



Royal Commission
into Institutional Responses
to Child Sexual Abuse

REPORT OF CASE STUDY NO. 28

Catholic Church authorities
in Ballarat

NOVEMBER 2017



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Catholic Church authorities in Ballarat

November 2017

CHAIR

The Hon. Justice Peter McClellan AM

COMMISSIONERS

Justice Jennifer Coate
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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.⁶ 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'.⁷

The Chair granted Mr Gray SC an opportunity to ask Ridsdale questions at a later time.⁸ 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'.⁹

The Chair reiterated his comments after Mr David Ridsdale gave evidence and before he was discharged.¹⁰ He also indicated that Cardinal Pell would be asked to make a statement in relation to those matters.¹¹

The same day, Cardinal Pell issued a media statement responding to various matters raised in the evidence of Mr Green and Mr David Ridsdale.¹² 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 out 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, [REDACTED] and [REDACTED] 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,¹⁸ have a clerical grapevine¹⁹ and the like. In particular, Ridsdale’s and Monsignor Day’s conduct was the source of gossip among priests.²⁰ 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 consultants' 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 consultants, 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'.²⁹ 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.³⁰ 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'.³¹ In context, it is perfectly clear that the 'complaints' that were referred to in this evidence were complaints of Ridsdale sexually abusing children.³²

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.³³

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.³⁴

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.³⁵ 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'.⁴⁴ 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'.⁴⁵ 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.⁴⁶ 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.⁴⁷

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.⁴⁸ 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.

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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 BWX 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.

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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
- [REDACTED]
- [REDACTED]

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 consultors 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 Mulkearns. 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 consultants 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 Consultors. The frequency with which he was moved from appointment to appointment was unusual. [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED] 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.

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
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[REDACTED]

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 consultors 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 consultors to keep confidential.

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 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 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 his 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 McNerney 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.

[REDACTED]

[REDACTED]

[REDACTED]

We are satisfied that, by this time, the consultors who had attended previous meetings, including Father Madden and Father McNerney, 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 Consultors 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 BAIs. 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 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 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), [REDACTED] 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.

██████████ 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 ██████████ 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 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 ██████████ 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'.

[REDACTED]

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 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.

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 1993, 1994 and 1995, Bishop Mulkearns gave descriptions of what he knew about events in Mortlake.

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 consultants.

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 consultants' meeting on 14 September 1982 and subsequent meetings at which Ridsdale was discussed. We have found that the consultants 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 McNerney 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.

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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 Toomey⁵¹
- Robert Best.⁵²

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.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.⁶⁹

Superior of the community

Each Christian Brothers community is led and supervised by the superior of that community.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.⁷¹

Brother Paul Nangle was the superior of St Patrick’s community in Ballarat between January 1973 and July 1978.⁷² He told us that he would not have seen his role as superior as including supervision of Brothers to ensure they were behaving appropriately.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.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.⁷⁵ The visitation report was typically also provided to members of the provincial council.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.⁷⁷ The visitation process was a way for the provincial to exercise his governance responsibility,⁷⁸ and supervision of the Brothers was incidental to the visitation process.⁷⁹ The visitor also attended schools within the community.⁸⁰

Generally, the visitor had a private meeting with each member of a community, including the superior.⁸¹ 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.⁸²

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.⁸³

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.⁸⁴

The Christian Brothers who taught at those four schools lived together on the grounds of St Patrick's College.⁸⁵

Brother Nangle was superior of St Patrick's community and headmaster of St Patrick's College from January 1973 until July 1978.⁸⁶

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 1976.⁸⁷

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.⁸⁸ 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.⁸⁹

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.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 1974.¹⁰⁰

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.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.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.¹⁰³ He said Dowlan's sexual offending in particular was common knowledge and the subject of 'a lot of talk in the school ground'.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.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.¹⁰⁶ He said his four older brothers who attended the school before him warned him of which Brothers to avoid.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 1927¹⁰⁸ and worked in various places in Victoria from 1921, including Ballarat in 1925 and Warrnambool in 1932.¹⁰⁹

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.¹¹⁰

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'.¹¹¹ The visitor suggested 'a change to a large community at Xmas and keep him away from branch schools'.¹¹² Brother Fitzgerald was moved to Warrnambool, in the south of the Diocese, the following year.¹¹³

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.¹¹⁴

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.¹¹⁵

Despite the direction, the following night Brother Fitzgerald was discovered in the dormitory looking after the boys.¹¹⁶ The visitor reported this to the provincial in his visitation report and the provincial, Brother JL Mackey, reprimanded Brother Fitzgerald.¹¹⁷ 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'.¹¹⁸ 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.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 officer¹²⁰ with access to children.

Brother Fitzgerald was moved to Albert Park in 1951.¹²¹ He was moved again the following year and again in 1954.¹²² 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'.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.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.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.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.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.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.¹²⁹

BAP told us Brother Fitzgerald made the boys swim naked at a school picnic while he watched.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.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.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.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’.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’.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’.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.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,¹⁴⁶ came to the Brothers’ residence and interviewed Brother Fitzgerald.¹⁴⁷ Not long after this visit, another two provincial council members came to the Brothers’ residence and spoke to Brother Fitzgerald.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’.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.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.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.¹⁵² The Church parties also conceded that Brother Nangle's statement to Mr Harrison, if considered in isolation, was inaccurate.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.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.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,¹⁵⁶ and no one asked him to watch Brother Fitzgerald.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.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.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: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.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'.¹⁶² Brother Nangle gave evidence that this was directed particularly to Brother Fitzgerald, although it was couched as a 'general principle'.¹⁶³

Brother Nangle told us he spoke to Brother Fitzgerald and told him that he was not to go to the dormitories.¹⁶⁴ He said that, at the time, it did not enter his mind that there were any sexual connotations in his conduct.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.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.¹⁷⁰ He thought the parents 'were accepting of it'.¹⁷¹

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.

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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.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'.²⁰⁴

A short time later, Brother BWX was transferred to Brunswick in Victoria, where he was appointed to another teaching position.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.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.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.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.²⁰⁹ 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.²¹⁰

Brother BWX is moved to Warrnambool

Brother BWX spent only six months in Brunswick before being transferred to Devonport in Tasmania in January 1961.²¹¹ 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.²¹²

Father Francis Madden was chaplain to the Christian Brothers College in Warrnambool in Victoria from 1964 until 1968.²¹³

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.²¹⁴

BWU said that Brother BWX, who was his class teacher, sexually abused him on seven or eight occasions in about 1963.²¹⁵ 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.²¹⁶ Father Madden then left the class, and BWU could not recall seeing Brother BWX again.²¹⁷

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.²²⁶ 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 2003.²²⁷

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.²²⁸

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 2003.²²⁹ 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.²³⁰

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 2003.²³¹ 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.²³²

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'.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'.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'.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.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.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 1971.²³⁸ 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.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 1960.²⁴⁰ 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'.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.²⁷⁰

Brother Godfrey made a record of his actions after receiving BWW's telephone call.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.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.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 1984.²⁷⁴ 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.²⁷⁵ 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 1973.²⁷⁶

Between January 1986 and the end of 1988, Brother BWX had appointments at Gilles Plains and Thebarton in South Australia.²⁷⁷

In January 1989, Brother BWX was transferred back to Victoria, where he was again appointed to St Kevin's College, Toorak (Heyington).²⁷⁸ By this time, Brother Chappell was the provincial of St Patrick's Province.²⁷⁹

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.²⁸⁰

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'.²⁸¹ By this time, Brother Paul Noonan was the provincial of St Patrick's Province.²⁸² 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.²⁸³

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'.²⁸⁴ It is not known what prompted this arrangement.

Since 2010, Brother BWX has resided in the Parkville community in Melbourne.²⁸⁵ 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
- BWX'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.²⁹⁰

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.²⁹¹

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 1973.²⁹² 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.²⁹³ 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.²⁹⁴ He did not follow up with Monsignor McMahon as to what he had done.²⁹⁵

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.²⁹⁶

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.³¹⁴

Brother Nangle reiterated this evidence at the public hearing.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.'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.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.³¹⁸

The police

Brother Nangle said in his statement that he had no recollection of a conversation with CCD and Mrs CCE.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.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.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'.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).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.

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.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.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.³⁴⁸

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.³⁴⁹

Mr Barlow said the SRC was reconstituted by 1976, because he was elected president in his final year.³⁵⁰

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.³⁵¹ He did not identify the student.

Brother Nangle had no memory of the SRC making any complaint to him about Dowlan.³⁵² 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'.³⁵³ He said that, if a minute book existed, he never saw it.³⁵⁴ He told us that if he had heard these matters he would have reported it to the provincial, as he had on other occasions.³⁵⁵

Brother Nangle said he did not recall ever disbanding the SRC, and as headmaster he encouraged its activities.³⁵⁶ He said nobody ever made a complaint of that kind.³⁵⁷ 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.³⁵⁸

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 1973.³⁵⁹ A letter from former lay teacher Mr Frank Rice, who was also at the school in 1973, was also tendered.³⁶⁰ 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.³⁶¹

The Church parties submitted that the considerable array of evidence is difficult, if not impossible, to reconcile with Mr Barlow's account.³⁶² 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.³⁶³ 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.³⁶⁴ 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'.³⁶⁵ 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.³⁶⁶

Brother Nangle did not recall the interaction,³⁶⁷ but he did not deny it occurred.³⁶⁸ 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.³⁶⁹

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.³⁹⁰ 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 1985.³⁹¹ 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 2010.³⁹²

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 1985.³⁹³ 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'.³⁹⁴

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.³⁹⁵ 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'.³⁹⁶

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'.³⁹⁷

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.³⁹⁸ The following day, Brother Nangle held a meeting with Mr Holloway and Dowlan in his office.³⁹⁹ 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'.⁴⁰⁰

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 1979.⁴⁰⁵

In 1974, Mr Claassen was in form 1 and aged about 12 or 13.⁴⁰⁶ Dowlan was his housemaster.⁴⁰⁷ Midway through the year, Mr Claassen told us he was sexually abused by Dowlan.⁴⁰⁸ 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.⁴⁰⁹

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.⁴¹⁰ 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.⁴¹¹

Mr Claassen told us he never heard anything else about the interview from Brother Nangle but that there were no further incidents with Dowlan.⁴¹²

Brother Nangle told us he had no recollection of 'any such meeting or any such complaint'.⁴¹³ 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.⁴¹⁴

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.⁴¹⁵

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 College⁴¹⁶ and Dowlan was his dormitory master.⁴¹⁷ 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.⁴¹⁸

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.⁴¹⁹

Mr Tatchell told us no other Brother disciplined like Dowlan; the other Brothers gave the strap right then and there.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'.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.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.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.⁴²⁴

Mr Tatchell said the Brothers put him in a linen closet overnight until his father arrived in the morning.⁴²⁵ He said when his parents arrived and he was let out, the 'first thing I did was take a swing at Brother Nangle'.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'.⁴²⁷

Mr Tatchell's mother gave a police statement about the incident in 1994.⁴²⁸ 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.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 poofters' and to get him out of there.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.⁴³¹

The Church parties submitted that Mr Tatchell’s account and his mother’s police statement are inconsistent⁴³² 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.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.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.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’.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.

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 [REDACTED] 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 poofters', 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'.⁴⁴⁷

Brother Nangle prepared a draft letter to *The Age* responding to the article, which he sent to Brother Peter Dowling for him to forward at his discretion.⁴⁴⁸ Ultimately, the letter was not sent to *The Age*.⁴⁴⁹

Brother Nangle's proposed letter included the following passage:

At no time during my term as Headmaster, did any parent make allegations to me of sexual misconduct against any Member of Staff of St. Patrick's College. Without any such allegation being made, it was impossible for me to 'protect' anybody or to 'talk parents out of laying charges'.⁴⁵⁰

In his 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.⁴⁵¹

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'.⁴⁵² Brother Nangle accepted that he carefully chose his words in a way that he thought he could reconcile with the true position.⁴⁵³

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).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.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 1966.⁴⁵⁶

After studying theology in Rome in 1967 and being awarded a doctorate in church history at the University of Oxford in 1971,⁴⁵⁷ 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 parish⁴⁵⁸ and lived at the St Alipius presbytery.⁴⁵⁹

St Alipius school is located in close proximity to the St Alipius presbytery. The two are separated by the church.⁴⁶⁰

Father Pell also held the role of Episcopal Vicar for Education in the Diocese from March 1973 until 1984.⁴⁶¹ In 1974, he was appointed director of Aquinas College.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.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.⁴⁷⁰ He was a St Patrick's College old boy, said mass there occasionally and attended football matches.⁴⁷¹ Father Pell was described by one former St Patrick's College student as someone who he thought might one day be Pope.⁴⁷²

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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.⁵⁹¹ 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'.⁵⁹²

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'.⁵⁹³ 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.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’.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.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.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.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.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.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.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.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.⁶⁰³ They gave the letter to Brother Delaney.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'.⁶⁰⁵ As was the usual practice, the provincial was likely to have received this visitation report.⁶⁰⁶

Brother Brandon gave evidence that he did not remember this visitation report being discussed by the provincial council in 1985.⁶⁰⁷ 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'.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'.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’.⁶¹⁰ Brother Brandon, who was a member of the provincial council at that time, could not recall what these ‘personal matters’ were.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.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’.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’.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.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.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 Noonan⁶¹⁸] (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.⁶²⁹ 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.⁶³⁰

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.⁶³¹

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.⁶³² Ms Clingan did not report these concerns to anyone at the time because she said she did not have any proof of sexual misconduct.⁶³³

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'.⁶³⁴ 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.⁶³⁵

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'.⁶³⁶

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.⁶³⁷ 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,⁶³⁸ 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.⁶⁵⁰

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'.⁶⁵²

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.⁶⁵⁶ 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.⁶⁸⁴ 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.⁶⁸⁵

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.⁶⁸⁶ Brother Francis is now deceased. Brother Brandon concluded that 'on the balance of probabilities [the meeting] would seem likely to have occurred'.⁶⁸⁷

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.⁶⁸⁸

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.⁶⁸⁹ 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-1975,⁶⁹⁰ 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'.⁶⁹¹ 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.⁶⁹²

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 roles⁶⁹⁵ 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.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 1982.⁷⁰² Toomey was appointed as a boarding master and teacher.⁷⁰³

By 1982, Brother Nangle was no longer the superior of the St Patrick's community – Brother R Matthias Miller had taken his place.⁷⁰⁴

As the Church parties have accepted, it was inexcusably wrong for Toomey to be appointed to further school roles⁷⁰⁵ 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.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,⁷⁰⁷ and Brother Lavery told him to stay away from Toomey 'because he's a pervert'.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.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.⁷¹⁰

The Church parties submitted there is insufficient evidence to find that Mr Collins reported the sexual abuse by Toomey to Brother Lavery.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.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'.⁷²² Brother Negus also raised concerns about Toomey's drinking and allegations of physical violence toward students.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'.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.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.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.⁷²⁷

Toomey used his sabbatical year to study 'Art Therapy'.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.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.⁷³⁰ 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.⁷³¹ 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'.⁷³² 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.⁷³³ 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.⁷³⁴

BWR had been a student at St Joseph's College in 1972, during Toomey's first teaching appointment at the school between 1971 and 1973.⁷³⁵ 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.⁷³⁶

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.⁷³⁷

BWR's report prompted a meeting between the Christian Brothers authorities of St Patrick's Province and the Holy Spirit Province the following month.⁷³⁸ 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.⁷³⁹

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).⁷⁴⁰

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
- [REDACTED]
- [REDACTED]

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.⁷⁵¹

Neighbouring dioceses are grouped into ‘provinces’, which are usually grouped around a larger or older city, which is called an archdiocese.⁷⁵² There are five ecclesiastical provinces in Australia – Adelaide, Brisbane, Sydney, Melbourne and Perth.⁷⁵³

Each diocese is autonomous and independent of the others, and no diocesan bishop or archbishop has authority or power over another.⁷⁵⁴

Within a diocese, a bishop establishes parishes, which are smaller areas within that diocese.⁷⁵⁵ Parishes are led by the parish priest, who is appointed by the bishop to oversee the pastoral care of the parish.⁷⁵⁶

The diocesan bishop

The bishop or archbishop is the most senior officer in a diocese or archdiocese. He exercises pastoral leadership over his diocese.⁷⁵⁷

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.⁷⁵⁸

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)
- Monsignor Henry Nolan (1982–1991)
- Father Brian Finnigan (1991–1998).

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,⁷⁶⁸ and he would have been concerned that the minutes not record any problems in the Diocese in the nature of sexual abuse of children.⁷⁶⁹

4.2 Monsignor John Day

Monsignor Day was born in 1904⁷⁷⁰ and ordained a priest in the Diocese in 1930.⁷⁷¹

He was assistant priest in a number of parishes until January 1951, when he was appointed parish priest of Apollo Bay.⁷⁷² He held that position until July 1956, when he was appointed parish priest of Mildura.⁷⁷³

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.⁷⁷⁴ 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.⁷⁸¹

Mr Miller was appointed Assistant Commissioner (Operations) – a position he held until 1976.⁷⁸² 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.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.⁷⁸⁴

The superintendent of Swan Hill oversaw the north-western district of Victoria, including Mildura.⁷⁸⁵ Detectives and traffic police in country districts were accountable to the superintendent of that district.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.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.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’.⁷⁸⁹

Sectarianism in Victoria Police

Mr Ryan told us there was a ‘vast degree of sectarianism within the police force’ when he joined.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.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.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 Howden⁸²⁰ 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’.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.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.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’.⁸⁴⁶ Superintendent McPartland replied, ‘I have given you an instruction. I expect you to obey it’.⁸⁴⁷

As instructed, Detective Ryan gave Inspector Irwin the five statements that he had taken from victims.⁸⁴⁸ He said that Inspector Irwin took the statements without saying a word.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.

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:

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.⁸⁵⁰

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.⁸⁵¹

When Inspector Irwin and Detective Sergeant Barritt interviewed Monsignor Day in November 1971, Monsignor Day denied all of the allegations.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.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.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'.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.⁸⁶⁰

Detective Ryan told Mr Howden that he had been ordered off the case and suggested that they write to Bishop Mulkearns.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.⁸⁶² They also wrote:

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.⁸⁶³

They concluded the letter by asking for a meeting between the bishop and 'a delegation of menfolk' from Mildura parish.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:

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.⁸⁶⁵

Bishop Mulkearns' diary shows that he had an appointment with Monsignor Day a week later, on 16 December 1971.⁸⁶⁶ 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.

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.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.

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 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.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.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.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'.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'.⁸⁸⁰

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.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.⁸⁸²

In mid-January 1972, he and another senior Victoria Police officer, Detective Chief Inspector Harvey Child, were called before Acting Chief Commissioner Carmichael.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.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.⁸⁹⁹

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.⁹⁰⁰

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'.⁹⁰¹

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 1972.⁹⁰² 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.⁹⁰³ When he went outside, he saw Father Taffe, who he knew had been a priest in Mildura for about three years.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.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.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.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.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 conveyor 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 1971.⁹⁰⁹

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.⁹¹⁰ 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.⁹¹¹

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'.⁹¹²

Mrs BPA's husband rang the Mildura presbytery and spoke to Father Taffe, who said, 'I thought he was over all this'.⁹¹³ Father Taffe then said he had to call the bishop. He told Mr BPA to expect a call from the bishop.⁹¹⁴ 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.⁹¹⁵

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.⁹¹⁶

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 1975.⁹¹⁷

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.⁹¹⁸

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.⁹¹⁹ 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 [REDACTED] and [REDACTED]. 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.⁹²⁰ He broadly understood these complaints related to the conduct of Monsignor Day in relation to adolescent boys,⁹²¹ and he 'intuited' it involved sexual misconduct.⁹²²

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.⁹²³

Mr Torpy told us he telephoned the vicar general at the time, Father Madden.⁹²⁴ 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.⁹²⁵ Father Madden said he would look into it.⁹²⁶ 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'.⁹²⁷

Father Madden told us he did not remember Father Torpy telling him that parishioners had complained of Monsignor Day's sexual activity with children.⁹²⁸ 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.⁹²⁹ 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.⁹³⁰

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.⁹³¹ 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 1972.⁹³² 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.⁹³³ However, he would spend about a month in Mildura over the summers.⁹³⁴

Father Baldock told us that in 1964 or 1965 he started to hear pub talk about Monsignor Day's wealthy lifestyle and his flamboyance.⁹³⁵ 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.⁹³⁶ He did not pass on this information to anyone or tell the bishop.⁹³⁷

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.⁹³⁸ 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.⁹³⁹

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.⁹⁴⁰ He was appointed assistant priest at the parish of Swan Hill in mid-1971.⁹⁴¹

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’.⁹⁴²

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.⁹⁴³

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 1971,⁹⁴⁴ where he had been a candidate for the Archdiocese of Adelaide.

[REDACTED]

Father Baldock told us that in the summer of 1971 Paul David Ryan spoke to him about Monsignor Day.⁹⁴⁵ Paul David Ryan told Father Baldock that Monsignor Day had been involved in paedophilia with altar servers and expressed concern.⁹⁴⁶ Father Baldock recalled that Paul David Ryan was in the process of reporting this to the bishop.⁹⁴⁷

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 1972.⁹⁵⁸ 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.⁹⁵⁹

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.⁹⁶⁰ 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.⁹⁶¹ He said that the bishop did not instruct him personally but that he believed there was a communication with Father Taffe.⁹⁶² 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.⁹⁶³

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'.⁹⁶⁴ 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'.⁹⁶⁵

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.⁹⁶⁶

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 McNerney, 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.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.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.

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.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 1972.⁹⁸⁴ He also told them he did not expect to be appointed to any parish on his return.⁹⁸⁵

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.⁹⁸⁶

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’.⁹⁸⁷

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.⁹⁸⁸ Mr Torpy said the conversation was not very long, and he never saw Mr Holding again.⁹⁸⁹

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.⁹⁹⁰

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.⁹⁹¹ He also reported ‘We particularly enquired without success as to any alleged indecent assault in recent times, exclusive of BUI’.⁹⁹²

He concurred with the opinions and reasons that Superintendent Duffy and Inspector Irwin gave in their earlier reports to the chief commissioner in late 1971⁹⁹³ – 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.⁹⁹⁴

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.⁹⁹⁵ 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.⁹⁹⁶

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 1st 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 5th 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 Irwin¹⁰⁰⁴ and Superintendent O'Connor,¹⁰⁰⁵ 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.¹⁰⁰⁶

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.¹⁰⁰⁷

Advice from the Victorian Solicitor-General

The deputy commissioner considered that the final decision should be made by someone outside the police department.¹⁰⁰⁸ 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.¹⁰⁰⁹ He agreed with the 'opinions expressed that the evidence is insufficient to warrant launching prosecutions'.¹⁰¹⁰ 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.¹⁰¹¹

Mr Murray's advice was sent to the chief commissioner towards the end of April 1972.¹⁰¹²

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'.¹⁰¹³

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.¹⁰¹⁴

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.¹⁰¹⁵

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'.¹⁰¹⁶

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'.¹⁰¹⁷

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.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.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'.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.¹⁰²¹

Detective Sergeant Barritt and Detective Ryan were each interviewed by Chief Commissioner Jackson and Acting Chief Commissioner Carmichael later that month.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.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'.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'.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 1972.¹⁰²⁶

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’.¹⁰³⁸ He said that after he resigned he was depressed and bitter, and he was worried about the financial situation of his family.¹⁰³⁹ He wonders how many kids would have been saved if Victoria Police had gone on with the inquiry into Monsignor Day.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.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 1987.¹⁰⁴²

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.¹⁰⁴³ He thought this was unusual, because subordinates did not usually dispute things with their superior officers.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.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'.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.¹⁰⁴⁷ Mr Miller accepted this response and assumed it was simply a case of incompatibility between the two detectives.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 *Unholy trinity: The hunt for the paedophile priest Monsignor John Day* by Mr Ryan and Mr Peter Hoysted in 2014.¹⁰⁴⁹

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:

[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.¹⁰⁵⁰

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'.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 consultors at this meeting were the same consultors 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 consultors 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 consultants 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'.¹⁰⁵⁸

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'.¹⁰⁵⁹

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'.¹⁰⁶⁰

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',¹⁰⁶¹ and 'it was a concern to everybody' that a priest of the Diocese had these allegations made against him in such a public way.¹⁰⁶² He said it was 'a great disappointment and embarrassment to the rest of us'.¹⁰⁶³

Father Madden said that ‘people were talking – asking me if I’d seen the article or referring to it or whatever’,¹⁰⁶⁴ and ‘the whole episode was of concern to all the clergy’.¹⁰⁶⁵ He also said Monsignor Day’s name was spoken about and the circumstances of this whole episode were in the public arena.¹⁰⁶⁶ Father Madden told us when the allegations became public he thought it was a shock throughout the Diocese and that everyone felt it.¹⁰⁶⁷

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.¹⁰⁶⁸ However, he accepted it was likely he heard about the article when he returned from overseas¹⁰⁶⁹ 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.¹⁰⁷⁰ Father Melican agreed it was ‘a big scandal to hit the Diocese’ and that it was well known amongst the consultants, and also more broadly amongst priests, that the priest concerned was Monsignor Day.¹⁰⁷¹

Father Arundell was overseas with Father Melican when the article was published, and he too did not see it at that time.¹⁰⁷² He did not recall ever reading or hearing about what was in the article and said he never talked about it.¹⁰⁷³

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.¹⁰⁷⁴

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’.¹⁰⁷⁵ 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.¹⁰⁷⁶

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’.¹⁰⁷⁷

Cardinal Pell told us that Monsignor Day had ‘a strong body of supporters’.¹⁰⁷⁸ 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’.¹⁰⁷⁹ He also told us that in those days, if a priest denied such activity, he was very strongly inclined to accept the denial.¹⁰⁸⁰

Cardinal Pell could not recall whether he heard about this controversy before or after the *Melbourne Observer* article.¹⁰⁸¹ However, he saw this article not long after it was published in August 1972.¹⁰⁸² He said he ‘certainly’ would have discussed the article with priests¹⁰⁸³ and probably with the other priests in the presbytery at Swan Hill – Fathers Melican and Brennan.¹⁰⁸⁴

Father Melican did not recall discussing the allegations against Monsignor Day,¹⁰⁸⁵ 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.¹⁰⁸⁶ 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.¹⁰⁸⁷ 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'.¹⁰⁸⁸

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.¹⁰⁸⁹

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.¹⁰⁹⁰

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.¹⁰⁹¹

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 McNerney.

When they met on 12 January 1973, Monsignor McNerney moved that Monsignor Day be appointed parish priest of Timboon. The motion was seconded by Monsignor Fiscalini.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.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 1973.¹¹⁰³

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 *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.¹¹⁰⁴

Father Melican also could not remember what was reported or discussed at the meeting regarding Monsignor Day's appointment to Timboon.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.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 McNerney 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.¹¹⁰⁷ He accepted it could have been during his time as bishop's secretary – a role he held between 1973 and 1979.¹¹⁰⁸

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.¹¹⁰⁹

As the Church parties also conceded,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 Consultors, 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.¹¹¹¹

While at the seminary, Ridsdale helped on camps for underprivileged children, where he sexually abused at least one boy.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.¹¹¹³ In 1960, he spent a year at All Hallows College in Dublin.¹¹¹⁴

Ridsdale was ordained a priest in the Diocese in July 1961 by Bishop O'Collins.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.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. [REDACTED]

[REDACTED] 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 1962.¹¹¹⁹ 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'¹¹²⁰ or 'off the mission' – the latter meaning his removal from the priesthood.¹¹²¹ 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,¹¹²² where he was appointed assistant priest.¹¹²³

At the time, Monsignor Day was the parish priest of Mildura.¹¹²⁴ Ridsdale lived in the presbytery with him and another assistant priest, Father Arundell.¹¹²⁵ 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.¹¹²⁶

Ridsdale told us that Bishop O'Collins placed no condition, restriction or supervision on him at Mildura.¹¹²⁷ We accept that evidence.

