0116, ‘Statement of Gerald Baldock’, Case Study 28, STAT.0790.001.0001_R at [17].
2420 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00632.0159_R at 0159_R–0160_R.
2421 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00632.0159_R at 0164_R–0165_R.
2422 Exhibit 28-0001, ‘Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns’, Case Study 28, CCI.0001.00632.0159_R at 0172_R.
2423 Exhibit 28-0001, ‘Letter from Bishop Mulkearns to Rev Fr Peter Lechner, Director of Villa Louis Martin, Jemez Springs, New Mexico’, Case Study 28, CCI.0001.00632.0058_R.
2424 Exhibit 28-0001, ‘Letter from Bishop Mulkearns to Gerald Ridsdale’, Case Study 28, CCI.0001.00632.0067.
2429 Exhibit 28-0001, ‘Facsimile from Bishop Mulkearns to Paul Gamble of Dunhill Madden Butler’, Case Study 28, CTJH.120.01098.0056 at CTJH.120.01098.0057.
2430 Exhibit 28-0001, ‘Facsimile from Bishop Mulkearns to Paul Gamble of Dunhill Madden Butler’, Case Study 28, CTJH.120.01098.0056 at CTJH.120.01098.0057.
2431 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 82–83.
2432 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 86–90.
2433 Exhibit 28-0182, ‘Obituary from the National Catholic Register in relation to Father John Harvey’, Case Study 28, CTJH.0031.001.0001_R at 0002.
2434 Exhibit 28-0146, ‘Statement of Dr Peter Evans’, Case Study 28, STAT.0872.001.0001_R at [101].
2436 Exhibit 28-0001, ‘Psychological Reports prepared by Professor Ball’, Case Study 28, OPP.3014.004.0162_E at 0165_E.
2437 Exhibit 28-0001, ‘Letter from Professor Richard Ball to A Darvall’, Case Study 28, COR.0009.0002.0249.
2439 Transcript of R Mulkearns, Case Study 28, 25 February 2016 at 16140:11–42.
2441 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 82–83.
2442 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 86–90.
Exhibit 28-0154, ‘Data Analysis of claims and Substantiated Complaints of Child Sex Abuse in Relation to the Christian Brothers in Ballarat Report’, Case Study 28, INT.0010.001.0001_R.

Exhibit 28-0154, ‘Data Analysis of claims and Substantiated Complaints of Child Sex Abuse in Relation to the Christian Brothers in Ballarat Report’, Case Study 28, INT.0010.001.0001_R at [100]–[109].

Exhibit 28-0154, ‘Data Analysis of claims and Substantiated Complaints of Child Sex Abuse in Relation to the Christian Brothers in Ballarat Report’, Case Study 28, INT.0010.001.0001_R at [54]–[65].

Exhibit 28-0154, ‘Data Analysis of claims and Substantiated Complaints of Child Sex Abuse in Relation to the Christian Brothers in Ballarat Report’, Case Study 28, INT.0010.001.0001_R at [77]–[87].

Exhibit 28-0154, ‘Data Analysis of claims and Substantiated Complaints of Child Sex Abuse in Relation to the Christian Brothers in Ballarat Report’, Case Study 28, INT.0010.001.0001_R at [66]–[76].

Exhibit 28-0154, ‘Data Analysis of claims and Substantiated Complaints of Child Sex Abuse in Relation to the Christian Brothers in Ballarat Report’, Case Study 28, INT.0010.001.0001_R at [110]–[120].

Exhibit 28-0086, ‘Data analysis of claims of child sexual abuse in relation to the Diocese of Ballarat’, Case Study 28, REPT.0009.001.0001 at [47]–[50].

Exhibit 28-0086, ‘Data analysis of claims of child sexual abuse in relation to the Diocese of Ballarat’, Case Study 28, REPT.0009.001.0001 at [60]–[74].

Exhibit 28-0086, ‘Data analysis of claims of child sexual abuse in relation to the Diocese of Ballarat’, Case Study 28, REPT.0009.001.0001 at [60]–[74].

Exhibit 28-0086, ‘Data analysis of claims of child sexual abuse in relation to the Diocese of Ballarat’, Case Study 28, REPT.0009.001.0001 at [75]–[86].

Exhibit 28-0086, ‘Data analysis of claims of child sexual abuse in relation to the Diocese of Ballarat’, Case Study 28, REPT.0009.001.0001 at [75]–[86].