Ridsdale also told us that he sexually abused a number of boys, mainly altar boys, in Mildura.¹¹²⁸

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'.¹¹²⁹ He went on to say, 'My first first-hand knowledge of a problem came to me around 1975'.¹¹³⁰

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.¹¹³¹ 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.¹¹³²

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.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.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.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.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.¹¹³⁷

Allegations emerge at Warrnambool parish

After two years at Mildura parish, Ridsdale held a brief appointment as assistant priest at Swan Hill.¹¹³⁸

While he was at Swan Hill, Ridsdale sexually abused a number children in relation to whom he was subsequently convicted.¹¹³⁹ He gave evidence that, as far as he knew, no one knew about his offending when he left Swan Hill.¹¹⁴⁰

Father Pell was assistant priest of Swan Hill in 1971 and 1972.¹¹⁴¹ He gave evidence that no rumours of sexual misconduct about Ridsdale came to his attention while he was in Swan Hill.¹¹⁴²

In January 1970, Ridsdale was appointed assistant priest at Warrnambool,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.¹¹⁴⁴

By the end of 1971, Ridsdale had been transferred out of Warrnambool. In 1972, he was replaced by Father Tom Brophy.¹¹⁴⁵

In 1972, Father Bongiorno ceased to be the chaplain of Christian Brothers College Warrnambool and was appointed chaplain at St Ann's.¹¹⁴⁶

BPL provided a statement to the Royal Commission.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.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.¹¹⁴⁹ Father Bongiorno, who was a priest in Warrnambool parish at the time, came on the camp along with a couple of Christian Brothers.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'.¹¹⁵¹ He also told him that he believed similar things had happened with his younger brother, who was also an altar server.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.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.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.¹¹⁶¹ Monsignor Fiscalini told him that the Church was dealing with it and he was not to talk to anyone about it.¹¹⁶² 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.¹¹⁶³

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.¹¹⁶⁴

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.¹¹⁶⁵

BWA gave evidence that he also told Father Brophy that he could provide a dozen names of other kids who had been sexually abused.¹¹⁶⁶ Father Brophy assured him he would put a stop to it and that he and Monsignor Fiscalini would go to Bishop Mulkearns in Ballarat.¹¹⁶⁷ Father Brophy never raised it with BWA again. Father Brophy died in 1974.¹¹⁶⁸

We have no reason not to accept BWA's evidence. Father Brophy replaced Ridsdale as assistant priest at Warrnambool in 1972¹¹⁶⁹ 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.¹¹⁷⁰

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.¹¹⁷¹

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.¹¹⁷²

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'.¹¹⁷³

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.¹¹⁷⁴ 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.¹¹⁷⁵ He said that Bishop Mulkearns never discussed the issue with him.¹¹⁷⁶

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.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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.¹¹⁸⁷ He was appointed parish priest¹¹⁸⁸ 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.¹¹⁸⁹

In his evidence to us in 2015, Ridsdale agreed there must have been talk around the town.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.¹¹⁹¹ He told us the usual way would be to write to the bishop and consultants requesting a transfer.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.¹¹⁹³

Undated minutes of a meeting at the College of Consultors record that Ridsdale was appointed parish priest of Inglewood. According to those minutes, Bishop Mulkearns, Father Madden (vicar general), Monsignors Fiscalini, O'Brien, McMahon, O'Keefe, McKenzie and McNerney, and Fathers Culligan, Melican and Kevin Arundell were present.¹¹⁹⁴ Father Adrian McNerney was the bishop's secretary at that time.¹¹⁹⁵

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.¹¹⁹⁶

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.

Fathers Culligan and Arundell were the only two consultors at this meeting who had not attended earlier meetings at which Monsignor Day had been discussed.

Of the attendees at this meeting, Fathers Madden, McNerney and Melican gave evidence. Father Kevin Arundell was not asked to give evidence. The remaining consultors are deceased.

Father Madden told us he had no recollection of why Ridsdale was appointed to Inglewood.¹¹⁹⁷

Father McNerney was not asked about this meeting or the circumstances in which Ridsdale left Apollo 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.¹¹⁹⁸ Father McNerney 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.¹¹⁹⁹ He said he was not aware of Ridsdale's offending before Ridsdale was charged¹²⁰⁰ 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 from Apollo Bay in early 1975.¹²⁰¹ However, he said that the consultors must have known about Ridsdale's move and the circumstances of that move.¹²⁰² Father Melican agreed that, as he was a consultor at the time, in the normal course of things he would have been told what was going on.¹²⁰³

Father Melican said he could not recall the circumstances of Ridsdale's transfer or anything that was explained to the consultors in early 1975 about why Ridsdale was moving.¹²⁰⁴ However, he accepted that it would have been explained to him.¹²⁰⁵

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.¹²⁰⁶ 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'.¹²⁰⁷ However, Father Melican agreed that the move would have come up very quickly and unexpectedly and as a result would have needed explanation.¹²⁰⁸

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'.¹²⁰⁹

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.¹²¹⁰

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.¹²¹¹ He had a pool table and acknowledged it was 'the trap' for young boys.¹²¹² 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'.¹²¹³ He panicked, packed up his things and left Inglewood late in the evening. The next day, he went to see Bishop Mulkearns.¹²¹⁴

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.¹²¹⁵ Mr Mooney provided the statement to Bishop Mulkearns.¹²¹⁶ According to Mr Mooney, Bishop Mulkearns said he would put Ridsdale in hospital for counselling.¹²¹⁷

Bishop Mulkearns met with Ridsdale and Mr Mooney in separate meetings on the same day in mid-January 1976.¹²¹⁸ According to Bishop Mulkearns, Ridsdale came to him before Mr Mooney did and warned him that a policeman was coming to see him.¹²¹⁹

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.¹²²⁰

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.¹²²¹

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.¹²²²

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.¹²²³

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’.¹²²⁴

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.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’.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.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’.¹²²⁸ He stated that Father Augustine Watson was recommended.¹²²⁹ He also stated, ‘I have’nt [sic] got the dates and I didn’t take any notes about that’.¹²³⁰ In a later interview in 1995, Bishop Mulkearns recalled that Ridsdale was first referred to Father Peter Evans.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.¹²³² He was located at a retreat house called La Verna in Kew, Victoria.¹²³³ Dr Evans gave evidence to the Royal Commission about his treatment of Ridsdale in late 1975.

Dr Evans gave unchallenged evidence¹²³⁴ that Ridsdale arranged the sessions himself, and he had no contact with Bishop Mulkearns.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.¹²³⁶

Dr Evans said this was the first priest he had heard of who had an allegation of child sexual abuse made against him.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'.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'.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.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.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.¹²⁴²

Dr Evans decided to leave the priesthood towards the end of 1975 but stayed on at La Verna until the end of January 1976.¹²⁴³ 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.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.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.¹²⁴⁶ That appointment was a temporary appointment until the end of February.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.¹²⁴⁸ He said he only appointed Ridsdale after he 'was given assurance that he was ready to be appointed again'.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:

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.¹²⁵⁰

Ridsdale also gave evidence that he did not recall telling Bishop Mulkearns that Dr Evans said he could be returned to a parish.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.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.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.

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 McNerney, Father Melican, and Fathers Culligan and Kevin Arundell attended the meeting.¹²⁵⁴ Father McNerney was bishop’s secretary at that time and he took the minutes.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.¹²⁵⁶

The minutes then record a number of new appointments in the Diocese, including Ridsdale’s appointment as temporary parish priest of Bungaree.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 *Melbourne Observer* article was known and discussed.

Three of the attendees at this meeting gave evidence to the Royal Commission – Fathers Madden, Melican and McNerney. 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.¹²⁵⁸

Father Madden told us he had no recollection whatsoever of what Bishop Mulkearns announced at the meeting,¹²⁵⁹ and he was not able to say what ‘matters’ had arisen in the Diocese that made it advisable to delay making appointments.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.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.¹²⁶²

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,¹²⁶³ and he accepted the problem that led to delayed appointments was plainly Ridsdale.¹²⁶⁴ He said he did not know at the time about the trouble Ridsdale had got into at Inglewood.¹²⁶⁵

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 McNerney also told us he had no recollection of the meeting.¹²⁶⁶ 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.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.¹²⁶⁸

Father McNerney 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.¹²⁶⁹

He would have expected Bishop Mulkearns to have explained to the consultors his reasons for moving Ridsdale.¹²⁷⁰

Counsel for the Church parties asked Father McInerney whether Bishop Mulkearns had ever mentioned Ridsdale's offending:

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.¹²⁷¹

He said he was not aware of Ridsdale's offending before Ridsdale was charged¹²⁷² in early 1993.

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[REDACTED]
[REDACTED]

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.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 consultors 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 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 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 McNerney's evidence that the discussion at this January 1976 consultors' meeting must have been about sexual transgressions¹²⁸² and that he would have expected Bishop Mulkearns to have explained to the consultors his reasons for moving Ridsdale.¹²⁸³ 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 McNerney's response to questions from the Church parties about his lack of actual recall of what Bishop Mulkearns said about Ridsdale.¹²⁸⁴ We reject his evidence that he was not aware of Ridsdale's offending before he was charged,¹²⁸⁵ 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.¹²⁸⁶ 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.¹²⁸⁷ 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.¹²⁸⁸

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 McNerney 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.¹²⁸⁹ 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.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.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.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'.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.¹²⁹⁴ By August 1978, Ridsdale had foreshadowed possible interest in a more central parish in the January moves.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.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 McNerney, Madden and Melican gave evidence. Father Kevin Arundell was not asked to give evidence. The remaining consultors are deceased.

Father McNerney, 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 McNerney 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 McNerney 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 McNerney 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 transgressions¹³¹³ and that he would have expected Bishop Mulkearns to have explained to the consultors his reasons for moving Ridsdale.¹³¹⁴ 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.¹³¹⁵

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.¹³¹⁶ 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 bishop's secretary and took the minutes.¹³¹⁷ 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 – [REDACTED] 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.¹³¹⁸

Fathers Madden and McNerney [REDACTED] 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.¹³¹⁹

Father McNerney 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.¹³²⁰ He agreed it can be used as a period of probation.¹³²¹ Father McNerney 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.¹³²²

When asked questions by counsel for the Church parties, Father McNerney confirmed his lack of actual recall of what Bishop Mulkearns said about Ridsdale.¹³²³ He said he was not aware of Ridsdale's offending before Ridsdale was charged¹³²⁴ 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.¹³²⁵ 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.¹³²⁶ 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.¹³²⁷

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.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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 McNerney, 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.¹³⁴³

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.¹³⁴⁴ She said, 'Ridsdale was then parish priest at Edenhope, and in this role I had regular dealings with him'.¹³⁴⁵ Sister McGrath told us:

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.¹³⁴⁶

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.¹³⁴⁷

Sister McGrath's evidence was not challenged, and we accept her evidence.

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:

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.¹³⁴⁸

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'.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.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'.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 as 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 1980.¹³⁵⁵ 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.¹³⁵⁶

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.¹³⁵⁷

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'.¹³⁵⁸

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.¹³⁵⁹ 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'.¹³⁶⁰

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'.¹³⁶¹

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.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 [REDACTED], K Arundell, Keating and Melican.¹³⁶³ Father Madden was an apology.¹³⁶⁴ Father Finnigan took the minutes at this meeting as bishop's secretary.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.¹³⁶⁶

Monsignor Fiscalini moved that permission be granted, which was seconded by Father Arundell.¹³⁶⁷

Of the attendees at this meeting, Father Melican, Bishop Finnigan [REDACTED] 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.¹³⁶⁸

Father Finnigan was appointed bishop's secretary from January 1979.¹³⁶⁹ 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'.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.¹³⁷¹

Bishop Finnigan gave evidence that he had no recollection of the discussion at the consultors' meeting.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'.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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

[REDACTED]

[REDACTED]

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. [REDACTED] 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 consultants 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 consultants who had attended previous meetings had been told of Ridsdale's sexual transgressions. It is inconceivable that the consultants 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.¹³⁹⁶

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'.¹³⁹⁷ 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'.¹³⁹⁸

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.¹³⁹⁹

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.¹⁴⁰⁰

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.¹⁴⁰¹

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.¹⁴⁰² When they telephoned the bishop's office the following day, they spoke to Father Finnigan, who at that time was the bishop's secretary.¹⁴⁰³

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.¹⁴⁰⁴

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.¹⁴⁰⁵ 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."' ¹⁴⁰⁶

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.¹⁴⁰⁷

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'.¹⁴⁰⁸ In his evidence to us, Ridsdale did not recall the discussion with Father Finnigan.¹⁴⁰⁹

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.¹⁴¹⁷ He told us that he was not aware of any complaints received before that time.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'.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.¹⁴²⁰

Mrs BAI gave evidence that later the same day, around 5 pm, Ridsdale visited their house unannounced.¹⁴²¹ He said, 'there must be some misunderstanding' in relation to the previous night at the presbytery.¹⁴²² Mrs BAI's son, BPS, replied, 'I think we'll agree to disagree, Father Gerry', and left the room.¹⁴²³ Mrs BAI said after this event they had little contact with Ridsdale outside of the Church.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.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 BAIs. 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.¹⁴²⁶ 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.'¹⁴²⁷

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'.¹⁴²⁸ Bishop Finnigan subsequently agreed that the parents never said this to him.¹⁴²⁹

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'.¹⁴³⁰

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'.¹⁴³¹ 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'.¹⁴³²

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'.¹⁴³³

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 1982.¹⁴³⁴

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.¹⁴³⁵

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.¹⁴³⁶

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.¹⁴³⁷

The same day, Mrs BPF and her husband drove to neighbouring Terang parish, where Monsignor Fiscalini was the parish priest.¹⁴³⁸ 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.¹⁴³⁹

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.¹⁴⁴⁰

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.¹⁴⁴¹

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'.¹⁴⁴²

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.¹⁴⁴³

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.¹⁴⁴⁴ 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.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.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.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 1993.¹⁴⁴⁸

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.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.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.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,¹⁴⁶⁹ he nevertheless thought the situation was unusual and strange.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.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 consultant.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'.¹⁴⁷³

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.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.¹⁴⁷⁹

When Mrs BAI contacted the mother of the other boys, Mrs BPF, she told Mrs BAI her boys had also been 'affected'.¹⁴⁸⁰ Mrs BPF gave evidence which was consistent with Mrs BAI's account.¹⁴⁸¹

Mrs BAI's husband, BPO, rang Bishop Mulkearns and insisted on a meeting, which was arranged for later in the week.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.¹⁴⁸³ The doctor eventually got from her that she was talking about a priest.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.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.¹⁴⁸⁶

In 1982, Sister McGrath was the principal of St Colman's School in Mortlake.¹⁴⁸⁷ 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.¹⁴⁸⁸ Sister McGrath met with Mrs BAI, who told her Ridsdale had been 'molesting half the boys in the school'.¹⁴⁸⁹

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.¹⁴⁹⁰ 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'.¹⁴⁹¹ 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'.¹⁴⁹²

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.¹⁴⁹³ Ridsdale told us that he could not remember this discussion.¹⁴⁹⁴

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.¹⁴⁹⁵

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.¹⁴⁹⁶

Each couple saw Bishop Mulkearns separately.¹⁴⁹⁷ Mrs BPF's evidence that either she or her husband said, 'We've got big problems in Mortlake'.¹⁴⁹⁸ Before they could say anything more, Bishop Mulkearns replied, 'How am I to take the word of a child over one of my priests?'.¹⁴⁹⁹ They were in Bishop Mulkearns' office for less than five minutes, and Mrs BPF could not recall anything else being said.¹⁵⁰⁰

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.¹⁵⁰¹ She told Bishop Mulkearns next time they would go straight to the police.¹⁵⁰² Mrs BAI told us Bishop Mulkearns just sat there and stared at them, was devoid of emotion and was totally dismissive.¹⁵⁰³

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.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.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.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.¹⁵¹⁵

BPE gave evidence that:

[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.¹⁵¹⁶

BPE's evidence was that Monsignor Nolan said:

'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.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'.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. ... 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.¹⁵²² 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.¹⁵²³ He said he did not know what happened at the meeting.¹⁵²⁴

Father McDermott said Ridsdale's behaviour became clearer to him when he encountered a Mortlake parishioner at some point while he was at Camperdown.¹⁵²⁵ 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'.¹⁵²⁶

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.¹⁵²⁷ He said 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.¹⁵²⁸

Father McDermott also told us the consultants would not share this sort of information with each other at a consultants' meeting. When asked if they would do so outside of consultants' meetings, he said, 'Possibly, yes. Most possibly, I would think, there would have been some conversation'.¹⁵²⁹

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.¹⁵³⁰ He said no one said it directly, but he assumed the issue was sexual activity with 'younger people'.¹⁵³¹ 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.¹⁵³²

Our findings thus far in this report

- [REDACTED]
- 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 consultants must have known about the circumstances of the move and it would have been explained to them.
- 'In the normal course of things' the consultants would have had the circumstances explained to them at that time.
- In January 1976, Bishop Mulkearns told the consultants 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'.
- [REDACTED]
- 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.¹⁵³⁴ According to Bishop Mulkearns, Ridsdale said, 'If these complaints are made then it is better that I get out'.¹⁵³⁵

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'.¹⁵³⁶ Later in that interview, Bishop Mulkearns said, 'as a result of that conversation he was out of Mortlake'.¹⁵³⁷

Mrs BAI said that, within weeks of her meeting with the bishop, Ridsdale announced during mass that he was being transferred.¹⁵³⁸ 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.¹⁵³⁹

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.¹⁵⁴⁰

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), [REDACTED] Martin, Daniel Arundell and Bryant.¹⁵⁴¹ 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.¹⁵⁴²

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.¹⁵⁴³

[REDACTED] attendees at this 14 September meeting gave evidence: Father Bryant, Bishop Finnigan, Father Daniel Arundell [REDACTED]. 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.¹⁵⁴⁴ 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'.¹⁵⁴⁵

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.¹⁵⁴⁶

Father Bryant said, 'it was quite a shock and the Bishop said that this is what he had done and that was it'.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'.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.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.¹⁵⁵⁰ He said that it did not occur to him at that stage that it could have been children.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'.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'.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'.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'.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'.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.¹⁵⁵⁷ However, he questioned whether Bishop Mulkearns was obliged to.¹⁵⁵⁸

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.¹⁵⁵⁹

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'.¹⁵⁶⁰ He said, 'as things emerged down the line', there were 'personal situations in which I was involved in which I feel extremely guilty'.¹⁵⁶¹ 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'.¹⁵⁶² 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'.¹⁵⁶³ He told us if he had known what was happening at that time he could have done something about it.¹⁵⁶⁴

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.¹⁵⁶⁵

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.¹⁵⁶⁶

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.¹⁵⁶⁷ 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.¹⁵⁶⁸ 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.¹⁵⁶⁹ 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'.¹⁵⁷⁰

Bishop Finnigan took the minutes of the meeting, and he agreed they are his words appearing in the minutes.¹⁵⁷¹ 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.¹⁵⁷² 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.¹⁵⁷⁹ 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.¹⁵⁸⁰

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'.¹⁵⁸¹

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.¹⁵⁸² He said he could not recall any clear instruction about it or how Ridsdale came to be at the Catholic Enquiry Centre.¹⁵⁸³

Father Daniel Arundell told us he had no recollection of the meeting and does not remember any discussion at the meeting.¹⁵⁸⁴ 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.¹⁵⁸⁵ He said he thought Ridsdale was good at office work.¹⁵⁸⁶

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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.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.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.¹⁶⁰⁴

[REDACTED]

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.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. [REDACTED]
7. [REDACTED]
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. [REDACTED]

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.
- [REDACTED]
- 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.¹⁶⁰⁷ They submitted that there is no evidence that any of the other consultors at the meeting – Fathers Daniel Arundell, Martin, [REDACTED] and Bryant – knew before or at the meeting of any actual or suspected offending by Ridsdale.¹⁶⁰⁸ Three of those consultors – Fathers [REDACTED] Bryant and Arundell – gave positive evidence that they did not have any such knowledge.¹⁶⁰⁹

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.¹⁶¹⁰

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.¹⁶¹¹

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.¹⁶¹²

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

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, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Bishop Finnigan said that he is not in a position to deny that the bishop told those at the meeting the reasons.¹⁶³²

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, [REDACTED] 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 [REDACTED] 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.¹⁶³³ 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? [REDACTED]

[REDACTED] 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.¹⁶³⁴ 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.¹⁶³⁵ 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.¹⁶³⁶
- 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 [REDACTED] was in the United States receiving treatment related to homosexuality.¹⁶³⁷

We are satisfied that Bishop Mulkearns did not deceive his consultors.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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.

[REDACTED] 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.

[REDACTED]

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.¹⁶³⁹

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.¹⁶⁴⁰

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'.¹⁶⁴¹ 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'.¹⁶⁴² 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.¹⁶⁴³

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.¹⁶⁴⁴ According to BPE, Father Dennehy told him when he first arrived that he had not been briefed on what had gone on at Mortlake.¹⁶⁴⁵

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.¹⁶⁴⁶ 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.¹⁶⁴⁷ 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'.¹⁶⁴⁸ Sister McGrath gave evidence that she was shocked and did not raise the matter with Father Dennehy again.¹⁶⁴⁹

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.¹⁶⁵⁰ Father Dennehy talked with these parents 'and it came out that nearly every boy in the school, Ridsdale had attempted to do something with'.¹⁶⁵¹

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.¹⁶⁵²

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'.¹⁶⁵³

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.¹⁶⁵⁴ 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.¹⁶⁵⁵

In December 1986, Father Dennehy wrote to Bishop Mulkearns from Mortlake that he would like an opportunity to have a chat with him.¹⁶⁵⁶ 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'.¹⁶⁵⁷

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'.¹⁶⁵⁸ 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'.¹⁶⁵⁹

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 had a lasting effect in the parish. The Church parties agreed.¹⁶⁶⁰

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.¹⁶⁶¹

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.¹⁶⁶²

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.¹⁶⁶³

We accept the evidence of Sister McGrath and BPE. The Church parties agreed their evidence should be accepted.¹⁶⁶⁴

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.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 BAIs 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'.¹⁶⁷⁰ He said, 'as far as I can recall, I acted on it pretty much straight away'.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"'.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.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'.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.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 BAIs 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 BAs, 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 become aware of it afterwards.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.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.¹⁶⁸⁰ Bishop Finnigan was the bishop's secretary.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.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'.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.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.¹⁶⁸⁵ He also could not recall whether he spoke to Father Watson in advance and whether he received a written report from Father Watson.¹⁶⁸⁶ 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'.¹⁶⁸⁷

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.¹⁶⁸⁸ 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'.¹⁶⁸⁹

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'.¹⁶⁹⁰

Ridsdale is granted faculties in the Archdiocese of Sydney

Ridsdale commenced at the Catholic Enquiry Centre in Sydney on 10 November 1982.¹⁶⁹¹

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.¹⁶⁹²

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'.¹⁶⁹³ He told Father FitzPatrick the priest had had some problems with young people.¹⁶⁹⁴

Father FitzPatrick agreed to take Ridsdale because it was an office role and Ridsdale would not be mixing with people.¹⁶⁹⁵ 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.¹⁶⁹⁶

Father FitzPatrick was not aware of any conditions agreed between the bishops in relation to Ridsdale's presence at the Catholic Enquiry Centre.¹⁶⁹⁷ He said that during office hours he was responsible for Ridsdale, as his employer, but at other times Ridsdale was answerable to Bishop Mulkearns.¹⁶⁹⁸

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

Cardinal Freeman died in 1991, and Cardinal Clancy died in 2014.

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.¹⁷⁰⁸

He also started participating in community activities and saying mass regularly on Tuesday evenings at Yarra Bay.¹⁷⁰⁹ 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.¹⁷¹⁰ 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.¹⁷¹¹

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.¹⁷¹²

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'.¹⁷¹³

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.¹⁷¹⁴ 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.¹⁷¹⁵

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.¹⁷¹⁶ When Father FitzPatrick asked Ridsdale about it, he said some children from his previous parish were now boarders at the college.¹⁷¹⁷ Although he could not recall it, Father FitzPatrick thought he spoke to Bishop Mulkearns about the matter.¹⁷¹⁸

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 1984.¹⁷¹⁹ 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'.¹⁷²⁰

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.¹⁷²⁹

Father FitzPatrick told us he immediately called Bishop Mulkearns and said, 'Get him out of here, I don't want him'.¹⁷³⁰ He told Ridsdale he did not want this happening at the centre and told him he would have to go.¹⁷³¹ Father FitzPatrick's evidence was that he did not tell anyone other than Bishop Mulkearns about the incident.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 1986¹⁷³³ and 5 March 1986¹⁷³⁴ respectively.

Ridsdale's temporary appointment as assistant priest at Woy Woy parish took effect on 28 January 1986.¹⁷³⁵ In April 1986, he was transferred to Forestville parish as temporary administrator, where he remained until June.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.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.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.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.¹⁷⁴⁰ 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.¹⁷⁴¹

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.¹⁷⁴² 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.¹⁷⁴³

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.¹⁷⁴⁴

As Father Madden acknowledged, Ridsdale was senior to Father Madden, and it was something of a demotion for him to be appointed assistant priest.¹⁷⁴⁵

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'.¹⁷⁴⁶ 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.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.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.¹⁷⁴⁹

Father Madden was asked if, apart from consultants' 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'.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:

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.¹⁷⁵¹

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.

What the College of Consultants knew

The College of Consultants 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.¹⁷⁵²

Bishop Mulkearns presided at the meeting. Also present were Monsignors Nolan and Fiscalini; and Fathers Downes, D Arundell, Martin, Finnigan and Bryant.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 consultants 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.¹⁷⁵⁴ He said he did not know what happened at the meeting.¹⁷⁵⁵

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.¹⁷⁵⁶

Father Bryant said he could not say what was reported at the January 1986 consultors' meeting.¹⁷⁵⁷ 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'.¹⁷⁵⁸ 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.¹⁷⁵⁹

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'.¹⁷⁶⁰ 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 1986.¹⁷⁶¹

Father Arundell had no recollection of the January 1986 consultors' meeting.¹⁷⁶²

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.¹⁷⁶³ 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.¹⁷⁶⁴

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.¹⁷⁶⁵ By the end of his time at Hopetoun, Father Bryant became 'quite convinced of, at that stage, what was happening'.¹⁷⁶⁶

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.¹⁷⁶⁷

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.¹⁷⁶⁸

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 consultants' meeting on 14 September 1982 and subsequent meetings at which Ridsdale was discussed. We have found that the consultants 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.¹⁷⁶⁹ The man disclosed he was sexually abused by Ridsdale as a schoolboy at Edenhope.¹⁷⁷⁰

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.¹⁷⁷¹

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.¹⁷⁷²

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.¹⁷⁷³

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'.¹⁷⁷⁴ Mrs BAE wanted to speak to Bishop Mulkearns but was put through to Father McDermott.¹⁷⁷⁵ 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'.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]'.¹⁷⁷⁷

Father McDermott gave evidence that he met with Mrs BAE in Melbourne at the request of the bishop.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'.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.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'.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.¹⁷⁸² Mrs BAE stated:

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.¹⁷⁸³

Mrs BAE said she was 'bothered by the local rumours about Gerry taking young boys around with him'.¹⁷⁸⁴

A few days after the phone call, Mrs BAE wrote to Bishop Mulkearns. Her letter of 21 August 1987 is in evidence.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'.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.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.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.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.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.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.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.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.¹⁷⁹⁴ The BAL family also wrote at about the same time to the Archbishop of Sydney.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.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 Consultors 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 Consultors to travel to Ballarat for a special meeting.¹⁸⁰⁴

Over two months after Ridsdale's resignation, on 21 June 1988, the College of Consultors 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 consultors 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.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.¹⁸¹⁴

We accept this evidence. 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.

Four of the consultors 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 consultors 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 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 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 consultors by this time had some awareness that Ridsdale had been offending against children or had some serious sexual problem.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.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.¹⁸¹⁷ In the past he had spent his holidays at the dugout and had often taken boys there on trips.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'.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.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'.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, Bishop 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.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.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'.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'.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'.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'.¹⁸²⁷ 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.¹⁸²⁸

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'.¹⁸²⁹ He noted he had been asked to make the enquiry 'on behalf of the Bishops of Australia'.¹⁸³⁰

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'.¹⁸³¹ 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.¹⁸³²

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.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’.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.¹⁸³⁵

Between early and mid-1990, Bishop Mulkearns received at least five reports from Villa Louis Martin on Ridsdale's treatment.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'.¹⁸³⁷ Bishop Mulkearns apparently followed that advice, as no reports were produced to us.¹⁸³⁸

Bishop Mulkearns travelled to Jemez Springs in September 1990.¹⁸³⁹ He met with Father Lechner, Ridsdale and Ridsdale's psychologist, spiritual director, director of aftercare, and psychodrama and art therapists.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'.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.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 consultants' meeting or if he heard it through the 'clerical grapevine',¹⁸⁴³ but he agreed there was 'a deal of gossip about Ridsdale'.¹⁸⁴⁴

Father Melican knew in 1989 that Ridsdale's treatment in New Mexico was for 'paedophilia charges'.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.¹⁸⁴⁶

The Church parties accepted that Father Eugene McKinnon knew about Ridsdale's 'sexual molestation' by 1991 through 'priests' gossip lines'.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.¹⁸⁵² 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’.¹⁸⁵³

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.¹⁸⁵⁴

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.¹⁸⁵⁵ Mr Darvall was engaged to act for Ridsdale, and he interviewed him in December 1992 or January 1993.¹⁸⁵⁶

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.¹⁸⁵⁷

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.¹⁸⁵⁸

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 1982.¹⁸⁵⁹ He was sentenced to 18 years’ imprisonment and directed to serve a period of 15 years before being eligible for parole.¹⁸⁶⁰ Fathers Madden and Brendan Davey gave evidence on his behalf.¹⁸⁶¹

On 11 August 2006, Ridsdale was convicted of a further 35 counts of child sexual abuse offences committed in the period between 1970 and 1987.¹⁸⁶² He was sentenced to 13 years' imprisonment with a non-parole period of seven years from the date of that sentence.¹⁸⁶³

In 2014, Ridsdale was convicted of a further 30 charges against 14 complainants, committed between 1961 and 1980.¹⁸⁶⁴ He was sentenced to eight years' imprisonment, with a non-parole period of five years.¹⁸⁶⁵

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'.¹⁸⁶⁶ Father McInerney said that Ridsdale's talent was restricted by what he had observed to be severe bouts of depression and self-doubt.¹⁸⁶⁷

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.¹⁸⁶⁸ 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.¹⁸⁶⁹

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.¹⁸⁷⁰ In April 1993, documents record that Bishop Pell was willing to provide a reference for Ridsdale.¹⁸⁷¹

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'.¹⁸⁷² Mr Darvall also noted that Fathers Davey, Madden and McInerney were also coming to give character evidence for him.¹⁸⁷³

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.

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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.²³⁹⁷ 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'.²³⁹⁸

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.²³⁹⁹

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'.²⁴⁰⁰

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.²⁴⁰¹

Some years later, after Ridsdale was convicted in 1993, Ms Ryan wrote to Bishop Mulkearns and a number of priests in the Diocese.²⁴⁰² 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'.²⁴⁰³

Bishop Mulkearns responded that 'the seriousness of this problem with regard to the damaging effects on victims is only now being recognised'.²⁴⁰⁴ 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'.²⁴⁰⁵ 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.²⁴⁰⁶

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'.²⁴⁰⁷

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.²⁴⁰⁸ 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.²⁴⁰⁹

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.²⁴¹⁰

In 1990, Father Bryant expressed concerns about [REDACTED] to Bishop Mulkearns, but he 'didn't get a great reply'. Despite knowing of [REDACTED] 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 [REDACTED] 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, [REDACTED] and [REDACTED]²⁴¹¹

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, [REDACTED] was in the United States studying and receiving treatment related to homosexuality. Bishop Mulkearns wrote to [REDACTED] in relation to whether he would be able to work in the Diocese because of talk of 'incidents' occurring in Ballarat while [REDACTED] 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 [REDACTED] suitability to work in the Diocese, the bishop's primary concern was to limit scandal. Bishop Mulkearns granted [REDACTED] permission to stay in the United States and to work in a parish there. [REDACTED] 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'.

[REDACTED]

[REDACTED]

Similarly, in January 1976, when Ridsdale was removed from the parish of Inglewood, Bishop Mulkearns told the consultants' 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'.

[REDACTED]

[REDACTED]

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'.

[REDACTED]

[REDACTED]

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. [REDACTED]

[REDACTED]

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’. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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.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'.²⁴²⁹ He also wrote that apart from these documents:

[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.²⁴³⁰

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.²⁴³¹

Treatment

We heard evidence that Ridsdale, [REDACTED] and [REDACTED] were all sent for treatment with a psychologist or psychiatrist after allegations of child sexual abuse, or homosexuality in the case of [REDACTED], 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. [REDACTED] were sent to see Father Torpy, a priest psychologist in the Diocese.

Both [REDACTED] Ridsdale were sent overseas for treatment of homosexuality and child sexual abuse respectively. [REDACTED] 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.²⁴³²

Ridsdale [REDACTED] 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.²⁴³³ Ridsdale was sent to Dr Seal in the 1960s. [REDACTED] was sent to Dr Seal and Mr Conway in the 1970s.²⁴³⁴ 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.²⁴³⁵

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.²⁴³⁶

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.²⁴³⁷ He did not remember talking to others in the Church about it and did not think Bishop O'Collins told him about Father Watson.²⁴³⁸

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'.²⁴³⁹

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'.²⁴⁴⁰

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.²⁴⁴¹

The Church parties referred in particular²⁴⁴² 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.²⁴⁴³

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'.²⁴⁴⁴ 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'.²⁴⁴⁵

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.²⁴⁴⁶

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’.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.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.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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.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'.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).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'.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.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.²⁴⁵⁶ 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.²⁴⁵⁷

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.²⁴⁵⁸

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 Auchetl 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 [REDACTED]: ‘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.²⁴⁷⁸ 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’.²⁴⁷⁹

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.’²⁴⁸⁰ 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’.²⁴⁸¹ 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.²⁴⁸²

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’.²⁴⁸³

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’.²⁴⁸⁴

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’.²⁴⁸⁵ 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’.²⁴⁸⁶

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’.²⁴⁸⁷

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’.²⁴⁸⁸

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.²⁴⁸⁹ 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.²⁴⁹⁰

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.²⁴⁹¹

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’.²⁴⁹²

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.²⁴⁹³

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.²⁴⁹⁴ She told us, ‘After the abuse, he felt worthless, lacked motivation, had low self-esteem, with bouts of depression’.²⁴⁹⁵

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'.²⁴⁹⁶ 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'.²⁴⁹⁷

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.²⁴⁹⁸

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'.²⁴⁹⁹ Mr BAV told us that he has been diagnosed with post-traumatic stress disorder, chronic anxiety, depression and alcoholism.²⁵⁰⁰

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'.²⁵⁰¹

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'.²⁵⁰² 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'.²⁵⁰³

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'.²⁵⁰⁴ 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'.²⁵⁰⁵

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.²⁵⁰⁶ 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'.²⁵⁰⁷ They can become hypervigilant around other men or uncomfortable in situations where they are dealing with other men.²⁵⁰⁸

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'.²⁵⁰⁹

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’.²⁵²⁰ 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’.²⁵²¹

The evidence of survivors

A number of survivors gave evidence that they have been diagnosed with PTSD.²⁵²² 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’.²⁵²³

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’.²⁵²⁴

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’.²⁵²⁵ He said, ‘If I can’t study, how do I better myself?’.²⁵²⁶

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.²⁵²⁷ These factors mean that, when children make disclosures, they very often get a bad reception and are told they are lying.²⁵²⁸ She said, ‘The negative response from family and community can really compound the damage enormously’.²⁵²⁹

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.²⁵³⁰

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 [REDACTED] 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'.²⁵⁵¹ 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.²⁵⁵² She said, 'there's an enormous morbidity in terms of physical ill-health and psychological ill-health'.²⁵⁵³

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.²⁵⁵⁴

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.²⁵⁵⁵ Many also gave evidence that they had contemplated or attempted suicide themselves.²⁵⁵⁶

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'.²⁵⁵⁷

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.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'.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.²⁵⁶⁰

Mr BAV told us that in about 1980 one of his brothers was killed in a single car accident in Ballarat.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.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.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.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’.²⁵⁶⁵ 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’.²⁵⁶⁶

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.²⁵⁶⁷ He said, ‘It is like they have literally been wiped out of these communities’.²⁵⁶⁸

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.²⁵⁶⁹ 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’.²⁵⁷⁰

Mr BAC said that, after he and his brother came forward about the sexual abuse, his family lost Catholic friends.²⁵⁷¹ 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’.²⁵⁷²

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.²⁵⁷³ 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.²⁵⁷⁴

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.²⁵⁷⁵ 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’.²⁵⁷⁶

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.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.²⁵⁸⁶ His mother used to attend mass weekly and donate to the church, but she does not do that anymore.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'.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.'²⁵⁸⁹

Mr Woods told us his family had been involved with the Catholic Church for three generations but that their faith has been lost.²⁵⁹⁰ He said his parents' faith and trust in the Church was destroyed by the revelation that three of their sons were sexually abused²⁵⁹¹ and that his sisters and brothers have told him that they despise the Church.²⁵⁹²

Mrs Watson told us that [REDACTED] 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'.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'.²⁵⁹⁴

Father Adrian McNerney has been the parish priest of St Alipius parish in Ballarat since 2001.²⁵⁹⁵ 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.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'.²⁶⁰⁶ In 1996, Mr Woods hosted a public forum at the Ballarat civic hall, which was attended by about 200 people.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.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.²⁶⁰⁹

Mr Blenkiron said he made contact with Mr Woods in about 2008, and it was good to talk to him.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.²⁶¹¹ Mr Blenkiron began organising monthly events for survivors to meet and talk, and the group got bigger.²⁶¹² The group still meets and is known as the Ballarat Survivors Group, which is run through the Ballarat CASA.²⁶¹³

Mr BAA gave told us he joined the men's group at the Ballarat CASA and that this has benefitted him.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'.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'.²⁶¹⁶

Mr Sheehan has been the president of the group Moving Towards Justice since 2012.²⁶¹⁷ 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,²⁶¹⁸ and they discussed what could be done by lay people within the Church.²⁶¹⁹ Their main objective was to try and establish contact with survivors of child sexual abuse.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.²⁶²¹ Previously, Moving Towards Justice provided what they called 'Survivor Packages' to survivors of child sexual abuse.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.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'.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'.²⁶²⁵ The bishop told us that, in his experience and observation, 'many people ... have developed distrust of all priests and religious, including bishops'.²⁶²⁶

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'.²⁶²⁷

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.²⁶²⁸

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 issues²⁶²⁹ and that he had 'addressed in one particular parish the sad history of that parish'.²⁶³⁰ In 2014, in Child Protection Week, a number of parishes allocated the week for prayers 'to lament that these crimes had been committed'.²⁶³¹ 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.²⁶³²

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.²⁶³³ Bishop Bird also said that some priests had given good leadership in helping people appreciate the impact of child sexual abuse through their sermons.²⁶³⁴

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.²⁶³⁵

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

Letters Patent dated 13 November 2014

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

The Royal Commission	Justice Peter McClellan AM (Chair) Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray
Commissioners who presided	Justice Peter McClellan AM (Chair) Justice Jennifer Coate Mr Andrew Murray
Date of hearing	19–22 May 2015; 25–29 May 2015; 7–16 December 2015; 22–25 February 2016; 29 February–3 March 2016
Legislation	<i>Royal Commissions Act 1902</i> (Cth) <i>Royal Commissions Act 1923</i> (NSW) <i>Evidence (Miscellaneous Provisions) Act 1958</i> (Vic)
Leave to appear	BAV Andrea Lockhart Peter Blenkiron Timothy Green BAB Stephen Farrell BAP BAA Helen Watson Diocese of Ballarat BWF BWA BWM Father John Walshe

Leave to appear	<p>Bishop Emeritus Ronald Mulkearns</p> <p>Martinus Claassen</p> <p>Timothy Barlow</p> <p>Daniel Torpy</p> <p>Congregation of Christian Brothers</p> <p>Sisters of Nazareth</p> <p>Truth Justice and Healing Council</p> <p>Andrew Collins</p> <p>Stephen Woods</p> <p>BAS</p> <p>Francis Sheehan</p> <p>David Ridsdale</p> <p>Cardinal George Pell</p> <p>State of Victoria</p> <p>BPD</p> <p>Paul Levey</p> <p>Beverley Levey</p> <p>Father Brian McDermott</p> <p>BWE</p>
Legal representation	<p>G Furness SC, Senior Counsel Assisting the Royal Commission</p> <p>A Stewart SC, Counsel Assisting the Royal Commission</p> <p>S Free, Counsel Assisting the Royal Commission</p> <p>T Seccull, instructed by V Waller of Waller Legal, appearing for BAV, Andrea Lockhart, BAP and Timothy Barlow</p> <p>T Seccull, instructed by G Hills of Heinz & Partners, appearing for Helen Watson</p> <p>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</p>

Legal representation	<p>K Hanscombe QC, instructed by A Furstenberg of Lewenberg & Lewenberg, appearing for BAS</p> <p>J Taaffe, instructed by C O'Brien of Doogue O'Brien George, appearing for Stephen Farrell</p> <p>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</p> <p>J Shaw, instructed by I Irwin of Irwin & Irwin, appearing for Andrew Collins and Stephen Woods</p> <p>A Kernaghan, instructed by S Exner of Dr Martine Marich & Associates, appearing for Francis Sheehan</p> <p>A Kernaghan, instructed by J Howell of Kernaghan & Associates, appearing for BWM</p> <p>Stephen Odgers SC and M Marich, instructed by E Murphy of Dr Martine Marich & Associates, appearing for David Ridsdale</p> <p>AJ Myers QC and S Duggan, instructed by M do Rozario of Corrs Chambers Westgarth, appearing for Cardinal George Pell</p> <p>A Haban-Beer and L Brown, instructed by the Victorian Government Solicitor, appearing for the State of Victoria</p> <p>D R J O'Brien, instructed by Paul Holdway of Lewis Holdway Lawyers, appearing for BPD</p> <p>M Fitzgerald, instructed by S Exner of Dr Martine Marich & Associates, appearing for Paul Levey and Beverley Levey</p> <p>M Stanton, instructed by P Galbally of Galbally & O'Bryan Lawyers, appearing for Father Brian McDermott</p> <p>M Marich, instructed by E Murphy of Dr Martine Marich & Associates, appearing for BWE and Gordon Hill</p> <p>P O'Brien, instructed by S Exner of Dr Martine Marich & Associates, appearing for BWF</p> <p>A Sim, instructed by D Bullard of Bullards Solicitors, appearing for Father John Walshe</p>
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Legal representation	<p>D Grace QC, instructed by M Foran of Minter Ellison, appearing for Bishop Emeritus Ronald Mulkearns</p> <p>C Randazzo SC, instructed by P Rankin of Rankin Legal, appearing for Daniel Torpy</p>
Pages of transcript	2,654 pages
Notice to Produce issued under <i>Royal Commissions Act 1902</i> (Cth) and documents produced	17 notices producing 8,002 documents
Summons to Produce issued under <i>Evidence (Miscellaneous Provisions) Act 1958</i> (Vic) and documents produced	45 summons to attend producing 37,358 documents
Summons to Produce issued under <i>Royal Commissions Act 1923</i> (NSW) and documents produced	5 summons to attend producing 165 documents
Number of exhibits	190 exhibits consisting of a total of 1,053 documents tendered at and after the hearing
Witnesses	<p>Philip Nagle Survivor</p> <p>BAC Survivor</p> <p>BAS Survivor</p> <p>BAP Survivor</p> <p>BAA Survivor</p> <p>Paul Auchettl Survivor</p> <p>Gordon Hill Survivor</p> <p>BAV Survivor</p>

Witnesses	<p>Neil Wileman Survivor</p> <p>Timothy Green Survivor</p> <p>BAB Survivor</p> <p>David Ridsdale Survivor</p> <p>Helen Watson Mother of survivor</p> <p>Peter Blenkiron Survivor</p> <p>Paul Tatchell Survivor</p> <p>Stephen Woods Survivor</p> <p>Francis Sheehan President, Moving Towards Justice</p> <p>Andrea Lockhart Senior Counsellor, Ballarat Centre Against Sexual Assault (CASA)</p> <p>BAQ Survivor</p> <p>Andrew Collins Survivor</p> <p>Brother Peter Clinch Province leader, Christian Brothers Oceania Province</p> <p>Dr Carolyn Quadrio Associate Conjoint Professor, School of Psychiatry, University of New South Wales</p> <p>Father Adrian McNerney Priest, Diocese of Ballarat</p> <p>Gerald Ridsdale Former priest, Diocese of Ballarat</p>
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Witnesses	<p>Bishop Paul Bird CSsR Bishop, Diocese of Ballarat</p> <p>BWE Survivor</p> <p>BWA Survivor</p> <p>Paul Levey Survivor</p> <p>Beverley Levey Mother of survivor</p> <p>BWF Survivor</p> <p>Denis Ryan Former detective, Victoria Police</p> <p>Sinclair Miller Former chief commissioner, Victoria Police</p> <p>Father William Melican Retired priest, Diocese of Ballarat</p> <p>Father James Francis Madden Retired priest, Diocese of Ballarat</p> <p>Father Eric Bryant Priest, Diocese of Ballarat</p> <p>Monsignor Glynn Murphy Former priest, Diocese of Ballarat; Principal Chaplain, Australian Army</p> <p>Bishop Brian Finnigan Former priest, Diocese of Ballarat; auxiliary bishop, Catholic Archdiocese of Brisbane</p> <p>Father Brian McDermott Retired priest, Diocese of Ballarat and Archdiocese of Melbourne</p> <p>Father John McKinnon Retired priest, Diocese of Ballarat</p>
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Witnesses	<p>Father John Walshe Priest, Archdiocese of Melbourne</p> <p>Father Lawrence O'Toole Priest, Diocese of Ballarat</p> <p>Father Daniel Arundell Retired priest, Diocese of Ballarat</p> <p>BPD Survivor</p> <p>Ann Ryan Former schoolteacher, St Colman's Parish School, Mortlake</p> <p>Timothy Barlow Former student of St Patrick's College</p> <p>Martinus Claassen Survivor</p> <p>CCD Survivor</p> <p>Brother Paul Nangle Retired Christian Brother, former headmaster of St Patrick's College, Ballarat, and superior of the Ballarat Christian Brothers community</p> <p>Brother Brian Brandon Professional Standards Officer of Christian Brothers Province of St Patrick's and Oceania</p> <p>Bishop Ronald Mulkearns Retired bishop, Diocese of Ballarat</p> <p>Dr Peter Evans Former consultant psychiatrist</p> <p>Cardinal George Pell Former priest, Diocese of Ballarat</p>
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Appendix C: Ridsdale's list of appointments

Date appointed	Position	Parish	Length of time position held (approx)
1962	Assistant Priest	Ballarat North	Two years
1964	Assistant Priest	Mildura	Two years
1966	Assistant Priest	Swan Hill	Four years
1970	Assistant Priest	Warrnambool	Two years
1972	Assistant Priest	Ballarat East	Two years
1974	Parish Priest	Apollo Bay	One year
February 1975	Parish Priest	Inglewood	One year, two months
3 April 1976	Administrator	Edenhope	Three years, six months
19 July 1977	Parish Priest	Edenhope	
1980	Study Leave	National Pastoral Institute	One year
January 1981	Parish Priest	Mortlake	One year, eight months
November 1982	Full time, Catholic Enquiry Centre, Sydney		
February 1986	Administrator	Various parishes, Archdiocese of Sydney	Five months
July 1986	Assistant Priest	Horsham	One year, ten months
May 1988	Not working	White Cliffs, NSW	One year, seven months
December 1989	Treatment	Jemez Springs, New Mexico	Nine months
March 1991	Chaplain	St John of God Hospital, Richmond, NSW	One year, nine months

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.²⁶³⁷

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.²⁶³⁸

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.²⁶³⁹

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.²⁶⁴⁰

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.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.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.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.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.²⁶⁴⁵

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

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.
- 8 Transcript of G Ridsdale, Case Study 28, 28 May 2015 at 8743:28–8744:43.
- 9 Transcript of T Green, Case Study 28, 20 May 2015 at 8259:6–8260:12.
- 10 Transcript of T Green, Case Study 28, 20 May 2015 at 8284:25–8285:8.
- 11 Transcript of T Green, Case Study 28, 20 May 2015 at 8284:25–8285:8.
- 12 Exhibit 28-0019, 'Statement of Cardinal George Pell to Media', Case Study 28, CTJH.9999.087.0004.
- 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.
- 18 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8525:16–30; Transcript of WG Melican, Case Study 28, 8 December 2015 at 14345:38–14346:22; Transcript of G Pell, Case Study 28, 29 February 2016 at 16205:41–16208:9, 16209:46–16211:24; Transcript of EF Bryant, Case Study 28, 9 December 2015 at 14465:27–14466:20; Transcript of G Murphy, Case Study 28, 10 December 2015 at 14542:21–36; Transcript of JT Walshe, Case Study 28, 15 December 2015 at 14842:19–42, 14860:12–23; Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8686:5–46; Exhibit 28-0109, 'Transcript of Private Hearing of Father McDermott', Case Study 28, TRAN.5004.001.0001_R 1636:32–1638:20; Exhibit 28-0111, 'Transcript of Private Hearing of Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1589:1–1590:3, 1592:37–1593:15, 1601:25–38, 1602:28–45.
- 19 Transcript of JT Walshe, Case Study 28, 15 December 2015 at 14842:19–42, 14860:12–23; Transcript of EF Bryant, Case Study 28, 9 December 2015 at 14465:27–14466:20.
- 20 Transcript of G Pell, Case Study 28, 29 February 2016 at 16205:41–16208:9, 16209:46–16211:24; Transcript of JT Walshe, Case Study 28, 15 December 2015 at 14842:19–42, 14860:12–37; Exhibit 28-0111, 'Transcript of Private Hearing of Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1601:14–38, 1602:28–45.
- 21 Transcript of B Finnigan, Case Study 28, 14 December 2015 at 14772:8–14773:45.
- 22 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14641:35–14642:9.
- 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.
- 25 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14595:14–15.
- 26 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14653:4–14654:10.
- 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, CCI.0001.00632.0104_E_R.
- 28 Exhibit 28-0001, 'Extract of minutes of meeting at Diocesan Offices, Ballarat', Case Study 28, CTJH.120.01154.0027.
- 29 Exhibit 28-0111, 'Transcript of private hearing with Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1587:6–10.
- 30 Exhibit 28-0111, 'Transcript of private hearing with Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1587:12–15.
- 31 Exhibit 28-0111, 'Transcript of private hearing with Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1587:17–20.
- 32 Exhibit 28-0111, 'Transcript of private hearing with Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1586:18–39.

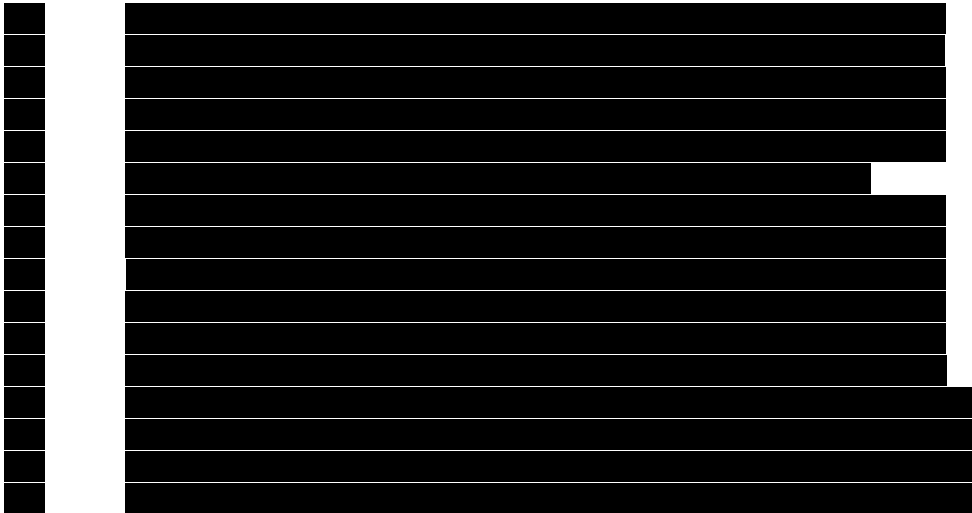
- 33 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14620:36–14621:1.
- 34 Transcript of B Finnigan, Case Study 28, 14 December 2015 at 14772:8–47.
- 35 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1188–1189.
- 36 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1190.
- 37 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 0110.
- 38 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 0110.
- 39 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 0110.
- 40 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 0111–0112.
- 41 Exhibit 28-0111, ‘Transcript of private hearing with Bishop Finnigan’, Case Study 28, TRAN.5006.001.0001_R at 1567:28–36.
- 42 Exhibit 28-0111, ‘Transcript of private hearing with Bishop Finnigan’, Case Study 28, TRAN.5006.001.0001_R at 1567:38–1569:27.
- 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.
- 53 Exhibit 28-0151, ‘Summary of Placement re Brother CCK’, Case Study 28, CTJH.056.35047.0040_R; Exhibit 28-0151, ‘Summary Gerald Leo Fitzgerald’, Case Study 28, CTJH.056.35026.0011; Exhibit 28-0151, ‘Visitation Report of Ballarat’, Case Study 28, CTJH.056.35027.0119.
- 54 Exhibit 28-0151, ‘Visitation Report of Ballarat’, Case Study 28, CTJH.056.35015.0032_R.
- 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.

- 59 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1330.
- 60 *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.*
- 61 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1331.
- 62 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1332.
- 63 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.
- 64 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16013:33–47.
- 65 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.
- 66 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16015:13–19.
- 67 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16014:7–38.
- 68 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16014:7–16015:19.
- 69 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1335.
- 70 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1336.
- 71 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [18].
- 72 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [9].
- 73 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15899:11–40.
- 74 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15899:11–40.
- 75 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15899:42–15901:4; Transcript of B Brandon, Case Study 28, 23 February 2016 at 16014:7–38.
- 76 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.
- 77 Exhibit 28-0151, 'Letter to Hollows Lawyers from Paul Gamble re Brother Dowlan', Case Study 28, CTJH.056.35088.0129_R at 0132_R–0133_R.
- 78 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16015:21–16016:3.
- 79 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16016:14–17.
- 80 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16072:9–14.
- 81 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16015:21–16017:27.
- 82 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15958:41–15959:36, 15899:42–15901:4.
- 83 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28 CTJH.500.69001.0001_R at [26]; Transcript of P Nangle, Case Study 28, 23 February 2016 at 15899:42–15901:4.
- 84 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [15].
- 85 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [17].
- 86 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15896:21–37; Exhibit 28-0151, 'Visitation Report of Ballarat', Case Study 28, CTJH.056.35027.0119.
- 87 Exhibit 28-0027, 'Statement of Brother Peter Clinch', Case Study 28, CTJH.500.61001.0001 at [28].
- 88 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [28]–[29].
- 89 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [28]–[29].
- 90 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [30].
- 91 Exhibit 28-0151, 'Summary of Placement re Brother CCK', Case Study 28, CTJH.056.35047.0040_R at 0041_R.
- 92 Exhibit 28-0151, 'Summary of Placement re Brother CCK', Case Study 28, CTJH.056.35047.0040_R at 0041_R.
- 93 Transcript of P Auchettl, Case Study 28, 19 May 2015 at 8199:16–35.
- 94 Transcript of P Auchettl, Case Study 28, 19 May 2015 at 8198:40–8199:2.
- 95 Transcript of BAC, Case Study 28, 19 May 2015 at 8143:32–42.
- 96 Transcript of BAC, Case Study 28, 19 May 2015 at 8143:32–42.

- 97 Exhibit 28-0013, 'Statement of Timothy Andrew Green', Case Study 28, STAT.0569.001.0001 at [12], [13].
- 98 Exhibit 28-0013, 'Statement of Timothy Andrew Green', Case Study 28, STAT.0569.001.0001 at [15].
- 99 Transcript of T Barlow, Case Study 28, 22 February 2016 at 15879:37–15880:38.
- 100 Transcript of P Blenkiron, Case Study 28, 20 May 2015 at 8303:32–8304:42.
- 101 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.
- 102 Exhibit 28-0133, 'Statement of BWD', Case Study 28, STAT.0787.001.0001_R at [14].
- 103 Exhibit 28-0096, 'Statement of BWF', Case Study 28, IND.0324.001.0003_R at [7].
- 104 Transcript of BWF, Case Study 28, 8 December 2015 at 14275:24–38.
- 105 Exhibit 28-0015, 'Statement of David Ridsdale', Case Study 28, STAT.0587.001.0001_R at [28]–[29].
- 106 Transcript of BWE, Case Study 28, 7 December 2015 at 14229:41–43.
- 107 Transcript of BWE, Case Study 28, 7 December 2015 at 14230:1–3.
- 108 Exhibit 28-0151, 'Summary Gerald Leo Fitzgerald', Case Study 28, CTJH.056.35026.0011.
- 109 Exhibit 28-0151, 'Summary Gerald Leo Fitzgerald', Case Study 28, CTJH.056.35026.0011.
- 110 Exhibit 28-0151, 'Summary Gerald Leo Fitzgerald', Case Study 28, CTJH.056.35026.0011.
- 111 Exhibit 28-0151, 'Letter to Superior from St. Augustine's Orphanage', Case Study 28, CTJH.056.35027.0006.
- 112 Exhibit 28-0151, 'Visitation Report of St. Augustine's Orphanage Geelong', Case Study 28, CTJH.056.35027.0007_R at 0010_R.
- 113 Exhibit 28-0151, 'Summary Gerald Leo Fitzgerald', Case Study 28, CTJH.056.35026.0011.
- 114 Exhibit 28-0151, 'Visitation Report of St. Vincent's Orphanage, South Melbourne', Case Study 28, CTJH.056.35027.0055; Exhibit 28-0151, 'Summary Gerald Leo Fitzgerald', Case Study 28, CTJH.056.35026.0011.
- 115 Exhibit 28-0151, 'Visitation Report of St. Vincent's Orphanage, South Melbourne', Case Study 28, CTJH.056.35027.0074_R at 0076_R.
- 116 Exhibit 28-0151, 'Visitation Report of St. Vincent's Orphanage, South Melbourne', Case Study 28, CTJH.056.35027.0074_R at 0076_R.
- 117 Exhibit 28-0151, 'Letter from Br Mackay to Brother Fitzgerald', Case Study 28, CTJH.056.35048.0041_R.
- 118 Exhibit 28-0151, 'Letter from Br Mackay to Brother Fitzgerald', Case Study 28, CTJH.056.35048.0041_R.
- 119 Exhibit 28-0151, 'Letter from Br Mackay to Brother Fitzgerald', Case Study 28, CTJH.056.35048.0041_R.
- 120 Exhibit 28-0151, 'Summary Gerald Leo Fitzgerald', Case Study 28, CTJH.056.35026.0011.
- 121 Exhibit 28-0151, 'Summary Gerald Leo Fitzgerald', Case Study 28, CTJH.056.35026.0011.
- 122 Exhibit 28-0151, 'Summary Gerald Leo Fitzgerald', Case Study 28, CTJH.056.35026.0011.
- 123 Exhibit 28-0151, 'Visitation Report of Mt. Carmel, Middle Park, Melbourne', Case Study 28, CTJH.056.35027.0097 at 0097.
- 124 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1353–1358.
- 125 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1353–1358.
- 126 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1362.
- 127 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15933:13–15933:45.
- 128 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1366.
- 129 Exhibit 28-0014, 'Statement of BAB', Case Study 28, STAT.0582.001.0001_R at [9]–[17]; Transcript of BAB, Case Study 28, 20 May 2015 at 8262:2–8263:28.
- 130 Exhibit 28-0007, 'Statement of BAP', STAT.0578.001.0001_R at [9]–[11], [14], [17]; Transcript of BAP, Case Study 28, 19 May 2015 at 8168:30–8170:29.
- 131 Exhibit 28-0015, 'Statement of David Ridsdale', Case Study 28, STAT.0587.001.0001_R at [7].
- 132 Exhibit 28-0008, 'Statement of BAA', Case Study 28, STAT.0574.002.0001_E at [13]–[19]; Transcript of BAA, Case Study 28, 19 May 2015 at 8183:11–8184:10.

- 133 Exhibit 28-0024, 'Statement of BAQ', STAT.0585.001.0001_R at [8]–[12], [17]–[19]; Transcript of BAQ, Case Study 28, 21 May 2015 at 8368:10–1870:9.
- 134 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [9].
- 135 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15904:12–35.
- 136 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15904:12–35.
- 137 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [36]–[46].
- 138 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [36]–[46].
- 139 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [36]–[46].
- 140 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [36]–[46].
- 141 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [36]–[46].
- 142 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15924:24–15928:2.
- 143 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15924:24–15928:2.
- 144 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15962:23–15964:14.
- 145 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1370–1372.
- 146 Exhibit 28-0151, 'Letter from Brother PC Naughtin to Brother Fitzgerald', Case Study 28, CTJH.056.35026.0005.
- 147 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [36]–[46].
- 148 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [36]–[46].
- 149 Exhibit 28-0151, 'Letter from Brother PC Naughtin to Brother Fitzgerald', Case Study 28, CTJH.056.35026.0005.
- 150 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.
- 151 Exhibit 28-0151, 'Statement of Brother Paul Nangle', Case Study 28, CTJH.056.62001.0002_R at 0004_R.
- 152 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15932:37–15933:11.
- 153 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1913.
- 154 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1911–1918.
- 155 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [36]–[46].
- 156 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15924:24–15928:2.
- 157 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15928:4–15930:15.
- 158 Exhibit 28-0151, 'Visitation Report of Ballarat', Case Study 28, CTJH.056.50055.0065_R at 0067.
- 159 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1385–1386.
- 160 Exhibit 28-0151, 'Visitation Report of St Patrick's Ballarat', Case Study 28, CTJH.056.50055.0089_R at 0091_R.
- 161 Exhibit 28-0151, 'Visitation Report of St Patrick's Ballarat', Case Study 28, CTJH.056.50055.0089_R at 0091_R.
- 162 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15930:17–15931:21.
- 163 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15930:17–15931:21.
- 164 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [36]–[46].
- 165 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [36]–[46].
- 166 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15924:24–15928:2.
- 167 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1380.
- 168 Transcript of BAQ, Case Study 28, 21 May 2015 at 8369:26–8370:4.
- 169 Transcript of BAQ, Case Study 28, 21 May 2015 at 8373:14–27.
- 170 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.

- 171 Exhibit 28-0115, 'Transcript of private hearing with Father Lawrence O'Toole', Case Study 28, TRAN.5005.001.0001 at 1982:9.
- 172 Exhibit 28-0115, 'Transcript of private hearing with Father Lawrence O'Toole', Case Study 28, TRAN.5005.001.0001 at 1981:39–1983:46.
- 173 Exhibit 28-0115, 'Transcript of private hearing with Father Lawrence O'Toole', Case Study 28, TRAN.5005.001.0001 at 1983:4–7.
- 174 Exhibit 28-0115, 'Transcript of private hearing with Father Lawrence O'Toole', Case Study 28, TRAN.5005.001.0001 at 1983:37–46.
- 175 Exhibit 28-0115, 'Transcript of private hearing with Father Lawrence O'Toole', Case Study 28, TRAN.5005.001.0001 at 1963:45–1964:1.
- 176 Exhibit 28-0115, 'Transcript of private hearing with Father Lawrence O'Toole', Case Study 28, TRAN.5005.001.0001 at 1982:17–19.
- 177 Exhibit 28-0115, 'Transcript of private hearing with Father Lawrence O'Toole', Case Study 28, TRAN.5005.001.0001 at 1985:4–10.
- 178 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1391, 1831.



- 195 Transcript of BAB, Case Study 28, 20 May 2015 at 8265:13–27.
- 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.
- 199 1953–1966: Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1359.
- 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 Consultor 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 Consultor 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 Consultor 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 Consultor 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 Consultor 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.
- 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, '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.
- 218 Exhibit 28-0151, 'Personnel document for Brother BWX', Case Study 28, CTJH.056.50047.0191_R at 0192_R.
- 219 Exhibit 28-0157, 'Statement of Francis Madden', Case Study 28, CTJH.500.70001.0001_R at [8].
- 220 Exhibit 28-0157, 'Statement of Francis Madden', Case Study 28, CTJH.500.70001.0001_R at [15].
- 221 Exhibit 28-0157, 'Statement of Francis Madden', Case Study 28, CTJH.500.70001.0001_R at [8].
- 222 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.
- 223 Exhibit 28-0157, 'Statement of Francis Madden', Case Study 28, CTJH.500.70001.0001_R at [9]–[10].
- 224 Exhibit 28-0157, 'Statement of Francis Madden', Case Study 28, CTJH.500.70001.0001_R at [9]–[10].
- 225 Exhibit 28-0157, 'Statement of Francis Madden', Case Study 28, CTJH.500.70001.0001_R at [11].
- 226 Exhibit 28-0157, 'Statement of Francis Madden', Case Study 28, CTJH.500.70001.0001_R at [11].
- 227 Exhibit 28-0157, 'Statement of Francis Madden', Case Study 28, CTJH.500.70001.0001_R at [12]–[13].
- 228 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.
- 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.
- 230 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1452–1453, 1836–1838.
- 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 0032_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 0033_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 0034_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 0035_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.

238 Exhibit 28-0151, 'List of Brother BWX locations', Case Study 28, CTJH.056.50046.0005_R.
 239 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
 para 1431.
 240 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15941:31–37.
 241 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [47]–[48].
 242 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [47].
 243 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [51].
 244 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [52].
 245 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15937:27–15942:1.
 246 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [53].
 247 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [55]–[57].
 248 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [58].
 249 Exhibit 28-0151, 'Visitation Report of Ballarat', Case Study 28, CTJH.056.35006.0064_R.
 250 Exhibit 28-0151, 'Visitation Report of Ballarat', Case Study 28, CTJH.056.35006.0064_R at
 0068_R–0069_R.
 251 Exhibit 28-0151, 'Visitation Report of Ballarat', Case Study 28, CTJH.056.35006.0064_R at 0065_R.
 252 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [54].
 253 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [54].
 254 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15938:6–11.
 255 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15938:13–18.
 256 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15938:46–15939:5.
 257 Exhibit 28-0151, 'Personnel document for Brother BWX', Case Study 28, CTJH.056.50047.0191_R;
 Exhibit 28-0151, 'Excerpt from Ballarat Report in 1973', Case Study 28, CTJH.056.35035.0212_R
 at 0213_R.
 258 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
 para 1439.
 259 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
 para 1439.
 260 Transcript of P Nangle, 23 February 2016 at 15939:7–12.
 261 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [60].
 262 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15939:14–20.
 263 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15939:27–30.
 264 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15939:36–45.
 265 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
 para 1461.
 266 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
 para 1844.
 267 Exhibit 28-0151, 'List of Brother BWX locations', Case Study 28, CTJH.056.50046.0005_R.
 268 Exhibit 28-0151, 'List of Brother BWX locations', Case Study 28, CTJH.056.50046.0005_R.
 269 Exhibit 28-0151, 'Letter from Br Michael Godfrey to Brian re discussions with BWX (Brother BWX)',
 Case Study 28, CTJH.056.50046.0041_R.
 270 Exhibit 28-0151, 'Letter from Br Michael Godfrey to Brian re discussions with BWX (Brother BWX)',
 Case Study 28, CTJH.056.50046.0041_R.
 271 Exhibit 28-0151, 'Letter from Br Michael Godfrey to Brian re discussions with BWX (Brother BWX)',
 Case Study 28, CTJH.056.50046.0041_R.
 272 Exhibit 28-0151, 'Letter from Br Michael Godfrey to Brian re discussions with BWX (Brother BWX)',
 Case Study 28, CTJH.056.50046.0041_R.
 273 Exhibit 28-0151, 'Letter from Br Michael Godfrey to Brian re discussions with BWX (Brother BWX)',
 Case Study 28, CTJH.056.50046.0041_R.
 274 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16059:3–19.
 275 Exhibit 28-0151, 'List of Brother BWX locations', Case Study 28, CTJH.056.50046.0005_R.
 276 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
 paras 1440, 1473.
 277 Exhibit 28-0151, 'List of Brother BWX locations', Case Study 28, CTJH.056.50046.0005_R.
 278 Exhibit 28-0151, 'List of Brother BWX locations', Case Study 28, CTJH.056.50046.0005_R.

- 279 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
para 1332.
- 280 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.
- 281 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.
- 282 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
para 1332.
- 283 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
paras 1419–1421.
- 284 Exhibit 28-0151, 'Contract Between Congregation of Christian Brothers St Patrick's Province re
Brother BWX', Case Study 28, CTJH.056.50046.0034_R.
- 285 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
para 1424.
- 286 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
para 1332.
- 287 Exhibit 28-0151, 'Stephen Francis Farrell', Case Study 28, CTJH.056.35025.0223_R.
- 288 Exhibit 28-0151, 'Transcript of private hearing with Stephen Farrell', Case Study 28,
TRAN.0003.001.0001_R at 1177:11–15.
- 289 Transcript of G Pell, Case Study 28, 29 February 2016 at 16249:22–44.
- 290 Transcript of P Nagle, Case Study 28, 19 May 2015 at 8135:46–8136:20.
- 291 Transcript of P Nagle, Case Study 28, 19 May 2015 at 8136:29–31, 8137:4–9.
- 292 Exhibit 28-0115, 'Transcript of private hearing with Father Lawrence O'Toole', Case Study 28,
TRAN.5005.001.0001 at 1963:45–1964:1.
- 293 Exhibit 28-0115, 'Transcript of private hearing with Father Lawrence O'Toole', Case Study 28,
TRAN.5005.001.0001 at 1976:40–44.
- 294 Exhibit 28-0115, 'Transcript of private hearing with Father Lawrence O'Toole', Case Study 28,
TRAN.5005.001.0001 at 1977:47–1978:2.
- 295 Exhibit 28-0115, 'Transcript of private hearing with Father Lawrence O'Toole', Case Study 28,
TRAN.5005.001.0001 at 1978:5–17.
- 296 Transcript of CCD, Case Study 28, 23 February 2016 at 15893:6–47.
- 297 Transcript of CCD, Case Study 28, 23 February 2016 at 15893:6–47.
- 298 Exhibit 28-0156, 'Statement of CCE', Case Study 28, STAT.0859.001.0001_R at [5]–[6].
- 299 Exhibit 28-0156, 'Statement of CCE', Case Study 28, STAT.0859.001.0001_R at [10]–[13].
- 300 Exhibit 28-0156, 'Statement of CCE', Case Study 28, STAT.0859.001.0001_R at [14]–[16].
- 301 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [64]–[68].
- 302 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [64]–[68].
- 303 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15934:1–15935:44.
- 304 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [64]–[68].
- 305 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [64]–[68].
- 306 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [64]–[68].
- 307 Exhibit 28-0151, 'Letter from Brother Brian Brandon to Karen Mole of CCI re Brother Farrell',
Case Study 28, CCI.0001.00407.0032_R at 0033_R; Transcript of B Brandon, Case Study 28,
24 February 2016 at 16061:37–16062:37.
- 308 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
paras 1859–1861; see also Exhibit 28-0151, 'Handwritten Letter to Michael from Paul', Case Study
28, CCI.0001.00407.0036_R; Exhibit 28-0151, 'Statement of Paul Gabriel Nangle', Case Study 28,
IND.0284.001.0024_E_R; Exhibit 28-0151, 'Statement of Brother Paul Nangle', Case Study 28,
CTJH.056.62001.0002_R.
- 309 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
paras 1859–1861.
- 310 Exhibit 28-0151, 'Transcript of private hearing with Stephen Farrell', Case Study 28,
TRAN.0003.001.0001_R at 1184:40–46.

- 311 Exhibit 28-0151, 'Transcript of private hearing with Stephen Farrell', Case Study 28, TRAN.0003.001.0001_R at 1186:42–43.
- 312 Exhibit 28-0151, 'Transcript of private hearing with Stephen Farrell', Case Study 28, TRAN.0003.001.0001_R at 1186:45–1187:2.
- 313 Exhibit 28-0151, 'Transcript of private hearing with Stephen Farrell', Case Study 28, TRAN.0003.001.0001_R at 1187:10–11.
- 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.
- 316 Exhibit 28-0151, 'Transcript of private hearing with Stephen Farrell', Case Study 28, TRAN.0003.001.0001_R at 1185:1–5.
- 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].
- 320 Transcript of P Nangle, Case Study 28, 23 February 2016 at 16004:37–16005:30.
- 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, paras 1510–1514.
- 324 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1854.
- 325 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1504–1514, 1854.
- 326 Exhibit 28-0151, 'Statement of Paul Gabriel Nangle', Case Study 28, IND.0284.001.0024_E_R at 0024_E_R.
- 327 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15965:44–15970:42.
- 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 0006_R.
- 330 Exhibit 28-0151, 'Statement of Brother Paul Nangle', Case Study 28, CTJH.056.62001.0002_R at 0004_R.
- 331 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1870–1871.
- 332 Exhibit 28-0151, 'Transcript of private hearing with Stephen Farrell', Case Study 28, TRAN.0003.001.0001_R at 1186:14–33.
- 333 Exhibit 28-0004, 'Statement of Philip Francis Nangle', Case Study 28, STAT.0571.001.0001 at [15]–[16].
- 334 Exhibit 28-0151, 'Transcript of private hearing with Stephen Farrell' Case Study 28, TRAN.0003.001.0001_R at 1185:11–14, 1187:4–11, 32–45; Exhibit 28-0151, 'Search Report by JP O'Halloran Re: Br Farrell', Case Study 28, CTJH.056.35082.0137; Exhibit 28-0151, 'Letter from Brother Brian Brandon to Karen Mole of CCI re Brother Farrell', Case Study 28, CCI.0001.00407.0032_R at 0033_R; Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [71]–[74].
- 335 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1490.
- 336 Exhibit 28-0151, 'The Queen v Edward Vernon Dowlan – Sentencing Remarks', Case Study 28, CTJH.056.35043.0193_R at 0194_R.
- 337 Exhibit 28-0151, 'The Queen v Edward Vernon Dowlan – Sentencing Remarks', Case Study 28, CTJH.056.35043.0193_R at 0194_R.
- 338 Exhibit 28-0151, 'The Queen v Edward Vernon Dowlan – Sentencing Remarks', Case Study 28, CTJH.056.35043.0193_R at 0195_R.
- 339 Exhibit 28-0151, 'The Queen v Edward Vernon Dowlan – Sentencing Remarks', Case Study 28, CTJH.056.35043.0193_R.
- 340 Exhibit 28-0151, 'DPP v Ted Bales – Reasons for Sentence', Case Study 28, IND.0407.001.0001.
- 341 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [87].

- 342 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15958:2–39.
- 343 Transcript of T Barlow, Case Study 28, 22 February 2016 at 15880:40–15883:34.
- 344 Transcript of T Barlow, Case Study 28, 22 February 2016 at 15880:40–15883:34.
- 345 Transcript of T Barlow, Case Study 28, 22 February 2016 at 15880:40–15883:34.
- 346 Transcript of T Barlow, Case Study 28, 22 February 2016 at 15880:40–15883:34.
- 347 Transcript of T Barlow, Case Study 28, 22 February 2016 at 15880:40–15883:34.
- 348 Transcript of T Barlow, Case Study 28, 22 February 2016 at 15880:40–15883:34.
- 349 Transcript of T Barlow, Case Study 28, 22 February 2016 at 15880:40–15883:34.
- 350 Transcript of T Barlow, Case Study 28, 22 February 2016 at 15880:40–15883:34.
- 351 Transcript of S Woods, Case Study 28, 21 May 2015 at 8341:20–29.
- 352 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [108].
- 353 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [130]–[131];
Transcript of P Nangle, Case Study 28, 23 February 2016 at 15991:38–15997:43, 16008:30–40.
- 354 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15991:38–15997:43.
- 355 Transcript of P Nangle, Case Study 28, 23 February 2016 at 16000:19–16001:27.
- 356 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [108].
- 357 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15921:5–8.
- 358 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15993:40–15994:10.
- 359 Exhibit 28-0183, 'Statement of Andrew Byrne', Case Study 28, STAT.0909.001.0001; Exhibit 28-0184,
'Statement of Stephen Byrne', Case Study 28, STAT.0910.001.0001.
- 360 Exhibit 28-0171, 'Letter to the Royal Commission into Institutional Responses to Child Sex Abuse
from Frank Rice', Case Study 28, IND.0416.001.0001.
- 361 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.131.01001.0466_E at 0554_E; Exhibit 28-0175, 'Extracts
from the St Patrick's College Ballarat Yearbook for 1975', Case Study 28, CTJH.131.01001.0556_E
at 0563_E.
- 362 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
para 1650.
- 363 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
para 1650(c).
- 364 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
para 1650(c).
- 365 Transcript of N Wileman, Case Study 28, 20 May 2015 at 8241:7–46.
- 366 Transcript of N Wileman, Case Study 28, 20 May 2015 at 8241:7–46.
- 367 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [105].
- 368 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [105].
- 369 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
paras 1879–1881.
- 370 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [88].
- 371 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [88].
- 372 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [89].
- 373 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [89].
- 374 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.
- 375 Exhibit 28-0151, 'Transcript of interview with [Redacted]', Case Study 28, CCI.0001.00383.0242_R.
- 376 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15907:27–45.
- 377 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [94].
- 378 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [90].
- 379 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [90].
- 380 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [90].
- 381 Exhibit 28-0151, 'Transcript of interview with [Redacted]', Case Study 28, CCI.0001.00383.0242_R.
- 382 Exhibit 28-0151, 'Transcript of interview with [Redacted]', Case Study 28, CCI.0001.00383.0242_R
at 0243_R.

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 15912:20–33.

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.

389 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
paras 1683–1693, 1887–1888.

390 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [89].

391 Exhibit 28-0151, 'Extracts from Report from JE O'Connor entitled "Christian Brothers ats BWG"
(Brother Dowlan)', Case Study 28, CCI.0001.00383.0216_E_R at 0218_E_R.

392 Exhibit 28-0151, 'Statutory Declaration of Maurice Holloway re Brother Dowlan', Case Study 28,
WAL.0004.001.0142_R.

393 Exhibit 28-0151, 'Extracts from Report from JE O'Connor entitled "Christian Brothers ats BWG"
(Brother Dowlan)', Case Study 28, CCI.0001.00383.0216_E_R at 0218_E_R.

394 Exhibit 28-0151, 'Extracts from Report from JE O'Connor entitled "Christian Brothers ats BWG"
(Brother Dowlan)', Case Study 28, CCI.0001.00383.0216_E_R at CCI.0001.00383.0219_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, 'Statutory Declaration of Maurice Holloway re Brother Dowlan', Case Study 28,
WAL.0004.001.0142_R at 0042_R.

397 Exhibit 28-0151, 'Report from Glynis McNeight to Doyle Considine Lawyers re Brother Dowlan',
Case Study 28, CTJH.056.35017.0197_R at 0211_R.

398 Exhibit 28-0151, 'Report from Glynis McNeight to Doyle Considine Lawyers re Brother Dowlan',
Case Study 28, CTJH.056.35017.0197_R at 0211_R; 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, 'Report from Glynis McNeight to Doyle Considine Lawyers re Brother Dowlan',
Case Study 28, CTJH.056.35017.0197_R at 0211_R; Exhibit 28-0151, 'Statutory Declaration of
Maurice Holloway re Brother Dowlan', Case Study 28, WAL.0004.001.0142_R at 0142_R.

400 Exhibit 28-0151, 'Statutory Declaration of Maurice Holloway re Brother Dowlan', Case Study 28,
WAL.0004.001.0142_R at 0142_R.

401 Exhibit 28-0151, 'Extracts from Report from JE O'Connor entitled "Christian Brothers ats 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, CTJH.500.69001.0001_R at [132].

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].

407 Transcript of M Claassen, Case Study 28, 22 February 2016 at 15885:9–15887:19.

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.

413 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [127]–[129];
Transcript of P Nangle, Case Study 28, 23 February 2016 at 15919:20–15920:30.

414 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [127]–[129].

415 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15919:20–15920:30.

416 Transcript of P Tatchell, Case Study 28, 21 May 2015 at 8326:21–27.

417 Transcript of P Tatchell, Case Study 28, 21 May 2015 at 8327:9–10.

418 Transcript of P Tatchell, Case Study 28, 21 May 2015 at 8327:28–8328:4.

419 Transcript of P Tatchell, Case Study 28, 21 May 2015 at 8329:9–22.

420 Transcript of P Tatchell, Case Study 28, 21 May 2015 at 8329:38–40.

- 421 Transcript of P Tatchell, Case Study 28, 21 May 2015 at 8331:12–17.
 422 Transcript of P Tatchell, Case Study 28, 21 May 2015 at 8331:17–31.
 423 Transcript of P Tatchell, Case Study 28, 21 May 2015 at 8332:3–14.
 424 Transcript of P Tatchell, Case Study 28, 21 May 2015 at 8332:12–25.
 425 Transcript of P Tatchell, Case Study 28, 21 May 2015 at 8332:23–47.
 426 Exhibit 28-0020, 'Statement of Paul Edward Tatchell', Case Study 28, STAT.0573.001.0001_R at [41].
 427 Exhibit 28-0020, 'Statement of Paul Edward Tatchell', Case Study 28, STAT.0573.001.0001_R at [41].
 428 Exhibit 28-0001, 'Statement from M Tatchell re Brother Dowlan', Case Study 28
 VPOL.0017.002.0103_E_R.
 429 Exhibit 28-0001, 'Statement from M Tatchell re Brother Dowlan', Case Study 28
 VPOL.0017.002.0103_E_R.
 430 Exhibit 28-0001, 'Statement from M Tatchell re Brother Dowlan', Case Study 28
 VPOL.0017.002.0103_E_R.
 431 Exhibit 28-0001, 'Statement from M Tatchell re Brother Dowlan', Case Study 28
 VPOL.0017.002.0103_E_R.
 432 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
 paras 1670–1682.
 433 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15914:41–15919:35.
 434 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [96]–[103].
 435 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [100].
 436 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15914:41–15919:35.
 437 Exhibit 29-0151, 'Report from JE O'Connor entitled "Catholic Church Insurances Ltd – Christian
 Brothers Brother CCK & Dowlan and [REDACTED]"', Case Study 28, CCI.0001.00475.0236_R
 at 0239_R.
 438 Exhibit 29-0151, 'Report from JE O'Connor entitled "Catholic Church Insurances Ltd – Christian
 Brothers Brother CCK & Dowlan and [REDACTED]"', Case Study 28, CCI.0001.00475.0236_R
 at 0240_R.
 439 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15923:10–15924:22.
 440 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15923:10–15924:22.
 441 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
 paras 1641–1642.
 442 Exhibit 28-0151, 'Statement of Br PG Nangle', Case Study 28, CTJH.056.35034.0093_R at 0094_R.
 443 Exhibit 28-0151, 'Statement of Br PG Nangle', Case Study 28, CTJH.056.35034.0093_R at 0094_R.
 444 Exhibit 28-0151, 'Transcript of Interview with Br Paul Nangle and Paul Gamble', Case Study 28,
 CCI.0001.00534.0620_R at 0621_R.
 445 Exhibit 28-0151, 'Transcript of Interview with Br Paul Nangle and Paul Gamble', Case Study 28,
 CCI.0001.00534.0620_R at 0622_R.
 446 Exhibit 28-0142, 'Statement of Paul Nangle', Case Study 28, CTJH.500.69001.0001_R at [87].
 447 Exhibit 28-0143, 'Newspaper article titled "Pell Denies He Was Warned About Paedophile"',
 Case Study 28, CTJH.056.64001.0022_R.
 448 Exhibit 28-0151, 'Letter from Paul Nangle to Peter', Case Study 28, CTJH.056.64001.0020.
 449 Exhibit 28-0151, 'Letter from Paul Nangle to Peter', Case Study 28, CTJH.056.64001.0018.
 450 Exhibit 28-0151, 'Letter to Editor of "The Age" Australia from PG Nangle', Case Study 28,
 CTJH.056.35017.0114.
 451 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15942:3–15945:9.
 452 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15944:43–15945:9.
 453 Transcript of P Nangle, Case Study 28, 23 February 2016 at 15942:3–15945:9.
 454 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
 paras 1920–1924.
 455 Transcript of G Pell, Case Study 28, 29 February 2016 at 16187:42–16188:14.
 456 Exhibit 28-0104, 'Cardinal George Pell – CV', Case Study 28, COR.0011.001.0001.
 457 Exhibit 28-0104, 'Cardinal George Pell – CV', Case Study 28, COR.0011.001.0001; Transcript of G Pell,
 Case Study 28, 29 February 2016 at 16188:22–16189:7.
 458 Exhibit 28-0104, 'Cardinal George Pell – CV', Case Study 28, COR.0011.001.0001.
 459 Transcript of G Pell, Case Study 28, 29 February 2016 at 16226:46–16227:12.

460 Transcript of G Pell, Case Study 28, 29 February 2016 at 16227:14–18.
461 Exhibit 28-0104, 'Cardinal George Pell – CV', Case Study 28, COR.0011.001.0001; Transcript of G Pell,
Case Study 28, 29 February 2016 at 16189:36–16192:42.
462 Exhibit 28-0104, 'Cardinal George Pell – CV', Case Study 28, COR.0011.001.0001; Transcript of G Pell,
Case Study 28, 3 March 2016 at 16561:14–19.
463 Exhibit 28-0147, 'Note from Pell to Mulkearns – Episcopal Vicar for Education', Case Study 28,
CTJH.120.05022.0043.
464 Exhibit 28-0147, 'Note from Pell to Mulkearns – Episcopal Vicar for Education', Case Study 28,
CTJH.120.05022.0043.
465 Exhibit 28-0147, 'Note from Pell to Mulkearns – Episcopal Vicar for Education', Case Study 28,
CTJH.120.05022.0043.
466 Transcript of G Pell, Case Study 28, 29 February 2016 at 16190:15–21, 16191:22–16192:42.
467 Transcript of G Pell, Case Study 28, 29 February 2016 at 16227:20–25.
468 Transcript of G Pell, Case Study 28, 29 February 2016 at 16227:27–34.
469 Transcript of G Pell, Case Study 28, 29 February 2016 at 16188:16–20.
470 Exhibit 28-0096, 'Statement of BWF', Case Study 28, IND.0324.001.0003_R at [12]; Exhibit 28-0013,
'Statement of Timothy Andrew Green', Case Study 28, STAT.0569.001.0001 at [17]; Exhibit 28-0134,
'Statement of BWE', Case Study 28, STAT.0773.001.0001_R at [9].
471 Exhibit 28-0013, 'Statement of Timothy Andrew Green', Case Study 28, STAT.0569.001.0001 at [17];
Exhibit 28-0134, 'Statement of BWE', Case Study 28, STAT.0773.001.0001_R at [9].
472 Exhibit 28-0134, 'Statement of BWE', Case Study 28, STAT.0773.001.0001_R at [9].

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- 596 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
para 1931.
- 597 Exhibit 28-0151, 'Visitation Report of Warrnambool', Case Study 28, CTJH.056.35035.0085_R
at 0092_R.
- 598 St Joseph's Warrnambool, St Brendan's Devonport, Chanel College Geelong, St Augustine's College,
and Parade Preparatory Alphington: Exhibit 28-0151, 'Report entitled "Edward Vernon Dowlan",
Case Study 28, CTJH.056.35017.0158; Exhibit 28-0151, 'List of Placement and Role – Dowlan 2',
Case Study 28, WAL.0004.002.0092.
- 599 Exhibit 28-0161, 'Statement of Robert McBride', Case Study 28, STAT.0877.001.0001_R at [10].
- 600 Exhibit 28-0161, 'Statement of Robert McBride', Case Study 28, STAT.0877.001.0001_R at [4]–[6].
- 601 Exhibit 28-0161, 'Statement of Robert McBride', Case Study 28, STAT.0877.001.0001_R at [10].
- 602 Exhibit 28-0161, 'Statement of Robert McBride', Case Study 28, STAT.0877.001.0001_R at [11].
- 603 Exhibit 28-0161, 'Statement of Robert McBride', Case Study 28, STAT.0877.001.0001_R at [13].
- 604 Exhibit 28-0161, 'Statement of Robert McBride', Case Study 28, STAT.0877.001.0001_R at [15].
- 605 Exhibit 28-0151, 'Visitation Report of East Melbourne', Case Study 28, CTJH.056.35018.0171_R
at 0172_R.
- 606 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
paras 1737, 1933.
- 607 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16022:39–16023:34.
- 608 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16022:39–16023:34.
- 609 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16022:39–16023:34.
- 610 Exhibit 28-0151, 'Agenda for Provincial Council Meeting', Case Study 28, CTJH.056.40002.0090.
- 611 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16026:39–47.
- 612 Exhibit 28-0151, 'Statement from [REDACTED] re Brother Dowlan', Case Study 28,
VPOL.0017.002.0199_E_R.
- 613 Exhibit 28-0151, 'Statement from [REDACTED] re Brother Dowlan', Case Study 28,
VPOL.0017.002.0199_E_R.
- 614 Exhibit 28-0151, 'Statement from [REDACTED] re Brother Dowlan', Case Study 28,
VPOL.0017.002.0199_E_R.
- 615 Exhibit 28-0151, 'Statement from [REDACTED] re Brother Dowlan', Case Study 28,
VPOL.0017.002.0199_E_R.
- 616 Exhibit 28-0151, 'Statement from [REDACTED] re Brother Dowlan', Case Study 28,
VPOL.0017.002.0199_E_R at 0199_E_R.
- 617 See also Submissions of the Truth, Justice and Healing Council, Case Study 28,
SUBM.1028.022.0001_R, paras 1739–1741.
- 618 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16023:36–16024:40.
- 619 Exhibit 28-0151, 'Letter from Brother Ted Dowlan to Paul', Case Study 28, CTJH.056.35017.0089
at 0089–0092.
- 620 Exhibit 28-0151, 'Letter from Brother Ted Dowlan to Paul', Case Study 28, CTJH.056.35017.0089
at 0092.
- 621 Exhibit 28-0151, 'Letter from Brother Ted Dowlan to Paul', Case Study 28, CTJH.056.35017.0089
at 0092.
- 622 Exhibit 28-0151, 'Letter from Brother Ted Dowlan to Paul', Case Study 28, CTJH.056.35017.0089
at 0092–0093.
- 623 Exhibit 28-0151, 'Report entitled "Edward Vernon Dowlan"', Case Study 28, CTJH.056.35017.0158.
- 624 Exhibit 28-0151, 'Report entitled "Edward Vernon Dowlan"', Case Study 28, CTJH.056.35017.0158;
Exhibit 28-0151, 'List of Placement and Role – Dowlan 2', Case Study 28, WAL.0004.002.0092.
- 625 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16027:2–16029:1.
- 626 Exhibit 28-0151, 'Visitation Report – St Marys Geelong Community', Case Study 28,
CTJH.056.35018.0183_R; 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.
- 627 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16028:7–9, 16037:1–5, 16027:2–
16038:45.
- 628 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16034:16–34.

- 629 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
paras 1623–1624.
- 630 Exhibit 28-0162, ‘Statement of Isabel Clingan’, Case Study 28, STAT.0881.001.0001_R.
- 631 Exhibit 28-0162, ‘Statement of Isabel Clingan’, Case Study 28, STAT.0881.001.0001_R at [7]–[8].
- 632 Exhibit 28-0162, ‘Statement of Isabel Clingan’, Case Study 28, STAT.0881.001.0001_R at [12].
- 633 Exhibit 28-0162, ‘Statement of Isabel Clingan’, Case Study 28, STAT.0881.001.0001_R at [8], [11], [13].
- 634 Exhibit 28-0162, ‘Statement of Isabel Clingan’, Case Study 28, STAT.0881.001.0001_R at [15].
- 635 Exhibit 28-0162, ‘Statement of Isabel Clingan’, Case Study 28, STAT.0881.001.0001_R at [18].
- 636 Exhibit 28-0162, ‘Statement of Isabel Clingan’, Case Study 28, STAT.0881.001.0001_R at [20]–[21].
- 637 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
para 1749.
- 638 See also Submissions of the Truth, Justice and Healing Council, Case Study 28,
SUBM.1028.022.0001_R, para 1750.
- 639 Exhibit 28-0151, ‘Letter from Brother Frank Chappell to Brother E G Dowlan’, Case Study 28,
CTJH.056.35018.0027.
- 640 Exhibit 28-0151, ‘Letter from Brother Frank Chappell to Brother E G Dowlan’, Case Study 28,
CTJH.056.35018.0027.
- 641 Exhibit 28-0188, ‘Statement of Philip Roach’, Case Study 28, STAT.0982.001.0001 at [10].
- 642 Exhibit 28-0188, ‘Statement of Philip Roach’, Case Study 28, STAT.0982.001.0001 at [13]–[15].
- 643 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
para 1753.
- 644 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16048:1–15.
- 645 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16047:38–16049:10.
- 646 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16049:25–28.
- 647 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
para 1764.
- 648 Exhibit 28-0151, ‘Letter from John C Schiller to Brother Provincial re Brother Dowlan’, Case Study 28,
CTJH.056.35017.0168_R.
- 649 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
para 1624.
- 650 Exhibit 28-0151, ‘Report entitled “Edward Vernon Dowlan”’, Case Study 28, CTJH.056.35017.0158.
- 651 Exhibit 28-0151, ‘Visitation Report – St Vincent’s South Melbourne’, Case Study 28,
CTJH.056.35024.0087_R; Exhibit 28-0151, ‘Community Review South Melbourne Community’,
Case Study 28, CTJH.056.35024.0090_R.
- 652 Exhibit 28-0151, ‘Report entitled “Edward Vernon Dowlan”’, Case Study 28, CTJH.056.35017.0158.
- 653 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].
- 654 1990–1996: Submissions of the Truth, Justice and Healing Council, Case Study 28,
SUBM.1028.022.0001_R, para 1332.
- 655 Exhibit 28-0151, ‘Visitation Report of East Melbourne’, Case Study 28, CTJH.056.35018.0171_R
at 0172_R.
- 656 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
para 1624.
- 657 Exhibit 28-0151, ‘Report entitled “Edward Vernon Dowlan”’, Case Study 28, CTJH.056.35017.0158.
- 658 Exhibit 28-0151, ‘Statement of Acting Senior Sergeant Blair Smith re Brother Dowlan’, Case Study 28,
WAL.0003.008.0358_R.
- 659 Exhibit 28-0151, ‘The Queen v Edward Vernon Dowlan – Sentencing Remarks’, Case Study 28,
CTJH.056.35043.0193_R.
- 660 Exhibit 28-0151, ‘DPP v Ted Bales – Reasons for Sentence’, Case Study 28, IND.0407.001.0001.
- 661 Exhibit 28-0151, ‘Letter from Brothers Leonard and Dowling to Brother Dowlan’, Case Study 28,
CTJH.056.35017.0133.
- 662 Exhibit 28-0151, ‘Letter from Brother Dowlan to Brothers Leonard and Dowling’, Case Study 28,
CTJH.056.35017.0126.

- 663 Exhibit 28-0151, 'Letter from Brother Dowlan to Brothers Leonard and Dowling', Case Study 28, CTJH.056.35017.0126.
- 664 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16033:15–16034: 47.
- 665 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.
- 666 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16041:37–16046:14.
- 667 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16041:37–16046:14.
- 668 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16041:37–16046:14.
- 669 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16043:5–27.
- 670 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1949–1952.
- 671 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, CTJH.056.35017.0028_R.
- 672 Exhibit 29-0021, 'Statement of Stephen Woods', Case Study 28, STAT.0577.001.0001_R at [37]–[39].
- 673 Exhibit 28-0151, 'Report from Glynis McNeight to Doyle Considine Lawyers re Brother Dowlan', Case Study 28, CTJH.056.35017.0197_R at 0199_R.
- 674 Exhibit 28-0151, 'Report from Glynis McNeight to Doyle Considine Lawyers re Brother Dowlan', Case Study 28, CTJH.056.35017.0197_R at 0200_R.
- 675 Exhibit 28-0151, 'Report from Glynis McNeight to Doyle Considine Lawyers re Brother Dowlan', Case Study 28, CTJH.056.35017.0197_R at 0202_R.
- 676 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16068:8–22.
- 677 Transcript of B Brandon, Case Study 28, 24 February 2016 at 16068:24–28.
- 678 Exhibit 28-0151, 'List entitled "Brother CCJ Peter Colman"', Case Study 28, CTJH.056.50030.0036_R.
- 679 Exhibit 28-0151, 'List entitled "Brother CCJ Peter Colman"', Case Study 28, CTJH.056.50030.0036_R.
- 680 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1557.
- 681 Exhibit 28-0151, 'Visitation Report of Brunswick, Case Study 28, CTJH.056.50011.0088_E at 0090_E.
- 682 Exhibit 28-0151, 'List entitled "Brother CCJ Peter Colman"', Case Study 28, CTJH.056.50030.0036_R.
- 683 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1563.
- 684 Exhibit 28-0151, 'Email from Brian Brandon to Len Francis re confidential re Brother CCJ', Case Study 28, CTJH.056.50004.0092_R.
- 685 Exhibit 28-0151, 'Letter from Voitin Walker Davis to Christian Brothers re Brother CCJ', Case Study 28, CTJH.056.50004.0097_R.
- 686 Exhibit 28-0151, 'Letter from Brother Brian Brandon to Joe Bucci re Brother CCJ', Case Study 28, CTJH.056.50004.0089_R.
- 687 Exhibit 28-0151, 'Letter from Brother Brian Brandon to Joe Bucci re Brother CCJ', Case Study 28, CTJH.056.50004.0089_R.
- 688 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1558–1563.
- 689 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 3.
- 690 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, CTJH.056.50011.0097_E.
- 691 Exhibit 28-0151, Case Study 28, 'Handwritten Note from Len Francis re Brother CCJ', Case Study 28, CTJH.056.50024.0139_R.
- 692 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1955.
- 693 Exhibit 28-0151, 'List entitled "Brother CCJ Peter Colman"', Case Study 28, CTJH.056.50030.0036_R.
- 694 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 1537.
- 695 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1563.

696 Exhibit 28-0151, 'Visitation Report of East Melbourne Victoria', Case Study 28,
CTJH.056.50011.0108_E_R at 0110_E.

697 Exhibit 28-0151, 'Visitation Report of East Melbourne', Case Study 28, CTJH.056.50011.0115_E_R
at 0117_E.

698 Exhibit 28-0151, 'Visitation Report of Brunswick', Case Study 28, CTJH.056.50011.0089_E_R at
0090_E_R; Transcript of B Brandon, Case Study 28, 24 February 2016 at 16059:39–16060:21.

699 Exhibit 28-0151, Case Study 28, 'Handwritten Note from Len Francis re Brother CCJ', Case Study 28,
CTJH.056.50024.0139.

700 Exhibit 28-0151, 'List entitled "Brother CCJ Peter Colman"', Case Study 28, CTJH.056.50030.0036_R.
701 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
paras 1956, 1563.

702 Exhibit 28-0151, 'List entitled "Brother CCJ Peter Colman"', Case Study 28, CTJH.056.50030.0036_R.
703 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
para 1538.

704 Exhibit 28-0151, 'Visitation Report of St Patricks Ballarat', Case Study 28, CTJH.056.50011.0128_E_R.
705 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
para 1563.

706 Transcript of A Collins, Case Study 28, 21 May 2015 at 8378:27–8379:37.
707 Transcript of A Collins, Case Study 28, 21 May 2015 at 8378:27–8379:37.
708 Transcript of A Collins, Case Study 28, 21 May 2015 at 8378:27–8379:37.

709 Exhibit 28-0151, 'Email from Shane Lavery to Brian Brandon re Confidential Enquiry re Brother CCJ',
Case Study 28, CTJH.056.50002.0076_R.

710 Exhibit 28-0151, 'Email from Shane Lavery to Brian Brandon re Confidential Enquiry re Brother CCJ',
Case Study 28, CTJH.056.50002.0076_R.

711 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
paras 1584–1587.

712 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
para 1332.

713 Exhibit 28-0151, 'Visitation Report of St Joseph's Geelong – No 2 Community', Case Study 28,
CTJH.056.35015.0122_R.

714 Exhibit 28-0151, 'Agenda and Decisions of Provincial Council Meetings', Case Study 28,
CTJH.056.40002.0620_R at 0625; Exhibit 28-0151, 'Letter from Joyce Lloyd of Holyoake to
Brother Chappell re Brother CCJ', Case Study 28, CTJH.056.50027.0044_R.

715 Exhibit 28-0151, 'Letter from Brother CCJ to Frank', Case Study 28, CTJH.056.50025.0183_R.
716 Exhibit 28-0151, 'Letter from Joyce Lloyd of Holyoake to Brother Chappell re Brother CCJ', Case Study
28, CTJH.056.50027.0044_R.

717 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 1541.

718 Exhibit 28-0151, 'Report entitled "Ministry Interview" re Brother CCJ', Case Study 28,
CTJH.056.50025.0175_R.

719 Exhibit 28-0151, 'Report entitled "Confidential Report – Brother CCJ" from Negus L to Gerry',
Case Study 28, CTJH.056.50030.0008_R.

720 Exhibit 28-0151, 'Report entitled "Confidential Report – Brother CCJ" from Negus L to Gerry',
Case Study 28, CTJH.056.50030.0008_R at 0009_R.

721 Exhibit 28-0151, 'Report entitled "Confidential Report – Brother CCJ" from Negus L to Gerry',
Case Study 28, CTJH.056.50030.0008_R at 0009_R.

722 Exhibit 28-0151, 'Report entitled "Confidential Report – Brother CCJ" from Negus L to Gerry',
Case Study 28, CTJH.056.50030.0008_R at 0010_R.

723 Exhibit 28-0151, 'Report entitled "Confidential Report – Brother CCJ" from Negus L to Gerry',
Case Study 28, CTJH.056.50030.0008_R at 0010_R–0012_R.

724 Exhibit 28-0151, 'Document entitled 'Brother CCJ – some notes', Case Study 28,
CTJH.056.50025.0159_R.

725 Exhibit 28-0151, 'Document entitled 'Brother CCJ – some notes', Case Study 28,
CTJH.056.50025.0159_R.

- 726 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1572.
- 727 Exhibit 28-0151, 'Letter from Brother Faulkner to Father Joe Walsh re Brother CCJ', Case Study 28, CTJH.056.50029.0059_R.
- 728 Exhibit 28-0151, 'File Note from Brother CCJ', Case Study 28, CTJH.056.50029.0057_R.
- 729 1996–2002: Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1332.
- 730 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.
- 731 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1573; Exhibit 28-0151, 'Letter from Brother Kevin Ryan to Brother Michael Godfrey re Br Brother CCJ', 15 November 1999, Case Study 28, CTJH.056.50025.0064_R at 0064_R.
- 732 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.
- 733 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1572.
- 734 Exhibit 28-0151, 'Letter from Paul Tobias to Michael Godfrey re Brother CCJ', Case Study 28, CTJH.056.50028.0133_R.
- 735 Exhibit 28-0151, 'List entitled "Brother CCJ Peter Colman"', Case Study 28, CTJH.056.50030.0036_R.
- 736 Exhibit 28-0151, 'Letter from Paul Tobias to Michael Godfrey re Brother CCJ', Case Study 28, CTJH.056.50028.0133_R.
- 737 Exhibit 28-0151, 'Letter from Paul Tobias to Michael Godfrey re Brother CCJ', Case Study 28, CTJH.056.50028.0133_R.
- 738 Exhibit 28-0151, 'Memorandum from Kevin Ryan re Brother CCJ', Case Study 28, CTJH.056.50030.0023_R.
- 739 Exhibit 28-0151, 'Memorandum from Kevin Ryan re Brother CCJ', Case Study 28, CTJH.056.50030.0023_R.
- 740 Exhibit 28-0151, 'Memorandum from Brother Kevin P Ryan re Brother CCJ', Case Study 28, CTJH.056.50028.0125_R.
- 741 Exhibit 28-0151, 'Letter from Brother CCJ to Kevin Ryan', Case Study 28, CTJH.056.50028.0122_R.
- 742 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1581.
- 743 Exhibit 28-0151, 'Letter from Brother Tony Shanahan to Brother Michael Godfrey re Brother CCJ', Case Study 28, CTJH.056.50027.0178_R; Exhibit 28-0151, 'Memorandum from Kevin Ryan re Brother CCJ', Case Study 28, CTJH.056.50028.0078_R.
- 744 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.
- 745 Exhibit 28-0151, 'Letter from Gerardine Taylor and Jan Clarke to Brother CCJ', Case Study 28, CTJH.056.50030.0084_R; 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.
- 746 Exhibit 28-0151, 'Email from Jan Clarke to Gerardine Taylor re Brother CCJ', Case Study 28, CTJH.301.07002.0364_R.
- 747 Exhibit 28-0151, 'Letter from Brother Peter Dowling to Treacy Centre re Brother CCJ', Case Study 28, CTJH.056.50027.0007_R.
- 748 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 110–111.
- 749 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 111–113.
- 750 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 112.
- 751 Submission of the Truth, Justice and Healing Council to Issues Paper No 2, Towards Healing, 30 September 2013 at 21–23, [10]–[22].
- 752 Submission of the Truth, Justice and Healing Council to Issues Paper No 2, Towards Healing, 30 September 2013 at 21, [10].

- 753 Submission of the Truth, Justice and Healing Council to Issues Paper No 2, Towards Healing, 30 September 2013 at 22, [12].
- 754 Submission of the Truth, Justice and Healing Council to Issues Paper No 2, Towards Healing, 30 September 2013 at 22, [16].
- 755 Submission of the Truth, Justice and Healing Council to Issues Paper No 2, Towards Healing, 30 September 2013 at 21–23, [10]–[22].
- 756 Submission of the Truth, Justice and Healing Council to Issues Paper No 2, Towards Healing, 30 September 2013 at 22, [18]–[20].
- 757 Submission of the Truth, Justice and Healing Council to Issues Paper No 2, Towards Healing, 30 September 2013 at 21, [7]–[9].
- 758 Exhibit 28-0186, 'The Competencies of the College of Consultors and Diocesan Consultors, 1983 Code of Canon Law', Case Study 28, COR.0015.001.0011 at 0013; Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 114, 126–127.
- 759 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 120, 122.
- 760 Transcript of A McNerney, Case Study 28, 26 May 2015 at 8512:13–43.
- 761 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 117.
- 762 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 119.
- 763 Exhibit 28-0104, 'Cardinal George Pell – CV', Case Study 28, COR.0011.001.0001; Transcript of G Pell, 3 March 2016 at 16561:14–19.
- 764 Exhibit 28-0104, 'Cardinal George Pell – CV', COR.0011.001.0001; Transcript of G Pell, Case Study 28, 25 February 2016 at 16189:36–16192:42.
- 765 In effect from 1917 until 1983.
- 766 In effect from 1983 to present.
- 767 Exhibit 28-0186, 'The Competencies of the College of Consultors and Diocesan Consultors, 1983 Code of Canon Law', Case Study 28, COR.0015.001.0011; Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 127.
- 768 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14651:17–14652:7.
- 769 Exhibit 28-0111, 'Transcript of private hearing with Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1577:17–34.
- 770 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 145.
- 771 Exhibit 28-0101, 'Curriculum Vitae – John Michael Joseph Day', Case Study 28, CTJH.120.01016.0068.
- 772 Exhibit 28-0101, 'Curriculum Vitae – John Michael Joseph Day', Case Study 28, CTJH.120.01016.0068.
- 773 Exhibit 28-0101, 'Curriculum Vitae – John Michael Joseph Day', Case Study 28, CTJH.120.01016.0068.
- 774 Exhibit 28-0101, 'Curriculum Vitae – John Michael Joseph Day', Case Study 28, CTJH.120.01016.0068.
- 775 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, Case Study 28, STAT.0772.001.0001_R at [4]–[5].
- 776 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, Case Study 28, STAT.0772.001.0001_R at [22].
- 777 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, Case Study 28, STAT.0772.001.0001_R at [117].
- 778 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.
- 779 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [6].
- 780 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [7].
- 781 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [5].
- 782 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [5].
- 783 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [11]–[12].
- 784 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [9].
- 785 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [9].
- 786 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [12].
- 787 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [29].

788 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [30].
 789 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [30].
 790 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [15].
 791 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [17].
 792 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [17]–[18].
 793 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [18].
 794 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [20].
 795 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [20].
 796 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [29].
 797 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [28].
 798 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [28].
 799 Exhibit 28-0124, 'Statement of John Howden', Case Study 28, STAT.0786.001.0001_R at [11].
 800 Exhibit 28-0116, 'Statement of Gerald Baldock', Case Study 28, STAT.0790.001.0001_R at [4].
 801 Exhibit 28-0116, 'Statement of Gerald Baldock', Case Study 28, STAT.0790.001.0001_R at [4].
 802 Exhibit 28-0116, 'Statement of Gerald Baldock', Case Study 28, STAT.0790.001.0001_R at [6].
 803 Exhibit 28-0116, 'Statement of Gerald Baldock', Case Study 28, STAT.0790.001.0001_R at [11].
 804 Transcript of D Arundell, Case Study 28, 15 December 2015 at 14882:4–6.
 805 Transcript of D Arundell, Case Study 28, 15 December 2015 at 14882:8–21.
 806 Transcript of D Arundell, Case Study 28, 15 December 2015 at 14884:27–33.
 807 Transcript of D Arundell, Case Study 28, 15 December 2015 at 14887:33–44.
 808 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [8]–[9].
 809 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [8]–[10].
 810 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [11]–[12].
 811 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [13].
 812 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [25].
 813 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [31].
 814 Exhibit 28-0124, 'Statement of John Howden', Case Study 28, STAT.0786.001.0001_R at [5].
 815 Exhibit 28-0124, 'Statement of John Howden', Case Study 28, STAT.0786.001.0001_R at [5].
 816 Exhibit 28-0124, 'Statement of John Howden', Case Study 28, STAT.0786.001.0001_R at [6].
 817 Exhibit 28-0124, 'Statement of John Howden', Case Study 28, STAT.0786.001.0001_R at [7]–[8].
 818 Exhibit 28-0124, 'Statement of John Howden', Case Study 28, STAT.0786.001.0001_R at [9].
 819 Exhibit 28-0124, 'Statement of John Howden', Case Study 28, STAT.0786.001.0001_R at [9].
 820 Exhibit 28-0124, 'Statement of John Howden', Case Study 28, STAT.0786.001.0001_R at [10].
 821 Exhibit 28-0124, 'Statement of John Howden', Case Study 28, STAT.0786.001.0001_R at [10].
 822 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [32].
 823 Exhibit 28-0124, 'Statement of John Howden', Case Study 28, STAT.0786.001.0001_R at [12];
 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [32].
 824 Exhibit 28-0124, 'Statement of John Howden', Case Study 28, STAT.0786.001.0001_R at [13].
 825 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [32]–[34].
 826 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [34];
 Exhibit 28-0124, 'Statement of John Howden', Case Study 28, STAT.0786.001.0001_R at [13].
 827 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [35].
 828 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [36].
 829 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [36].
 830 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [44].
 831 Exhibit 28-0101, 'Statement of BPI', Case Study 28, VPOL.0017.009.0029_R.
 832 Exhibit 28-0101, 'Statement of BPI', Case Study 28, VPOL.0017.009.0029_R.
 833 Exhibit 28-0101, 'Statement of BPY', Case Study 28, VPOL.0017.017.0027_E_R.
 834 Exhibit 28-0101, 'Statement of BPY', Case Study 28, VPOL.0017.017.0027_E_R.
 835 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [38]–[39].
 836 Exhibit 28-0101, 'Statement of BPZ', Case Study 28, VPOL.0017.017.0029_E_R.
 837 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [31].
 838 Exhibit 28-0101, 'Statement of BUA', Case Study 28, VPOL.0017.009.0033_R.
 839 Exhibit 28-0101, 'Statement of BUU', Case Study 28, VPOL.0017.009.0035_R.
 840 Exhibit 28-0101, 'Statement of BUE', Case Study 28, VPOL.0017.009.0031_R.

- 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 [46].
- 845 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [47].
- 846 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [48].
- 847 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [48].
- 848 Exhibit 28-0101, 'Report of Inspector Irwin re Monsignor John Michael Joseph Day', Case Study 28, VPOL.0017.009.0015_R; Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [49].
- 849 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [49].
- 850 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [51].
- 851 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [52].
- 852 Exhibit 28-0101, 'Transcript of interview with Monsignor Day', Case Study 28, VPOL.0017.009.0022_R; Exhibit 28-0101, 'Transcript of interview with Monsignor Day', Case Study 28, VPOL.0017.009.0024_R; Exhibit 28-0101, 'Transcript of interview with Monsignor Day', Case Study 28, VPOL.0017.009.0027_R.
- 853 Exhibit 28-0101, 'Report of Inspector Irwin re Monsignor John Michael Joseph Day', Case Study 28, VPOL.0017.009.0015_R.
- 854 Exhibit 28-0101, 'Report of Inspector Irwin re Monsignor John Michael Joseph Day', Case Study 28, VPOL.0017.009.0015_R.
- 855 Exhibit 28-0101, 'Report of Inspector Irwin re Monsignor John Michael Joseph Day', Case Study 28, VPOL.0017.009.0015_R.
- 856 Exhibit 28-0101, 'Report of Superintendent McPartland re Monsignor John Michael Joseph Day', Case Study 28, VPOL.0017.009.0007_R.
- 857 Exhibit 28-0101, 'Statement of BUI', Case Study 28, VPOL.0017.017.0038_E_R.
- 858 Exhibit 28-0101, 'Statement of BUH', Case Study 28, VPOL.0017.017.0049_E_R.
- 859 Exhibit 28-0101, 'Report from Detective I/Constable Ryan re Monsignor John Day', Case Study 28, VPOL.0017.017.0008_E_R.
- 860 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [62].
- 861 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [62]–[64].
- 862 Exhibit 28-0101, 'Letter from John Howden and Detective Constable Denis Ryan to Bishop Mulkearns', Case Study 28, IND.0278.001.0001_R.
- 863 Exhibit 28-0101, 'Letter from John Howden and Detective Constable Denis Ryan to Bishop Mulkearns', Case Study 28, IND.0278.001.0001_R.
- 864 Exhibit 28-0101, 'Letter from John Howden and Detective Constable Denis Ryan to Bishop Mulkearns', Case Study 28, IND.0278.001.0001_R.
- 865 Exhibit 28-0101, 'Letter from Bishop Mulkearns to Det I/Constable Ryan and Mr J Howden', Case Study 28, IND.0278.001.0003.
- 866 Exhibit 28-0101, 'Extract from Bishop Mulkearns' diary', Case Study 28, CTJH.120.03003.0112.
- 867 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 987.
- 868 Exhibit 28-0101, 'Statement of BUO', Case Study 28, VPOL.0017.009.0051_R.
- 869 Exhibit 28-0101, 'Statement of BUJ', Case Study 28, VPOL.0017.017.0048_E_R.
- 870 Exhibit 28-0101, 'Statement of BUQ', Case Study 28, VPOL.0017.009.0037_R.
- 871 Exhibit 28-0101, 'Statement of Frederick John Conboy', Case Study 28, VPOL.0017.017.0037_E.
- 872 Exhibit 28-0101, 'Report of Superintendent McPartland re Monsignor John Michael Joseph Day', Case Study 28, VPOL.0017.009.0007_R.
- 873 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [75].
- 874 Exhibit 28-0101, 'Report from Superintendent Duffey re Monsignor Day', Case Study 28, VPOL.0017.009.0020_R.
- 875 Exhibit 28-0101, 'Report from Superintendent Duffey re Monsignor Day', Case Study 28, VPOL.0017.009.0020_R. The statement of BUQ was received by Superintendent Duffy in early January 1972: Exhibit 28-0101, 'Report from Sen Detective Ryan re statement of BUQ', Case Study 28, VPOL.0017.017.0009_E_R; Exhibit 28-0101, 'Report from Superintendent Duffey re Monsignor Day', Case Study 28, VPOL.0017.009.0020_R.

- 876 Exhibit 28-0101, 'Report from Superintendent Duffey re Monsignor Day', Case Study 28, VPOL.0017.009.0020_R.
- 877 Exhibit 28-0101, 'Report from Superintendent Duffey re Monsignor Day', Case Study 28, VPOL.0017.009.0020_R.
- 878 Exhibit 28-0101, 'Report from Superintendent Duffey re Monsignor Day', Case Study 28, VPOL.0017.009.0020_R.
- 879 Exhibit 28-0101, 'Report from Superintendent Duffey re Monsignor Day', Case Study 28, VPOL.0017.009.0020_R.
- 880 Exhibit 28-0101, 'Report from Superintendent Duffey re Monsignor Day', Case Study 28, VPOL.0017.009.0020_R.
- 881 Exhibit 28-0101, 'Statement of John O'Connor', Case Study 28, VPOL.0017.017.0413_R.
- 882 Exhibit 28-0101, 'Statement of John O'Connor', Case Study 28, VPOL.0017.017.0413_R at 0414_R.
- 883 Exhibit 28-0101, 'Statement of John O'Connor', Case Study 28, VPOL.0017.017.0413_R at 0414_R.
- 884 Exhibit 28-0101, 'Letter from Chief Commissioner Christine Nixon', Case Study 28, IND.0278.001.0217_R-0218_R.
- 885 Exhibit 28-0101, 'Statement of John O'Connor', Case Study 28, VPOL.0017.017.0413_R at 0414_R.
- 886 Exhibit 28-0101, 'Statement of John O'Connor', Case Study 28, VPOL.0017.017.0413_R at 0414_R.
- 887 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [81].
- 888 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [82].
- 889 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [83].
- 890 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [85].
- 891 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [81]–[88].
- 892 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [88].
- 893 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [91]–[92].
- 894 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [92].
- 895 Exhibit 28-0101, 'Statement of John O'Connor', Case Study 28, VPOL.0017.017.0413_R at 0415_R.
- 896 Exhibit 28-0101, 'Report of Superintendent O'Connor re Monsignor Day', Case Study 28, VPOL.0017.009.0011_R.
- 897 Transcript of D Ryan, Case Study 28, 8 December 2015 at 14315:13–14316:3.
- 898 Exhibit 28-0101, 'Statement of BUR', Case Study 28, VPOL.0017.009.0048_R.
- 899 Exhibit 28-0124, 'Statement of John Howden', Case Study 28, STAT.0786.001.0001_R at [16]–[17].
- 900 Exhibit 28-0124, 'Statement of John Howden', Case Study 28, STAT.0786.001.0001_R at [16]–[17].
- 901 Exhibit 28-0101, 'Statement of John O'Connor', Case Study 28, VPOL.0017.017.0413_R at 0415_R–0416_R.
- 902 Exhibit 28-0104, 'Father Peter Taffe – CV', Case Study 28, CTJH.120.06012.0001.
- 903 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [55].
- 904 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [56].
- 905 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [57].
- 906 Submissions of Counsel Assisting the Royal Commission, Case Study 28, SUBM.0028.001.0001, para 783.
- 907 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 988.
- 908 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 200.
- 909 Exhibit 28-0117, 'Statement of BPA', Case Study 28, STAT.0741.001.0001_R at [12].
- 910 Exhibit 28-0117, 'Statement of BPA', Case Study 28, STAT.0741.001.0001_R at [14].
- 911 Exhibit 28-0117, 'Statement of BPA', Case Study 28, STAT.0741.001.0001_R at [16].
- 912 Exhibit 28-0117, 'Statement of BPA', Case Study 28, STAT.0741.001.0001_R at [18].
- 913 Exhibit 28-0117, 'Statement of BPA', Case Study 28, STAT.0741.001.0001_R at [19]–[21].
- 914 Exhibit 28-0117, 'Statement of BPA', Case Study 28, STAT.0741.001.0001_R at [21].
- 915 Exhibit 28-0117, 'Statement of BPA', Case Study 28, STAT.0741.001.0001_R at [22]–[23].
- 916 Exhibit 28-0117, 'Statement of BPA', Case Study 28, STAT.0741.001.0001_R at [24].
- 917 Exhibit 28-0104, 'Father Dan Torpy – CV', Case Study 28, CTJH.120.05010.0001_E.
- 918 Exhibit 28-0153, 'Transcript of private Hearing with Daniel Torpy', Case Study 28, TRAN.0005.001.0001_R_E at 1490:5–9.

- 919 Exhibit 28-0153, 'Transcript of Private Hearing with Daniel Torpy', Case Study 28, TRAN.0005.001.0001_R.
- 920 Exhibit 28-0153, 'Transcript of private hearing with Daniel Torpy', Case Study 28, TRAN.0005.001.0001_R_E at 1479:13–21.
- 921 Exhibit 28-0153, 'Transcript of private hearing with Daniel Torpy', Case Study 28, TRAN.0005.001.0001_R_E at 1479:23–30.
- 922 Exhibit 28-0153, 'Transcript of private hearing with Daniel Torpy', Case Study 28, TRAN.0005.001.0001_R_E at 1479:32–35.
- 923 Exhibit 28-0153, 'Transcript of private hearing with Daniel Torpy', Case Study 28, TRAN.0005.001.0001_R_E at 1480:17–31.
- 924 Exhibit 28-0153, 'Transcript of private hearing with Daniel Torpy', Case Study 28, TRAN.0005.001.0001_R_E at 1480:33–39.
- 925 Exhibit 28-0153, 'Transcript of private hearing with Daniel Torpy', Case Study 28, TRAN.0005.001.0001_R_E at 1480:33–1481:1.
- 926 Exhibit 28-0153, 'Transcript of private hearing with Daniel Torpy', Case Study 28, TRAN.0005.001.0001_R_E at 1481:3–4.
- 927 Exhibit 28-0153, 'Transcript of private hearing with Daniel Torpy', Case Study 28, TRAN.0005.001.0001_R_E at 1481:6–12.
- 928 Transcript of F Madden, Case Study 28, 9 December 2015 at 14380:37–46.
- 929 Transcript of F Madden, Case Study 28, 9 December 2015 at 14380:11–14381:27.
- 930 Transcript of F Madden, Case Study 28, 9 December 2015 at 14380:7–14381:27.
- 931 Exhibit 28-0153, 'Transcript of private hearing with Daniel Torpy', Case Study 28, TRAN.0005.001.0001_R_E at 1481:6–12.
- 932 Exhibit 28-0101, 'Report of Superintendent O'Connor re Monsignor Day', Case Study 28, VPOL.0017.009.0011_R at 0013_R.
- 933 Exhibit 28-0116, 'Statement of Gerald Baldock', Case Study 28, STAT.0790.001.0001_R at [4].
- 934 Exhibit 28-0116, 'Statement of Gerald Baldock', Case Study 28, STAT.0790.001.0001_R at [6].
- 935 Exhibit 28-0116, 'Statement of Gerald Baldock', Case Study 28, STAT.0790.001.0001_R at [8].
- 936 Exhibit 28-0116, 'Statement of Gerald Baldock', Case Study 28, STAT.0790.001.0001_R at [9].
- 937 Exhibit 28-0116, 'Statement of Gerald Baldock', Case Study 28, STAT.0790.001.0001_R at [9].
- 938 Exhibit 28-0116, 'Statement of Gerald Baldock', Case Study 28, STAT.0790.001.0001_R at [14].
- 939 Exhibit 28-0116, 'Statement of Gerald Baldock', Case Study 28, STAT.0790.001.0001_R at [14].
- 940 Transcript of G Pell, Case Study 28, 29 February 2016 at 16188:22–16189:30, 16203:5–16, 16205 44–46.
- 941 Transcript of G Pell, Case Study 28, 29 February 2016 at 16203:5–16.
- 942 Transcript of G Pell, Case Study 28, 29 February 2016 at 16206:1–12.
- 943 Transcript of G Pell, Case Study 28, 29 February 2016 at 16206:14–25.
- 944 Exhibit 28-0103, 'Letter to John Harvey', Case Study 28, WAL.0001.001.0052.
- 945 Exhibit 28-0116, 'Statement of Gerald Baldock', Case Study 28, STAT.0790.0001.0001_R at [12].
- 946 Exhibit 28-0116, 'Statement of Gerald Baldock', Case Study 28, STAT.0790.0001.0001_R at [12].
- 947 Exhibit 28-0116, 'Statement of Gerald Baldock', Case Study 28, STAT.0790.0001.0001_R at [13].
- 948 Exhibit 28-0002, 'Letter to Mulkearns R', Case Study 28, WAL.0001.002.0023_R; Exhibit 28-0002, 'Letter from Ryan to Mulkearns', Case Study 28, WAL.0001.002.0026_R. See also Exhibit 28-0103, 'Letter to John Harvey', Case Study 28, WAL.0001.001.0052.
- 949 Exhibit 28-0103, 'Letter to John Harvey', Case Study 28, WAL.0001.001.0052.
- 950 Exhibit 28-0002, 'Private Hearing Transcript of Paul David Ryan', Case Study 28, TRAN.5002.001.0001_E_R at 918:18–25.
- 951 Exhibit 28-0002, 'Private Hearing Transcript of Paul David Ryan', Case Study 28, TRAN.5002.001.0001_E_R at 918:27–32.
- 952 Exhibit 28-0101, 'Report of Superintendent O'Connor re Monsignor Day', VPOL.0017.009.0011_R at 0013_R.
- 953 Exhibit 28-0101, 'Report of Superintendent O'Connor re Monsignor Day', VPOL.0017.009.0011_R at 0013_R.
- 954 Transcript of F Madden, Case Study 28, 9 December 2015 at 14385:4–10.

- 955 Transcript of F Madden, Case Study 28, 9 December 2015 at 14380:29–46, 14382:6–9, 14384:2–14385:30.
- 956 Exhibit 28-0101, ‘Extract from Bishop Mulkearns’ diary’, Case Study 28, CTJH.120.03004.0200_E.
- 957 Exhibit 28-0101, ‘Extract from Bishop Mulkearns’ diary’, Case Study 28, CTJH.120.03004.0201_E; Exhibit 28-0101, ‘Report of Superintendent O’Connor re Monsignor Day’, Case Study 28, VPOL.0017.009.0011_R at 0013_R.
- 958 Exhibit 28-0101, ‘Report of Superintendent O’Connor re Monsignor Day’, Case Study 28, VPOL.0017.009.0011_R at 0013_R.
- 959 Exhibit 28-0101, ‘Report of Superintendent O’Connor re Monsignor Day’, Case Study 28, VPOL.0017.009.0011_R at 0013_R.
- 960 Exhibit 28-0153, ‘Transcript of private hearing with Daniel Torpy’, Case Study 28, TRAN.0005.001.0001_R_E at 1483:4–13.
- 961 Exhibit 28-0153, ‘Transcript of private hearing with Daniel Torpy’, Case Study 28, TRAN.0005.001.0001_R_E at 1482:39–1483:7.
- 962 Exhibit 28-0153, ‘Transcript of private hearing with Daniel Torpy’, Case Study 28, TRAN.0005.001.0001_R_E at 1483:4–7.
- 963 Exhibit 28-0153, ‘Transcript of private hearing with Daniel Torpy’, Case Study 28, TRAN.0005.001.0001_R_E at 1482:18–25.
- 964 Exhibit 28-0153, ‘Transcript of private hearing with Daniel Torpy’, Case Study 28, TRAN.0005.001.0001_R_E at 1483:15–21.
- 965 Exhibit 28-0101, ‘Letter from Bishop Mulkearns to Father Peter Taffe’, Case Study 28, CTJH.120.06012.0154.
- 966 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 181.
- 967 Exhibit 28-0153, ‘Transcript of private hearing with Daniel Torpy’, Case Study 28, TRAN.0005.001.0001_R_E at 1485:4–16.
- 968 Exhibit 28-0101, ‘Minutes of Diocesan Council Meeting’, Case Study 28, CTJH.120.01093.0040_E.
- 969 Exhibit 28-0101, ‘Minutes of Diocesan Council Meeting’, Case Study 28, CTJH.120.01093.0040_E.
- 970 Transcript of W Melican, Case Study 28, 8 December 2015 at 14344:7–19.
- 971 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1002(e).
- 972 Transcript of W Melican, Case Study 28, 8 December 2015 at 14345:1–14346:5.
- 973 Transcript of W Melican, Case Study 28, 8 December 2015 at 14346:7–22.
- 974 Transcript of F Madden, Case Study 28, 9 December 2015 at 14386:16–17.
- 975 Transcript of F Madden, Case Study 28, 9 December 2015 at 14386:30–35.
- 976 Transcript of F Madden, Case Study 28, 9 December 2015 at 14386:37–43.
- 977 Transcript of W Melican, Case Study 28, 8 December 2015 at 14341:39–41.
- 978 Transcript of W Melican, Case Study 28, 8 December 2015 at 14341:34–37, 14343:7–10.
- 979 Transcript of W Melican, Case Study 28, 8 December 2015 at 14343:47–14344:5.
- 980 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 33–41.
- 981 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 224–225, 1001–1002.
- 982 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1002.
- 983 Exhibit 28-0101, ‘Transcript of interview with Monsignor Day’, Case Study 28, VPOL.0017.009.0041_R.
- 984 Exhibit 28-0101, ‘Report of Superintendent O’Connor re Monsignor Day’, Case Study 28, VPOL.0017.009.0011_R at 0013_R.
- 985 Exhibit 28-0101, ‘Report of Superintendent O’Connor re Monsignor Day’, Case Study 28, VPOL.0017.009.0011_R at 0013_R.
- 986 Exhibit 28-0100, ‘Statement of Denis Ryan’, Case Study 28, STAT.0772.001.0001_R at [99]–[100].
- 987 Exhibit 28-0101, ‘Extract from Hansard’, 7 March 1972, Case Study 28, VPOL.0017.017.0344_E.
- 988 Exhibit 28-0153, ‘Extract from Hansard’, Case Study 28, TRAN.0005.001.0001_R_E; Exhibit 28-0153, ‘Transcript of private hearing with Daniel Torpy’, Case Study 28, TRAN.0005.001.0001_R_E at 1483:26–33.

- 989 Exhibit 28-0153, 'Transcript of private hearing with Daniel Torpy', Case Study 28, TRAN.0005.001.0001_R_E at 1483:38–40.
- 990 Exhibit 28-0101, 'Report of Superintendent O'Connor re Monsignor Day', Case Study 28, VPOL.0017.009.0011_R.
- 991 Exhibit 28-0101, 'Report of Superintendent O'Connor re Monsignor Day', Case Study 28, VPOL.0017.009.0011_R at 0012_R.
- 992 Exhibit 28-0101, 'Report of Superintendent O'Connor re Monsignor Day', Case Study 28, VPOL.0017.009.0011_R at 0012_R.
- 993 Exhibit 28-0101, 'Report from Superintendent Duffey re Monsignor Day', Case Study 28, VPOL.0017.009.0020_R; Exhibit 28-0101, 'Report of Inspector Irwin re Monsignor John Michael Joseph Day', Case Study 28, VPOL.0017.009.0015_R.
- 994 Exhibit 28-0101, 'Report of Superintendent O'Connor re Monsignor Day', Case Study 28, VPOL.0017.009.0011_R at 0014_R.
- 995 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [104]–[105].
- 996 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [104]–[105].
- 997 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [105].
- 998 Exhibit 28-0101, 'Statement of John O'Connor', Case Study 28, VPOL.0017.017.0413_R at 0416_R.
- 999 Exhibit 28-0101, 'Statement of John O'Connor', Case Study 28, VPOL.0017.017.0413_R at 0420_R.
- 1000 Exhibit 28-0101, 'Statement of John O'Connor', Case Study 28, VPOL.0017.017.0413_R at 0416_R.
- 1001 Exhibit 28-0101, 'Report of Superintendent O'Connor re Monsignor Day', Case Study 28, VPOL.0017.009.0011_R; Exhibit 28-0101, 'Statement of John O'Connor', Case Study 28, VPOL.0017.017.0413_R at 0417_R.
- 1002 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [91]–[92].
- 1003 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [91]–[92].
- 1004 Exhibit 28-0101, 'Report of Inspector Irwin re Monsignor John Michael Joseph Day', Case Study 28, VPOL.0017.009.0015_R.
- 1005 Exhibit 28-0101, 'Report of Superintendent O'Connor re Monsignor Day', Case Study 28, VPOL.0017.009.0011_R at 0011_R–0012_R.
- 1006 Exhibit 28-0101, 'Request for advice from Legal Assistant re Monsignor John Day', Case Study 28, VPOL.0017.009.0006.
- 1007 Exhibit 28-0101, 'Advice from Legal Assistant re Monsignor John Day', Case Study 28, VPOL.0017.009.0003_R.
- 1008 Exhibit 28-0101, 'Letter from Deputy Commissioner of Victoria Police to Under Secretary', Case Study 28, VPOL.0017.017.0002_E.
- 1009 Exhibit 28-0101, 'Memorandum for the Under Secretary from Solicitor General re Monsignor Day', Case Study 28, VPOL.0017.017.0001_E_R.
- 1010 Exhibit 28-0101, 'Memorandum for the Under Secretary from Solicitor General re Monsignor Day', Case Study 28, VPOL.0017.017.0001_E_R.
- 1011 Exhibit 28-0101, 'Memorandum for the Under Secretary from Solicitor General re Monsignor Day', Case Study 28, VPOL.0017.017.0001_E_R.
- 1012 Exhibit 28-0101, 'Memorandum from the Under Secretary to the Chief Commissioner enclosing memorandum of advice by Solicitor General dated 17 April 1972', Case Study 28, VPOL.0017.009.0005.
- 1013 Exhibit 28-0101, 'Memo from Chief Superintendent O'Connor to the Deputy Commissioner re Monsignor John Day', Case Study 28, VPOL.0017.009.0004_R.
- 1014 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 166.
- 1015 Exhibit 28-0101, 'Report from Superintendent O'Connor to the Deputy Commissioner re Detective Sergeant Barritt', Case Study 28, VPOL.0017.017.0246_E_R at 0249_E_R.
- 1016 Exhibit 28-0101, 'Report from Det Chief Inspector Child to Superintendent O'Connor re Detective Sergeant Barritt', Case Study 28, VPOL.0017.017.0299_E_R.
- 1017 Exhibit 28-0101, 'Report from Superintendent O'Connor to the Deputy Commissioner re Detective Sergeant Barritt', Case Study 28, VPOL.0017.017.0246_E_R at 0252_R.
- 1018 Exhibit 28-0101, 'Report from Superintendent O'Connor to the Deputy Commissioner re Detective Sergeant Barritt', Case Study 28, VPOL.0017.017.0246_E_R at 0253_R.

- 1019 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [106]–[108].
- 1020 Exhibit 28-0101, 'Report of Deputy Commissioner re report of Superintendent O'Connor (Monsignor Day)', Case Study 28, VPOL.0017.017.0242_E_R at 0242_E_R.
- 1021 Exhibit 28-0101, 'Report of Deputy Commissioner re report of Superintendent O'Connor (Monsignor Day)', Case Study 28, VPOL.0017.017.0242_E_R at 0243_E_R.
- 1022 Exhibit 28-0101, 'Letter from Acting Chief Commissioner to Officer in Charge re Detective Senior Constable Ryan', Case Study 28, VPOL.0017.017.0337_E.
- 1023 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [109]–[111].
- 1024 Exhibit 28-0101, 'Letter from Howden, Hickey and Lynch to the Chief Commissioner of Police (Victoria) and acknowledgement of receipt', Case Study 28, IND.0278.001.0015 at 0015.
- 1025 Exhibit 28-0101, 'Letter from Russell Savage to Neil Comrie', Case Study 28, VPOL.0017.017.0383 at 0384; Exhibit 28-0101, 'Letter from Howden, Hickey and Lynch to the Chief Commissioner of Police (Victoria) and acknowledgement of receipt', Case Study 28, IND.0278.001.0015.
- 1026 Exhibit 28-0101, 'Letter from Acting Chief Commissioner to Officer in Charge re Detective Senior Constable Ryan', Case Study 28, VPOL.0017.017.0337_E.
- 1027 Exhibit 28-0101, 'Letter from Acting Chief Commissioner to Officer in Charge re Detective Senior Constable Ryan', Case Study 28, VPOL.0017.017.0337_E.
- 1028 Exhibit 28-0101, 'Letter from Acting Chief Commissioner to Under Secretary', Case Study 28, VPOL.0017.017.0240_E.
- 1029 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [122]
- 1030 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [126].
- 1031 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [126].
- 1032 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [114].
- 1033 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [115].
- 1034 Exhibit 28-0101, 'Memo from Chief Commissioner to Under Secretary re Mildura Police', Case Study 28, VPOL.0017.017.0338_E.
- 1035 Exhibit 28-0101, 'Memo from Detective Sen-Constable Ryan to Superintendent re resignation', Case Study 28, IND.0278.001.0146.
- 1036 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [113], [119].
- 1037 Transcript of D Ryan, Case Study 28, 8 December 2015 at 14314:43–14315:2.
- 1038 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [139].
- 1039 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [120].
- 1040 Exhibit 28-0100, 'Statement of Denis Ryan', Case Study 28, STAT.0772.001.0001_R at [141].
- 1041 Exhibit 28-0101, 'Statement of John O'Connor', Case Study 28, VPOL.0017.017.0413_R at 0417_R.
- 1042 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [6].
- 1043 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [15].
- 1044 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [17].
- 1045 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [18].
- 1046 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [19].
- 1047 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [21].
- 1048 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [21].
- 1049 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [22]–[24].
- 1050 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [35].
- 1051 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [36]–[37].
- 1052 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [38].
- 1053 Exhibit 28-0102, 'Statement of Sinclair Imrie Miller', Case Study 28, STAT.0774.001.0001 at [43].
- 1054 Exhibit 28-0191, 'Minutes of Diocesan Consultors meeting', Case Study 28, CTJH.120.03001.0060.
- 1055 Exhibit 28-0101, 'Minutes of Diocesan Council Meeting', Case Study 28, CTJH.120.01093.0040_E.
- 1056 Transcript of F Madden, Case Study 28, 9 December 2015 at 14389:37, 14390:3–5, 46–47.
- 1057 Transcript of F Madden, Case Study 28, 9 December 2015 at 14389:41–45.
- 1058 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.
- 1059 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.

- 1060 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.
- 1061 Transcript of F Madden, Case Study 28, 9 December 2015 at 14392:2–16.
- 1062 Transcript of F Madden, Case Study 28, 9 December 2015 at 14392:42–45.
- 1063 Transcript of F Madden, Case Study 28, 9 December 2015 at 14393:16–25.
- 1064 Transcript of F Madden, Case Study 28, 9 December 2015 at 14393:7–8.
- 1065 Transcript of F Madden, Case Study 28, 9 December 2015 at 14393:19.
- 1066 Transcript of F Madden, Case Study 28, 9 December 2015 at 14393:29–31.
- 1067 Transcript of F Madden, Case Study 28, 9 December 2015 at 14394:8–26.
- 1068 Transcript of W Melican, Case Study 28, 8 December 2015 at 14346:22–41.
- 1069 Transcript of W Melican, Case Study 28, 8 December 2015 at 14347:32–37.
- 1070 Transcript of W Melican, Case Study 28, 8 December 2015 at 14347:3–11.
- 1071 Transcript of W Melican, Case Study 28, 8 December 2015 at 14349:15–35.
- 1072 Transcript of D Arundell, Case Study 28, 15 December 2015 at 14889:45–14890:18.
- 1073 Transcript of D Arundell, Case Study 28, 15 December 2015 at 14889:27–47.
- 1074 Transcript of G Pell, Case Study 28, 29 February 2016 at 16205:41–16208:9, 16209:46–16210:2.
- 1075 Transcript of G Pell, Case Study 28, 29 February 2016 at 16205:41–16208:9.
- 1076 Transcript of G Pell, Case Study 28, 29 February 2016 at 16205:41–16208:9, 16210:34–16211:24.
- 1077 Transcript of G Pell, Case Study 28, 29 February 2016 at 16205:41–16208:9, 16210:34–16211:24.
- 1078 Transcript of G Pell, Case Study 28, 29 February 2016 at 16205:41–16208:9.
- 1079 Transcript of G Pell, Case Study 28, 29 February 2016 at 16205:41–16208:9.
- 1080 Transcript of G Pell, Case Study 28, 29 February 2016 at 16205:41–16208:9.
- 1081 Transcript of G Pell, Case Study 28, 29 February 2016 at 16205:41–16208:9.
- 1082 Transcript of G Pell, Case Study 28, 29 February 2016 at 16223:39–16225:3.
- 1083 Transcript of G Pell, Case Study 28, 29 February 2016 at 16217:23–16218:18.
- 1084 Transcript of G Pell, Case Study 28, 29 February 2016 at 16217:23–16218:18.
- 1085 Transcript of W Melican, Case Study 28, 8 December 2015 at 14345:2–10, 36–42.
- 1086 Transcript of W Melican, Case Study 28, 8 December 2015 at 14346:5–20.
- 1087 Transcript of W Melican, Case Study 28, 8 December 2015 at 14344:7–19.
- 1088 Transcript of W Melican, Case Study 28, 8 December 2015 at 14345:2–10, 36–42.
- 1089 Transcript of G Pell, Case Study 28, 29 February 2016 at 16251:11–47.
- 1090 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 211, 998.
- 1091 Exhibit 28-0101, 'Minutes of Diocesan Consultors meeting', Case Study 28, CTJH.120.03001.0062.
- 1092 Exhibit 28-0101, 'Minutes of Diocesan Council Meeting', Case Study 28, CTJH.120.01093.0040_E.
- 1093 Exhibit 28-0101, 'Minutes of Diocesan Council Meeting', Case Study 28, CTJH.120.03001.0060.
- 1094 Transcript of F Madden, Case Study 28, 9 December 2015 at 14395:5–6.
- 1095 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 234.
- 1096 Exhibit 28-0101, 'Minutes of Diocesan Consultors meeting', Case Study 28, CTJH.120.03001.0064.
- 1097 Transcript of G Pell, Case Study 28, 29 February 2016 at 16225:5–16626:39.
- 1098 Transcript of G Pell, Case Study 28, 29 February 2016 at 16225:5–16626:39.
- 1099 Exhibit 28-0153, 'Transcript of private hearing with Daniel Torpy', Case Study 28, TRAN.0005.001.0001_R_E at 1481:18–31.
- 1100 Exhibit 28-0153, 'Transcript of private hearing with Daniel Torpy', Case Study 28, TRAN.0005.001.0001_R_E at 1485:24–34.
- 1101 Exhibit 28-0101, 'Minutes of Diocesan Consultors meeting', Case Study 28, CTJH.120.03001.0064.
- 1102 Exhibit 28-0101, 'Minutes of Diocesan Consultors meeting', Case Study 28, CTJH.120.03001.0064.
- 1103 Exhibit 28-0101, 'Letter from Bishop Mulkearns to BPI', Case Study 28, CTJH.120.01093.0038_R at 0039_R.
- 1104 Transcript of F Madden, Case Study 28, 9 December 2015 at 14396:19–27.
- 1105 Transcript of W Melican, Case Study 28, 8 December 2015 at 14351:5–10.
- 1106 Transcript of W Melican, Case Study 28, 8 December 2015 at 14351:21–26.
- 1107 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8522:5–8524:22.
- 1108 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8510:35–37, 8522:5–8524:22.

- 1109 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 169.
- 1110 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 252, 1009.
- 1111 Exhibit 28-0001, 'Personnel document for Gerald Ridsdale' Case Study 28, CTJH.120.01095.0001_R.
- 1112 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.
- 1113 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.
- 1114 Exhibit 28-0001, 'Personnel document for Gerald Ridsdale', Case Study 28, CTJH.120.01095.0001_R.
- 1115 Exhibit 28-0001, 'Personnel document for Gerald Ridsdale', Case Study 28, CTJH.120.01095.0001_R.
- 1116 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.120.01095.0002_R.
- 1119 Exhibit 28-0001, Case Study 28, 'Personnel document for Gerald Ridsdale', Case Study 28, CTJH.120.01095.0001_R.
- 1120 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.
- 1121 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8621:25–8622:5, 8622:23–8623:5.
- 1122 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 8625:28–30; Exhibit 28-0001, 'Personnel document for Gerald Ridsdale', undated, Case Study 28, CTJH.120.01095.0001_R.
- 1123 Exhibit 28-0001, 'Minutes of Diocesan Consultors' meeting', Case Study 28, CTJH.120.01154.0004.
- 1124 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8626:14–16.
- 1125 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.
- 1126 Transcript of D Arundell, Case Study 28, 15 December 2015 at 14893:8–31.
- 1127 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8625:32–47.
- 1128 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8626:38–8627:35.
- 1129 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.
- 1130 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.
- 1131 Exhibit 28-0001, 'Memorandum re Document on File of Gerald Ridsdale prepared by Bishop Mulkearns', Case Study 28, CTJH.120.01098.0060.
- 1132 Exhibit 28-0001, 'Memorandum re Document on File of Gerald Ridsdale prepared by Bishop Mulkearns', Case Study 28, CTJH.120.01098.0060.
- 1133 Exhibit 28-0101, 'Memorandum re Document on File of Gerald Ridsdale prepared by Bishop Mulkearns', Case Study 28, CTJH.120.01098.0060.
- 1134 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 299.
- 1135 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 299.
- 1136 Exhibit 28-0001, 'Memorandum re Document on File of Gerald Ridsdale prepared by Bishop Mulkearns', Case Study 28, CTJH.120.01098.0060.
- 1137 Transcript of G Ridsdale, Case Study 28, 27 May 2015, 8625:32–47.
- 1138 Exhibit 28-0001, 'Minutes of Diocesan Consultors' meeting', Case Study 28, CTJH.120.01154.0005 at 0005.
- 1139 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8628:39–8629:1.
- 1140 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8629:27–39.
- 1141 Exhibit 28-0104, 'Cardinal George Pell – CV', Case Study 28, COR.0011.001.0001 at 0002.
- 1142 Transcript of G Pell, Case Study 28, 29 February 2016 at 16248:28–16249:5.

- | Country | Share of GDP |
|----------------|--------------|
| United States | 100% |
| Germany | ~10% |
| France | ~8% |
| Italy | ~7% |
| Spain | ~6% |
| United Kingdom | ~5% |
| Japan | ~4% |
| Canada | ~3% |
| China | ~2% |
| India | ~1% |
| Brazil | ~0.5% |
| South Africa | ~0.2% |
| Russia | ~0.1% |

- 1192 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8648:4–8649:34.
- 1193 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8651:46–47.
- 1194 Exhibit 28-0001, 'Minutes of meeting held at Wendouree Parade', Case Study 28, CTJH.120.01095.0123_E.
- 1195 Exhibit 28-0028, 'Statement of Father McNerney', Case Study 28, CTJH.500.55001.0001, para 7.
- 1196 Exhibit 28-0001, 'Personnel document for Gerald Ridsdale', Case Study 28, CTJH.120.01095.0001_R.
- 1197 Transcript of F Madden, Case Study 28, 9 December 2015 at 14400:41–14401:23.
- 1198 Transcript of A McNerney, Case Study 28, 26 May 2015 at 8588:42–46.
- 1199 Transcript of A McNerney, Case Study 28, 26 May 2015 at 8589:43–8590:5.
- 1200 Transcript of A McNerney, Case Study 28, 26 May 2015 at 8546:9–16.
- 1201 Transcript of W Melican, Case Study 28, 8 December 2015 at 14353:41–44.
- 1202 Transcript of W Melican, Case Study 28, 8 December 2015 at 14354:9–20.
- 1203 Transcript of W Melican, Case Study 28, 8 December 2015 at 14354:22–27.
- 1204 Transcript of W Melican, Case Study 28, 8 December 2015 at 14355:29–36.
- 1205 Transcript of W Melican, Case Study 28, 8 December 2015 at 14355:38–40.
- 1206 Transcript of W Melican, Case Study 28, 8 December 2015 at 14355:42–14356:8.
- 1207 Transcript of W Melican, Case Study 28, 8 December 2015 at 14356:10–18.
- 1208 Transcript of W Melican, Case Study 28, 8 December 2015 at 14356:20–29.
- 1209 Transcript of G Pell, Case Study 28, 1 March 2016 at 16262:1–22.
- 1210 Transcript of G Pell, Case Study 28, 1 March 2016 at 16262:1–22.
- 1211 Exhibit 28-0001, 'Extracts of transcript of interview between Catholic Church Insurance Limited and Gerald Ridsdale', Case Study 28, CCI.0500.00005.0049_E_R at 0051_E_R.
- 1212 Exhibit 28-0001, 'Extracts of transcript of interview between Catholic Church Insurance Limited and Gerald Ridsdale', Case Study 28, CCI.0500.00005.0049_E_R at 0051_E_R.
- 1213 Exhibit 28-0001, 'Extracts of transcript of interview between Catholic Church Insurance Limited and Gerald Ridsdale', CCI.0500.00005.0049_E_R at 0050_E_R.
- 1214 Exhibit 28-0001, 'Extracts of transcript of interview between Catholic Church Insurance Limited and Gerald Ridsdale', CCI.0500.00005.0049_E_R at 0050_E_R.
- 1215 Exhibit 28-0001, 'Final Report of the Victoria Police Child Exploitation Squad, Operation Arcadia', Case Study 28, VPOL.0014.001.0023_E_R at 0030_E_R, 0031_E_R.
- 1216 Exhibit 28-0001, 'Final Report of the Victoria Police Child Exploitation Squad, Operation Arcadia', Case Study 28, VPOL.0014.001.0023_E_R at 0032_E_R.
- 1217 Exhibit 28-0001, 'Final Report of the Victoria Police Child Exploitation Squad, Operation Arcadia', Case Study 28, VPOL.0014.001.0023_E_R at 0032_E_R.
- 1218 Exhibit 28-0001, 'Extract from Bishop Mulkearns' diary', Case Study 28, CTJH.120.01077.0012.
- 1219 Exhibit 28-0001, 'Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns', Case Study 28, CCI.0001.00632.0159_R at 0174_R.
- 1220 Transcript of G Ridsdale, Case Study 28, 27 May 2015, 8657:28–38. See also Exhibit 28-0001, 'Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns', Case Study 28, CCI.0001.00632.0159_R at 0174_R.
- 1221 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.
- 1222 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 300–302, 402.
- 1223 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.
- 1224 Exhibit 28-0001, 'Article entitled, "The Sins of the Father" (Sunday Age)', Case Study 28, COR.0009.0002.0007 at 0010.
- 1225 Exhibit 28-0001, 'Article entitled, "The Sins of the Father" (Sunday Age)', Case Study 28, COR.0009.0002.0007 at 0010.
- 1226 Exhibit 28-0001, 'Article entitled, "The Sins of the Father" (Sunday Age)', 27 November 1994, Case Study 28, COR.0009.0002.0007 at 0010.
- 1227 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1025.

- 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 [7], [10].
- 1233 Exhibit 28-0146, 'Statement of Dr Peter Evans', Case Study 28, STAT.0872.001.0001 at [21].
- 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 [52].
- 1236 Exhibit 28-0146, 'Statement of Dr Peter Evans', Case Study 28, STAT.0872.001.0001 at [53]–[55].
- 1237 Exhibit 28-0146, 'Statement of Dr Peter Evans', Case Study 28, STAT.0872.001.0001 at [56].
- 1238 Exhibit 28-0146, 'Statement of Dr Peter Evans', Case Study 28, STAT.0872.001.0001 at [57].
- 1239 Exhibit 28-0146, 'Statement of Dr Peter Evans', Case Study 28, STAT.0872.001.0001 at [58].
- 1240 Exhibit 28-0146, 'Statement of Dr Peter Evans', Case Study 28, STAT.0872.001.0001 at [62], [65].
- 1241 Exhibit 28-0146, 'Statement of Dr Peter Evans', Case Study 28, STAT.0872.001.0001 at [62].
- 1242 Exhibit 28-0146, 'Statement of Dr Peter Evans', Case Study 28, STAT.0872.001.0001 at [68].
- 1243 Exhibit 28-0146, 'Statement of Dr Peter Evans', Case Study 28, STAT.0872.001.0001 at [46].
- 1244 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8658:14–21.
- 1245 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8658:28–8659: 20.
- 1246 Exhibit 28-0001, 'Minutes of meeting held at Wendouree Parade', Case Study 28, CTJH.120.01095.0125_E.
- 1247 Exhibit 28-0001, 'Minutes of meeting held at Wendouree Parade', Case Study 28, CTJH.120.01095.0125_E at 0126_E.
- 1248 Exhibit 28-0001, 'Fax from Bishop Mulkearns', Case Study 28, CTJH.120.60014.0007; 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.
- 1249 Exhibit 28-0001, 'Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns', 1 June 1995, Case Study 28, CCI.0001.00659.0138_R at 0139_R.
- 1250 Exhibit 28-0146, 'Statement of Dr Peter Evans', Case Study 28, STAT.0872.001.0001 at [73].
- 1251 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8663:43–8664:3.
- 1252 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 305.
- 1253 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 307.
- 1254 Exhibit 28-0001, 'Minutes of meeting held at Wendouree Parade', 16 January 1976, Case Study 28, CTJH.120.01095.0125_E at 0125_E.
- 1255 Exhibit 28-0028, 'Statement of Father McNerney', Case Study 28, CTJH.500.55001.0001 at [7]; Transcript of A McNerney, Case Study 28, 26 May 2015 at 8555:38–8556:9.
- 1256 Exhibit 28-0001, 'Minutes of meeting held at Wendouree Parade', 16 January 1976, Case Study 28, CTJH.120.01095.0125_E at 0125_E.
- 1257 Exhibit 28-0001, 'Minutes of meeting held at Wendouree Parade', 16 January 1976, Case Study 28, CTJH.120.01095.0125_E at 0126_E.
- 1258 Transcript of F Madden, Case Study 28, 9 December 2015 at 14402:1–14404:1.
- 1259 Transcript of F Madden, Case Study 28, 9 December 2015 at 14406:19–14407:20.
- 1260 Transcript of F Madden, Case Study 28, 9 December 2015 at 14407:22–14408:9.
- 1261 Transcript of F Madden, Case Study 28, 9 December 2015 at 14407:22–14408:9.
- 1262 Transcript of F Madden, Case Study 28, 9 December 2015 at 14428:20–33.
- 1263 Transcript of W Melican, Case Study 28, 8 December 2015 at 14358:12–15.
- 1264 Transcript of W Melican, Case Study 28, 8 December 2015 at 14359:1–14.
- 1265 Transcript of W Melican, Case Study 28, 8 December 2015 at 14357:31–37.
- 1266 Transcript of A McNerney, Case Study 28, 26 May 2015 at 8556:31–32.

- 1267 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8556:34–8557:2.
 1268 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8558:41–8559:23.
 1269 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8559:34–37.
 1270 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8563:33–46.
 1271 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8588:42–46.
 1272 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8546:9–16.
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 1281 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 517.
 1282 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8559:34–37, 8587:26–8588:38.
 1283 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8563:33–46.
 1284 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8587:3–22, 8589:43–8590:5.
 1285 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8546:9–16.
 1286 Transcript of F Madden, Case Study 28, 9 December 2015 at 14407:25–33; Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 519, 526–529.
 1287 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 526–529.
 1288 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 529.
 1289 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 307.
 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 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8666:47–8667:26.
 1292 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8666:12–19.
 1293 Exhibit 28-0001, 'Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns', Case Study 28, CCI.0001.00632.0159_R at 0170_R, 0171_R.
 1294 Exhibit 28-0001, 'Minutes of meeting held at Wendouree Parade', Case Study 28, CTJH.120.01095.0129_E at 0131_E.
 1295 Exhibit 28-0001, 'Minutes of meeting held at Wendouree Parade', Case Study 28, CTJH.120.01095.0132_E at 0134_E.
 1296 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8664:46–8665:1.
 1297 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 307.
 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; Exhibit 28-0027, 'Statement of Father Adrian McInerney', Case Study 28, CTJH.500.55001.0001 at [7]; Transcript of A McInerney, Case Study 28, 26 May 2015 at 8564:1–6.
 1300 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8564:1–30.
 1301 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8564:23–41.
 1302 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8587:3–22.
 1303 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8589:43–8590:5.
 1304 Transcript of A McInerney, Case Study 28, 26 May 2015 at 8546:9–16.
 1305 Transcript of W Melican, Case Study 28, 8 December 2015 at 14359:31–14360:18.
 1306 Transcript of W Melican, Case Study 28, 8 December 2015 at 14360:2–18.
 1307 Transcript of W Melican, Case Study 28, 8 December 2015 at 14360:9–21.
 1308 Transcript of F Madden, Case Study 28, 9 December 2015 at 14406:19–14407:20.

- 1309 Transcript of F Madden, Case Study 28, 9 December 2015 at 14408:11–41.
 1310 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
 paras 540–542.
 1311 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
 para 543.
 1312 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
 para 537.
 1313 Transcript of A McNerney, Case Study 28, 26 May 2015 at 8559:34–37, 8587:26–8588:38.
 1314 Transcript of A McNerney, Case Study 28, 26 May 2015 at 8563:33–46.
 1315 Transcript of A McNerney, Case Study 28, 26 May 2015 at 8564:23–41.
 1316 Exhibit 28-0001, ‘Minutes of meeting held at Wendouree Parade’, 19 July 1977, Case Study 28,
 CTJH.120.01095.0129_E at 0131_E.
 1317 Transcript of A McNerney, Case Study 28, 26 May 2015 at 8564:1–8565:46.
 1318 Exhibit 28-0001, ‘Minutes of meeting held at Wendouree Parade’, 19 July 1977, Case Study 28,
 CTJH.120.01095.0129_E at 0131_E.
 1319 Transcript of F Madden, Case Study 28, 9 December 2015 at 14410:11–22.
 1320 Transcript of A McNerney, Case Study 28, 26 May 2015 at 8566:32–40.
 1321 Transcript of A McNerney, Case Study 28, 26 May 2015 at 8566:24–8567:20.
 1322 Transcript of A McNerney, Case Study 28, 26 May 2015 at 8566:46–8567:20.
 1323 Transcript of A McNerney, Case Study 28, 26 May 2015 at 8587:3–22, 8589:43–8590:5.
 1324 Transcript of A McNerney, Case Study 28, 26 May 2015 at 8546:9–16.
 1325 Exhibit 28-0153, ‘Transcript of private Hearing with Daniel Torpy’, Case Study 28,
 TRAN.0005.001.0001_R_E at 1488:16–23.
 1326 Exhibit 28-0153, ‘Transcript of Private Hearing with Daniel Torpy’, Case Study 28,
 TRAN.0005.001.0001_R_E at 1489:11–27.
 1327 Exhibit 28-0153, ‘Transcript of Private Hearing with Daniel Torpy’, Case Study 28,
 TRAN.0005.001.0001_R_E at 1490:5–18.
- [REDACTED]
- 1341 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R,
 paras 546–556.
- [REDACTED]
- 1343 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8668:39–8669:3.
 1344 Exhibit 28-0129, ‘Statement of Sister Kathleen McGrath’, Case Study 28, CTJH.500.68001.0001_R
 at [24].
 1345 Exhibit 28-0129, ‘Statement of Sister Kathleen McGrath’, Case Study 28, CTJH.500.68001.0001_R
 at [24].
 1346 Exhibit 28-0129, ‘Statement of Sister Kathleen McGrath’, Case Study 28, CTJH.500.68001.0001_R
 at [25].
 1347 Exhibit 28-0129, ‘Statement of Sister Kathleen McGrath’, Case Study 28, CTJH.500.68001.0001_R
 at [24], [28]–[29].
 1348 Exhibit 28-0152, ‘Letter to Bishop Mulkearns from Dan Torpy’, 29 January 1981, Case Study 28,
 CTJH.120.05010.0120_E at 0120_E.

- 1349 Exhibit 28-0153, 'Transcript of Private Hearing with Daniel Torpy', Case Study 28, TRAN.0005.001.0001_R_E at 1497:42–1498:5.
- 1350 Exhibit 28-0153, 'Transcript of Private Hearing with Daniel Torpy', Case Study 28, TRAN.0005.001.0001_R_E at 1497:43–1499:41.
- 1351 Exhibit 28-0153, 'Transcript of Private Hearing with Daniel Torpy', Case Study 28, TRAN.0005.001.0001_R_E at 1500:40–1501:37.
- 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.
- 1356 Exhibit 28-0001, 'Minutes of Diocesan Consultors' meeting', 25 September 1979, Case Study 28, CTJH.120.01095.0135_E at 0136_E.
- 1357 Exhibit 28-0001, 'Extracts of transcript of interview between Catholic Church Insurance Limited and Gerald Ridsdale', 6 June 1994, Case Study 28, CCI.0500.00005.0060_E_R at 0061_E_R.
- 1358 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.
- 1359 Exhibit 28-0001, 'Psychological Report of Ian A Joblin regarding Gerald Ridsdale', Case Study 28, WAL.0001.002.0314_R at 0318_R.
- 1360 Exhibit 28-0001, 'Psychological Report of Ian A Joblin regarding Gerald Ridsdale', Case Study 28, WAL.0001.002.0314_R at 0318_R.
- 1361 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8671:12–31.
- 1362 Exhibit 28-0015, 'Statement of David Ridsdale', Case Study 28, STAT.0587.001.0001_R at [21].
- 1363 Exhibit 28-0001, 'Minutes of Diocesan Consultors' meeting', 25 September 1979, Case Study 28, CTJH.120.01095.0135_E at 0135_E.
- 1364 Exhibit 28-0001, 'Minutes of Diocesan Consultors' meeting', 25 September 1979, Case Study 28, CTJH.120.01095.0135_E at 0135_E.
- 1365 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14595:28–37.
- 1366 Exhibit 28-0001, 'Minutes of Diocesan Consultors' meeting', 25 September 1979, Case Study 28, CTJH.120.01095.0135_E at 0136_E.
- 1367 Exhibit 28-0001, 'Minutes of Diocesan Consultors' meeting', 25 September 1979, Case Study 28, CTJH.120.01095.0135_E at 0136_E.
- 1368 Transcript of W Melican, Case Study 28, 8 December 2015 at 14331:5–9.
- 1369 Exhibit 28-0104, 'Bishop Brian Finnigan – CV', Case Study 28, CTJH.120.05005.0001_E.
- 1370 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 0109_E_R.
- 1371 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 0110_E_R–0111_E_R.
- 1372 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14596:8–15.
- 1373 Transcript of B Finnigan, Case Study 28, 14 December 2015 at 14652:9–14653:8, 14694:5–8.
- 1374 Transcript of B Finnigan, Case Study 28, 14 December 2015 at 14652:9–14653:8, 14694:5–8.
- 1375 Transcript of B Finnigan, Case Study 28, 14 December 2015 at 14595:17–26, 14693:8–38.
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- 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 Consultors' meeting', 19 January 1980, Case Study 28, CTJH.120.01095.0137_E at 0137_E, 0138_R.
- 1383 Exhibit 28-0001, 'Minutes of Diocesan Consultors' 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.
- 1386 Transcript of W Melican, Case Study 28, 8 December 2015 at 14360:32–14361:4.
- 1387 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14596:17–29, 14654:12–30.
- 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 Consultors' meeting', 16 January 1981, CTJH.120.01095.0139_E at 0140_E.
- 1390 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8672:16–20.
- 1391 Exhibit 28-0001, 'Minutes of Diocesan Consultors' meeting', 16 January 1981, Case Study 28, CTJH.120.01095.0139_E at 0139_E, 0140_E.
- 1392 Exhibit 28-0001, 'Minutes of Diocesan Consultors' meeting', 16 January 1981, Case Study 28, CTJH.120.01095.0139_E at 0140_E.
- 1393 Exhibit 28-0001, 'Minutes of Diocesan Consultors' meeting', 16 January 1981, Case Study 28, CTJH.120.01095.0139_E at 0139_E; Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14596:31–33.
- 1394 Transcript of F Madden, Case Study 28, 9 December 2015 at 14411:6–26; Transcript of W Melican, Case Study 28, 8 December 2015 at 14361:6–31; Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14596:31–14597:24.
- 1395 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 590.
- 1396 Exhibit 28-0015, 'Statement of David Ridsdale', Case Study 28, STAT.0587.001.0001_R; Exhibit 28-0094, 'Statement of Paul Levey', Case Study 28, STAT.0740.001.0001; Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R; Exhibit 28-0126, 'Statement of BPF', Case Study 28, STAT.0744.001.0001_R; Exhibit 28-0127, 'Statement of BPE', Case Study 28, STAT.0737.001.0001_R.
- 1397 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.
- 1398 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 G Ridsdale, Case Study 28, 27 May 2015 at 8672:41–8673:11.
- 1400 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 439–440.
- 1401 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [6]–[9].
- 1402 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [10].
- 1403 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [11].
- 1404 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [13]–[14].
- 1405 Transcript of B Finnigan, Case Study 28, 11 December 2016 at 14599:2–20.
- 1406 Exhibit 28-0001, Case Study 28, CCI.0001.00632.0104_E_R at 0110_E_R.
- 1407 Exhibit 28-0001, Case Study 28, CCI.0001.00632.0104_E_R at 0110_E_R, 0111_E_R.
- 1408 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14594:41–14595:3, 14611:18–39.
- 1409 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8675:28–35.
- 1410 Exhibit 28-0111, 'Transcript of Private Hearing of Bishop Finnigan', 8 June 2015, Case Study 28, TRAN.5006.001.0001_R at 0035_R.
- 1411 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14597:33–14600:11.
- 1412 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14602:34–14603:11.
- 1413 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14602:34–14605:6.
- 1414 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14606:2–37.
- 1415 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14604:7–14606: 39.

- 1416 Exhibit 28-0111, 'Transcript of private hearing with Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1565:42–1566:31.
- 1417 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14597:33–14600:11.
- 1418 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14597:33–14600:11, 14606:13–25.
- 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.
- 1421 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [15].
- 1422 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [15].
- 1423 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [16].
- 1424 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [16].
- 1425 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14603:13–42, 14654:32–14655:2.
- 1426 Exhibit 28-0111, 'Transcript of private hearing with Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1567:34–1568:6.
- 1427 Exhibit 28-0111, 'Transcript of private hearing with Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1569:4–27.
- 1428 Exhibit 28-0111, 'Transcript of private hearing with Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1571:11–1572:35.
- 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.
- 1431 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14611:17–39.
- 1432 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14613:30–14615:32.
- 1433 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14614:16–39, 14615:25–32, 14655:5–14657:13.
- 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].
- 1438 Exhibit 28-0126, 'Statement of BPF', Case Study 28, STAT.0744.001.0001_R at [11].
- 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.
- 1444 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8676:40–8677:9.
- 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 Finnigan, 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].

- 1455 Exhibit 28-0094, 'Statement of Paul Levey', Case Study 28, STAT.0740.001.0001 at [16].
- 1456 Exhibit 28-0094, 'Statement of Paul Levey', Case Study 28, STAT.0740.001.0001 at [18].
- 1457 Exhibit 28-0094, 'Statement of Paul Levey', Case Study 28, STAT.0740.001.0001 at [16].
- 1458 Transcript of G Ridsdale, Case Study 28, 27 May 2015 at 8680:2–29.
- 1459 Exhibit 28-0094, 'Statement of Paul Levey', Case Study 28, STAT.0740.001.0001 at [23]–[25].
- 1460 Exhibit 28-0095, 'Statement of Beverley Anne Levey', Case Study 28, STAT.0739.001.0001 at [23].
- 1461 Exhibit 28-0095, 'Statement of Beverley Anne Levey', Case Study 28, STAT.0739.001.0001 at [23].
- 1462 Exhibit 28-0095, 'Statement of Beverley Anne Levey', Case Study 28, STAT.0739.001.0001 at [26].
- 1463 Exhibit 28-0001, 'Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns', 7 April 1994, CCI.0001.00644.0208_R at 0208_R.
- 1464 Submissions in response to the submissions of Counsel Assisting from the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1052.
- 1465 Submissions in response to the submissions of Counsel Assisting from the Truth, Justice Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1062.
- 1466 Exhibit 28-0001, 'Transcript of interview between Catholic Church Insurance Limited and Sister Patricia Vagg, Sisters of Mercy', 14 July 1993, CCI.0500.00005.0181_R at 0181_R, 0187_R–0188_R.
- 1467 Exhibit 28-0129, 'Statement of Sister Kathleen McGrath', Case Study 28, CTJH.500.68001.0001_R at [42], [48]–[49].
- 1468 Exhibit 28-0129, 'Statement of Sister Kathleen McGrath', Case Study 28, CTJH.500.68001.0001_R at [50].
- 1469 Exhibit 28-0115, 'Transcript of private hearing with Father Lawrence O'Toole', Case Study 28, TRAN.5005.001.0001 at 1994:3–13.
- 1470 Exhibit 28-0115, 'Transcript of private hearing with Father Lawrence O'Toole', Case Study 28, TRAN.5005.001.0001 at 1994:15–30, 1995:21–35.
- 1471 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1055.
- 1472 Transcript of G Pell, Case Study 28, 1 March 2016 at 16301:37–39, 16304:9–13.
- 1473 Transcript of G Pell, Case Study 28, 1 March 2016 at 16296:11–46.
- 1474 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 0115_E_R.
- 1475 Exhibit 28-0111, 'Transcript of private hearing with Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1569:34–1570:28.
- 1476 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14615:33–14616:30.
- 1477 Transcript of B Finnigan, Case Study 28, 14 December 2015 at 14768:35–14770:30.
- 1478 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 1053–1054.
- 1479 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [19].
- 1480 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [20].
- 1481 Exhibit 28-0126, 'Statement of BPF', Case Study 28, STAT.0744.001.0001_R.
- 1482 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [21].
- 1483 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [22].
- 1484 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [22].
- 1485 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [23]–[24].
- 1486 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.
- 1487 Exhibit 28-0129, 'Statement of Sister Kathleen McGrath', Case Study 28, CTJH.500.68001.0001_R at [30], [40].
- 1488 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [25].
- 1489 Exhibit 28-0129, 'Statement of Sister Kathleen McGrath', Case Study 28, CTJH.500.68001.0001_R at [43].
- 1490 Exhibit 28-0129, 'Statement of Sister Kathleen McGrath', Case Study 28, CTJH.500.68001.0001_R at [44]–[45].
- 1491 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.

- 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 [28]; 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 [17]; Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [27].
- 1497 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [28]; Exhibit 28-0126, 'Statement of BPF', Case Study 28, STAT.0744.001.0001_R at [19].
- 1498 Exhibit 28-0126, 'Statement of BPF', Case Study 28, STAT.0744.001.0001_R at [20].
- 1499 Exhibit 28-0126, 'Statement of BPF', Case Study 28, STAT.0744.001.0001_R at [20].
- 1500 Exhibit 28-0126, 'Statement of BPF', Case Study 28, STAT.0744.001.0001_R at [20].
- 1501 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [30].
- 1502 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [32].
- 1503 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [31], [33].
- 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, 'Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns', Case Study 28, CCI.0001.00659.0138_R at 0140_R, 0141_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 [49].
- 1507 Exhibit 28-0129, 'Statement of Sister Kathleen McGrath', Case Study 28, CTJH.500.68001.0001_R at [49].
- 1508 Exhibit 28-0127, 'Statement of BPE', Case Study 28, STAT.0737.001.0001_R at [4].
- 1509 Exhibit 28-0127, 'Statement of BPE', Case Study 28, STAT.0737.001.0001_R at [7].
- 1510 Exhibit 28-0127, 'Statement of BPE', Case Study 28, STAT.0737.001.0001_R at [9].
- 1511 Exhibit 28-0127, 'Statement of BPE', Case Study 28, STAT.0737.001.0001_R at [10].
- 1512 Exhibit 28-0127, 'Statement of BPE', Case Study 28, STAT.0737.001.0001_R at [13].
- 1513 Exhibit 28-0127, 'Statement of BPE', Case Study 28, STAT.0737.001.0001_R at [14]–[16].
- 1514 Exhibit 28-0127, 'Statement of BPE', Case Study 28, STAT.0737.001.0001_R at [18].
- 1515 Exhibit 28-0127, 'Statement of BPE', Case Study 28, STAT.0737.001.0001_R at [21].
- 1516 Exhibit 28-0127, 'Statement of BPE', Case Study 28, STAT.0737.001.0001_R at [16].
- 1517 Exhibit 28-0127, 'Statement of BPE', Case Study 28, STAT.0737.001.0001_R at [21].
- 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.
- 1522 Exhibit 28-0109, 'Transcript of private hearing with Father McDermott', Case Study 28, TRAN.5004.001.0001_R at 0054_R, 2–13; Transcript of B McDermott, Case Study 28, 14 December 2015 at 14710:19–27, 14710:29–36.
- 1523 Transcript of B McDermott, Case Study 28, 14 December 2015 at 14710:5–14711:35.
- 1524 Exhibit 28-0109, 'Transcript of private hearing with Father McDermott', Case Study 28, TRAN.5004.001.0001_R at TRAN.5004.001.0055_R, 12–15.
- 1525 Transcript of B McDermott, Case Study 28, 14 December 2015 at 14710:10–14711:36
- 1526 Transcript of B McDermott, Case Study 28, 14 December 2015 at 14711:16–24.

- 1527 Exhibit 28-0109, 'Transcript of private hearing with Father McDermott', Case Study 28, TRAN.5004.001.0001_R at 0027_R, 20–28.
- 1528 Exhibit 28-0109, 'Transcript of private hearing with Father McDermott', Case Study 28, TRAN.5004.001.0001_R at 0027_R, 30–37.
- 1529 Exhibit 28-0109, 'Transcript of private hearing with Father McDermott', Case Study 28, TRAN.5004.001.0001_R at 0027_R, 39–46.
- 1530 Exhibit 28-0109, 'Transcript of private hearing with Father McDermott', Case Study 28, TRAN.5004.001.0001_R at 0029_R, 12–18.
- 1531 Exhibit 28-0109, 'Transcript of private hearing with Father McDermott', Case Study 28, TRAN.5004.001.0001_R at 0029_R, 16–23.
- 1532 Transcript of D Arundell, Case Study 28, 15 December 2015 at 14899:6–18; Exhibit 28-0115, 'Transcript of Private Hearing of Father Lawrence Michael O'Toole', Case Study 28, STAT.0790.001.0001_R at 1997:7–26.
- 1533 Transcript of A McNerney, 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].
- 1539 Exhibit 28-0128, 'Statement of Daniel Ewing', Case Study 28, STAT.0735.001.0001_R at [11].
- 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 Consultors' meeting', Case Study 28, CTJH.120.01095.0142_E.
- 1542 Exhibit 28-0001, 'Minutes of Diocesan Consultors' meeting', Case Study 28, CTJH.120.01095.0142_E.
- 1543 Exhibit 28-0132, 'Statement of James FitzPatrick', Case Study 28, STAT.0771.001.0001 at [7]–[8].
- 1544 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14441:32–14442:3.
- 1545 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14441:45–14442:4.
- 1546 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14442:14–37.
- 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.
- 1550 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14443:30–38, 14452:28–37.
- 1551 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14443:18–41, T14452:33–37.
- 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.
- 1557 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14452:28–37.
- 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.
- 1562 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14448:6–14451:13.
- 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.
- 1566 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14455:21–29.
- 1567 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14440:35–14441:12.

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- 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 0142_R–0143_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].
- 1664 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1061.
- 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.
- 1668 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.
- 1669 Exhibit 28-0122, 'Reply from Bishop Mulkearns', Case Study 28, VPOL.0014.001.0160_E at 0162_E.
- 1670 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 0140_R.
- 1671 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.

- 1672 Exhibit 28-0001, 'Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns', Case Study 28, CCI.0001.00644.0208_R at 0214_R.
- 1673 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.
- 1674 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.
- 1675 Exhibit 28-0001, 'Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns', Case Study 28, CCI.0001.00659.0138_R at 0144_R.
- 1676 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.
- 1677 Exhibit 28-0111, 'Transcript of private hearing with Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1584:15–19.
- 1678 Transcript of B Finnigan, Case Study 28, 11 December 2015 at 14622:21–14623:14.
- 1679 Exhibit 28-0001, 'Letter from Bishop Mulkearns', Case Study 28, CTJH.120.01154.0019.
- 1680 Exhibit 28-0001, 'Minutes of Diocesan Consultors meeting', Case Study 28, CTJH.120.01095.0141_E.
- 1681 Exhibit 28-0104, 'Bishop Finnigan CV', Case Study 28, CTJH.120.05005.0001_E.
- 1682 Exhibit 28-0001, 'Minutes of Diocesan Consultors meeting', Case Study 28, CTJH.120.01095.0141_E.
- 1683 Exhibit 28-0001, 'Minutes of Diocesan Consultors meeting', Case Study 28, CTJH.120.01095.0141_E.
- 1684 Exhibit 28-0001, 'Letter from Father Augustine Watson to Mr Darvall', Case Study 28, COR.0009.0003.0217.
- 1685 Transcript of R Mulkearns, Case Study 28, 25 February 2016 at 16139:27–16140:47.
- 1686 Transcript of R Mulkearns, Case Study 28, 25 February 2016 at 16141:2–11.
- 1687 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.
- 1688 Exhibit 28-0001, 'Letter from A Darvall to Professor Richard Ball', Case Study 28, JOBL.0001.001.0694_R.
- 1689 Exhibit 28-0001, 'Report of Professor Richard Ball re Father Gerald Francis Ridsdale', Case Study 28, COR.0009.0002.0337 at 0337.
- 1690 Exhibit 28-0001, 'Psychological Reports prepared by Professor Ball', Case Study 28, OPP.3014.004.0162_E at 0165_E.
- 1691 Exhibit 28-0001, 'Minutes of Diocesan Consultors meeting', Case Study 28, CTJH.120.01095.0141_E.
- 1692 Exhibit 28-0132, 'Statement of James FitzPatrick', Case Study 28, STAT.0771.001.0001 at [17].
- 1693 Exhibit 28-0132, 'Statement of James FitzPatrick', Case Study 28, STAT.0771.001.0001 at [17].
- 1694 Exhibit 28-0132, 'Statement of James FitzPatrick', Case Study 28, STAT.0771.001.0001 at [17].
- 1695 Exhibit 28-0132, 'Statement of James FitzPatrick', Case Study 28, STAT.0771.001.0001 at [19].
- 1696 Exhibit 28-0132, 'Statement of James FitzPatrick', Case Study 28, STAT.0771.001.0001 at [18].
- 1697 Exhibit 28-0132, 'Statement of James FitzPatrick', Case Study 28, STAT.0771.001.0001 at [27].
- 1698 Exhibit 28-0132, 'Statement of James FitzPatrick', Case Study 28, STAT.0771.001.0001 at [26].
- 1699 Transcript of G Ridsdale, Case Study 28, 28 May 2015 at 8700:8–40.
- 1700 Transcript of G Ridsdale, Case Study 28, 28 May 2015 at 8696:42–45.
- 1701 Exhibit 28-0001, 'File note of interview with Cardinal Clancy', Case Study 28, CCI.0001.00636.0654_R at [2].
- 1702 Exhibit 28-0001, 'File note of interview with Cardinal Clancy', Case Study 28, CCI.0001.00636.0654_R at [12].
- 1703 Exhibit 28-0001, 'File note of interview with Cardinal Clancy', Case Study 28, CCI.0001.00636.0654_R at [3].
- 1704 Exhibit 28-0001, 'File note of interview with Cardinal Clancy', Case Study 28, CCI.0001.00636.0654_R at [9].
- 1705 Exhibit 28-0001, 'File note of interview with Cardinal Clancy', Case Study 28, CCI.0001.00636.0654_R at 0654_R.
- 1706 Exhibit 28-0001, 'File note of interview with Cardinal Clancy', Case Study 28, CCI.0001.00636.0654_R at 0654_R.
- 1707 Exhibit 28-0001, 'Letter from Archbishop Carroll to Father FitzPatrick', Case Study 28, CTJH.400.20001.0196.

- 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].
- 1712 Transcript of G Ridsdale, Case Study 28, 28 May 2015 at 8698:30–8699:14.
- 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 28-0130, 'Statement of Valerie Leal', Case Study 28, STAT.0767.001.0001 at [13]–[14].
- 1715 Exhibit 28-0130, 'Statement of Valerie Leal', Case Study 28, STAT.0767.001.0001 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, CTJH.120.01154.0023.
- 1720 Exhibit 28-0001, 'Letter from Bishop Mulkearns to Father FitzPatrick', Case Study 28, CCI.0001.00636.0651.
- 1721 Exhibit 28-0001, 'Letter from Bishop Mulkearns to Reverend Pell', Case Study 28, CTJH.400.20001.0003.
- 1722 Exhibit 28-0001, 'Letter from Bishop Mulkearns to Reverend FitzPatrick', Case Study 28, CCI.0001.00636.0527.
- 1723 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1065.
- 1724 Exhibit 28-0001, 'Letter from Bishop Mulkearns to Father 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 Consultors', 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 Consultors', Case Study 28, CTJH.400.20003.0027_R at CTJH.400.20003.0031_R.
- 1734 Exhibit 28-0001, 'Meeting minutes of the College of Consultors', Case Study 28, CTJH.400.20003.0040_R at 0042_R.
- 1735 Exhibit 28-0001, 'Letter from Archbishop of Sydney to Father Meacham', Case Study 28, CTJH.070.02001.0001.
- 1736 Exhibit 28-0001, 'Letter from Archbishop of Sydney to Father Meacham', Case Study 28, CTJH.070.02001.0002.
- 1737 Exhibit 28-0001, 'Letter from Ridsdale to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0039.
- 1738 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1067.
- 1739 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 348.
- 1740 Transcript of G Ridsdale, Case Study 28, 28 May 2015 at 8714:25–34.
- 1741 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.
- 1742 Exhibit 28-0001, 'Transcript of interview between Catholic Church Insurance Limited and Bishop Mulkearns', Case Study 28, CCI.0001.00644.0208_R at 0216_R.
- 1743 Transcript of G Ridsdale, Case Study 28, 28 May 2015 at 8714:47–8715:9.

- 1744 Submissions of the Truth, Justice and Healing Council, Case Study 28, 22 July 2016, SUBM.1028.022.0001_R, para 349.
- 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.
- 1749 Transcript of F Madden, Case Study 28, 9 December 2015 at 14417:5–14418:16, 14432:3–9.
- 1750 Transcript of F Madden, Case Study 28, 9 December 2015 at 14428:20–33.
- 1751 Transcript of G Ridsdale, Case Study 28, 28 May 2015 at 8718:1–21.
- 1752 Exhibit 28-0001, 'Meeting minutes of Diocesan Consultors', Case Study 28, CTJH.120.01095.0145_E.
- 1753 Exhibit 28-0001, 'Meeting minutes of Diocesan Consultors', Case Study 28, CTJH.120.01095.0145_E.
- 1754 Transcript of B McDermott, Case Study 28, 14 December 2015 at 14710:5–14711:35.
- 1755 Exhibit 28-0109, 'Transcript of private hearing with Father McDermott', Case Study 28, TRAN.5004.001.0001_R at 0055_R, 12–15.
- 1756 Exhibit 28-0109, 'Transcript of Private Hearing with Father Brian McDermott', Case Study 28, TRAN.5004.001.0001_R at 1653:30–1654:7.
- 1757 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14458:3–6.
- 1758 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14458:22–37, 14496:34–14497:38.
- 1759 Transcript of E Bryant, Case Study 28, 10 December 2015 at 14495:44–14498:43.
- 1760 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14461:47–14462:26.
- 1761 Transcript of E Bryant, Case Study 28, 10 December 2015 at 14493:14–22.
- 1762 Transcript of D Arundell, Case Study 28, 15 December 2015 at 14899:20–45.
- 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.
- 1765 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14440:42–14441:8.
- 1766 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14463:1–6.
- 1767 Transcript of E Bryant, Case Study 28, 9 December 2015 at 14463:10–20.
- 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.
- 1771 Transcript of M O'Toole, Case Study 28, 15 December 2015 at 14870:47–14871:13.
- 1772 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, paras 487–490.
- 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.
- 1778 Exhibit 28-0109, 'Transcript of Private Hearing with Father Brian McDermott', Case Study 28, TRAN.5004.001.0001_R at 1656:26–28, 1657:22–25.
- 1779 Exhibit 28-0109, 'Transcript of Private Hearing with Father Brian McDermott', Case Study 28, TRAN.5004.001.0001_R at 1658:35–1659:8.
- 1780 Exhibit 28-0109, 'Transcript of Private Hearing with Father Brian McDermott', Case Study 28, TRAN.5004.001.0001_R at 1659:33–1660:16.
- 1781 Transcript of B McDermott, Case Study 28, 14 December 2015 at 14757:30–40.
- 1782 Exhibit 28-0001, 'Statement of BAE', Case Study 28, VPOL.0014.001.0122_E_R at 0122_E_R.
- 1783 Exhibit 28-0001, 'Statement of BAE', Case Study 28, VPOL.0014.001.0122_E_R at 0123_E_R.
- 1784 Exhibit 28-0001, 'Statement of BAE', Case Study 28, VPOL.0014.001.0122_E_R at 0123_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.

- 1787 Exhibit 28-0110, 'Letter from BAE to Bishop Mulkearns', Case Study 28, VPOL.0014.001.0091_E_R at 0093_E_R.
- 1788 Transcript of B McDermott, Case Study 28, 14 December 2015 at 14742:16–14743:26.
- 1789 Transcript of B McDermott, Case Study 28, 14 December 2015 at 14756:4–14.
- 1790 Submissions of Father Brian McDermott, Case Study 28, 15 July 2016, SUBM.1028.012.0001 at [10]–[16].
- 1791 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 1074.
- 1792 Submissions in response to the submissions of Counsel Assisting from the Truth, Justice Healing Council, 22 July 2016, SUBM.1028.022.0001_R, para 354.
- 1793 Exhibit 28-0001, 'Statement of Marika Gubacsi', Case Study 28, CTJH.400.20001.0145_R at [8].
- 1794 Exhibit 28-0001, 'Letter from BAL to Bishop Mulkearns', Case Study 28, COR.0009.0001.0036_R at 0037_R.
- 1795 Exhibit 28-0001, 'Letter from Archbishop of Sydney to BAL', Case Study 28, CTJH.400.20001.0102_R.
- 1796 Exhibit 28-0001, 'Statement of Marika Gubacsi', Case Study 28, CTJH.400.20001.0145_R at [9].
- 1797 Exhibit 28-0001, 'Letter from Bishop Mulkearns to Tony Darvall (Corrs)', Case Study 28, COR.0009.0001.0034_R; Exhibit 28-0001, 'Letter from Bishop Mulkearns to BAL', Case Study 28, COR.0009.0001.0035_R.
- 1798 Exhibit 28-0001, 'Letter from Bishop Mulkearns to Tony Darvall (Corrs)', Case Study 28, COR.0009.0001.0034_R.
- 1799 Exhibit 28-0001, 'Memorandum to Counsel from A Darvall (Corrs Chambers Westgarth) re Gerald Ridsdale', Case Study 28, COR.0009.0002.0413_R.
- 1800 Exhibit 28-0001, 'Letter from Ridsdale to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0040.
- 1801 Transcript of F Madden, Case Study 28, 9 December 2015 at 14417:43–14418:16.
- 1802 Transcript of F Madden, Case Study 28, 9 December 2015 at 14418:21–27.
- 1803 Exhibit 28-0001, 'Letter from Bishop Mulkearns to Ridsdale', Case Study 28, CTJH.120.01154.0028.
- 1804 Exhibit 28-0001, 'Letter from Mulkearns to Reverend Nolan', Case Study 28, CTJH.120.01154.0026.
- 1805 Exhibit 28-0001, 'Extract of minutes of meeting at Diocesan Offices, Ballarat', Case Study 28, CTJH.120.01154.0027.
- 1806 Exhibit 28-0001, 'Extract of minutes of meeting at Diocesan Offices, Ballarat', Case Study 28, CTJH.120.01154.0027.
- 1807 Exhibit 28-0001, 'Extract of minutes of meeting at Diocesan Offices, Ballarat', Case Study 28, CTJH.120.01154.0027.
- 1808 Exhibit 28-0111, 'Transcript of private hearing with Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1586:41–1587:10.
- 1809 Exhibit 28-0111, 'Transcript of private hearing with Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1587:12–15.
- 1810 Exhibit 28-0111, 'Transcript of private hearing with Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1587:17–20.
- 1811 Transcript of B Finnigan, Case Study 28, 14 December 2015 at 14772:8–47.
- 1812 Transcript of B Finnigan, Case Study 28, 14 December 2015 at 14772:8–47.
- 1813 Transcript of D Arundell, Case Study 28, 15 December 2015 at 14900:11–21.
- 1814 Transcript of J McKinnon, Case Study 28, 14 December 2015 at 14721:17–21.
- 1815 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 641.
- 1816 Exhibit 28-0001, 'Letter from Mulkearns to Ridsdale', Case Study 28, CCI.0001.00632.0041.
- 1817 Exhibit 28-0001, 'Letter from Ridsdale to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0042_R at 0042_R.
- 1818 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.
- 1819 Exhibit 28-0001, 'Letter from Ridsdale to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0042_R at CCI.0001.00632.0042_R.
- 1820 Exhibit 28-0001, 'Letter from Ridsdale to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0042_R at CCI.0001.00632.0042_R.

- 1821 Exhibit 28-0001, 'Letter from Bishop Mulkearns to Ridsdale', Case Study 28, CCI.0001.00632.0044_R.
- 1822 Exhibit 28-0001, 'Letter from Fr Augustine Watson to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0045.
- 1823 Exhibit 28-0001, 'Letter from Fr Augustine Watson to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0045 at CCI.0001.00632.0047.
- 1824 Exhibit 28-0001, 'Letter from Fr Augustine Watson to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0045 at CCI.0001.00632.0047.
- 1825 Exhibit 28-0001, 'Letter from Fr Augustine Watson to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0045 at 0047.
- 1826 Exhibit 28-0001, 'Letter from Fr Augustine Watson to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0045 at 0047.
- 1827 Exhibit 28-0001, 'Letter from Bishop Mulkearns to Father Watson', Case Study 28, CCI.0001.00632.0049.
- 1828 Exhibit 28-0001, 'Letter from Bishop Mulkearns to Father Watson', Case Study 28, CCI.0001.00632.0049.
- 1829 Exhibit 28-0001, 'Letter from Bishop Mulkearns to Father Watson', Case Study 28, CCI.0001.00632.0049.
- 1830 Exhibit 28-0001, 'Letter from Bishop Mulkearns to Father Watson', Case Study 28, CCI.0001.00632.0049.
- 1831 Exhibit 28-0001, 'Letter from Reverend Hoare to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0050 at 0051.
- 1832 Exhibit 28-0001, 'Letter from Mulkearns to Reverend Lechner', Case Study 28, CCI.0001.00632.0058_R; Exhibit 28-0001, 'Letter from Reverend Lechner to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0060; Exhibit 28-0001, 'Letter from Mulkearns to Reverend Lechner', Case Study 28, CCI.0001.00632.0064.
- 1833 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.
- 1834 Exhibit 28-0001, 'Letter from Reverend Lechner to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0060 at 0061.
- 1835 Exhibit 28-0001, 'Letter from Ridsdale to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0065_R.
- 1836 Exhibit 28-0001, 'Letter from Reverend Lechner to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0069; Exhibit 28-0001, 'Letter from Reverend Lechner to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0070; Exhibit 28-0001, 'Letter from Reverend Lechner to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0073; Exhibit 28-0001, 'Letter from Reverend Lechner to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0082; Exhibit 28-0001, 'Letter from Reverend Lechner to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0093.
- 1837 Exhibit 28-0001, 'Letter from Reverend Lechner to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0069; Exhibit 28-0001, 'Letter from Reverend Lechner to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0070; Exhibit 28-0001, 'Letter from Reverend Lechner to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0073; Exhibit 28-0001, 'Letter from Reverend Lechner to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0082; Exhibit 28-0001, 'Letter from Reverend Lechner to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0093.
- 1838 Exhibit 28-0001, 'Letter from Bishop Mulkearns to Reverend Lechner' Case Study 28, CCI.0001.00632.0071; Exhibit 28-0001, 'Letter from Bishop Mulkearns to Father Watson', Case Study 28, CCI.0001.00632.0072; Exhibit 28-0001, 'Letter from Bishop Mulkearns to Father Watson', Case Study 28, CCI.0001.00632.0074; Exhibit 28-0001, 'Letter from Bishop Mulkearns to Reverend Lechner', Case Study 28, CCI.0001.00632.0086.
- 1839 Exhibit 28-0001, 'Planning/Discharge meeting re Reverend Ridsdale', Case Study 28, CCI.0001.00632.0099.
- 1840 Exhibit 28-0001, 'Planning/Discharge meeting re Reverend Ridsdale', Case Study 28, CCI.0001.00632.0099 at 0099.
- 1841 Exhibit 28-0001, 'Planning/Discharge meeting re Reverend Ridsdale', Case Study 28, CCI.0001.00632.0099 at 0100.
- 1842 Exhibit 28-0001, 'Letter from Reverend Lechner to Ridsdale', Case Study 28, CCI.0001.00632.0098.
- 1843 Exhibit 28-0111, 'Transcript of private hearing of Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1599:6–16.

- 1844 Exhibit 28-0111, 'Transcript of private hearing of Bishop Finnigan', Case Study 28, TRAN.5006.001.0001_R at 1601:35–38.
- 1845 Transcript of W Melican, Case Study 28, 8 December 2015 at 14363:10–19.
- 1846 Transcript of G Pell, Case Study 28, 1 March 2016 at 16303:37–43.
- 1847 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.
- 1848 Exhibit 28-0001, 'Letter from Bishop Mulkearns to Fr Augustine Watson', Case Study 28, CCI.0001.00632.0079.
- 1849 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.0001.00632.0080 at 0080.
- 1850 Exhibit 28-0001, 'Letter from Reverend Lechner to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0097.
- 1851 Transcript of G Ridsdale, Case Study 28, 28 May 2015 at 8728:42–8729:20.
- 1852 Transcript of G Ridsdale, Case Study 28, 28 May 2015 at 8729:34–39.
- 1853 Exhibit 28-0001, 'Reference from Brother Anthony Duncan – Father Gerald Ridsdale', Case Study 28, COR.0009.0001.0131.
- 1854 Exhibit 28-0001, 'Memorandum to Counsel from A Darvall (Corrs Chambers Westgarth) re Gerald Ridsdale', Case Study 28, COR.0009.0002.0413_R; Exhibit 28-0001, Case Study 28, 'Notes produced by Corrs Chambers Westgarth – Father Gerald Francis Ridsdale', COR.0009.0001.0046_R; Exhibit 28-0158, 'Statement of Anthony Darvall', Case Study 28, STAT.0873.001.0001_R at [5].
- 1855 Exhibit 28-0158, 'Statement of Anthony Darvall', Case Study 28, STAT.0873.001.0001_R at [5].
- 1856 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].
- 1857 Exhibit 28-0158, 'Statement of Anthony Darvall', Case Study 28, STAT.0873.001.0001_R at [7].
- 1858 Exhibit 28-0001, 'Sentencing remarks of the Supreme Court of Melbourne', Case Study 28, CTJH.120.01143.0011_R at CTJH.120.01143.0022_R.
- 1859 Exhibit 28-0001, 'Sentencing remarks of the Supreme Court of Melbourne', Case Study 28, CTJH.120.01143.0011_R at CTJH.120.01143.0011_R.
- 1860 Exhibit 28-0001, 'Sentencing remarks of the Supreme Court of Melbourne', Case Study 28, CTJH.120.01143.0011_R at CTJH.120.01143.0028_R.
- 1861 Exhibit 28-0001, 'Sentencing remarks of the Supreme Court of Melbourne', Case Study 28, CTJH.120.01143.0011_R at CTJH.120.01143.0021_R.
- 1862 Exhibit 28-0001, 'Reasons for sentence – *R v Ridsdale*', Case Study 28, OPP.3014.004.0185_R at [1].
- 1863 Exhibit 28-0001, 'Reasons for sentence – *R v Ridsdale*', Case Study 28, OPP.3014.004.0185_R at [58], [59].
- 1864 Exhibit 28-0001, 'Reasons for Sentence – *DPP v Ridsdale*', Case Study 28, VPOL.0011.001.0557 at [1], [4].
- 1865 Exhibit 28-0001, 'Reasons for Sentence – *DPP v Ridsdale*', Case Study 28, VPOL.0011.001.0557 at [46].
- 1866 Exhibit 28-0001, 'Reference of Father JF Madden – father Gerald Ridsdale', Case Study 28, COR.0009.0001.0063.
- 1867 Exhibit 28-0001, 'Reference from Father Adrian McNerney – Rev Gerald Ridsdale', Case Study 28, COR.0009.0001.0064.
- 1868 Exhibit 28-0001, 'Reference from Father Brendan Davey – Gerald Ridsdale', Case Study 28, COR.0009.0001.0067.
- 1869 Exhibit 28-0001, 'Reference of Patrick J White – Father Gerry Ridsdale', Case Study 28, COR.0009.0002.0231 at 0233.
- 1870 Exhibit 28-0001, 'Letter from A Darvall to Father Gerald Ridsdale', Case Study 28, COR.0009.0002.0353_R.
- 1871 Exhibit 28-0001, 'Letter from Ridsdale to 'Tony' [Darvall]', Case Study 28, COR.0009.0002.0269_R; Exhibit 28-0001, 'Message – Bishop Pell', Case Study 28, COR.0009.0002.0225; Exhibit 28-0001, 'Letter from A Darvall to Father Gerald Ridsdale', Case Study 28, COR.0009.0002.0223_R.
- 1872 Exhibit 28-0001, 'Letter from A Darvall to Father Gerald Ridsdale', Case Study 28, COR.0009.0002.0223_R.

- 1873 Exhibit 28-0001, 'Letter from A Darvall to Brian Bourke re Father Gerald Ridsdale', Case Study 28, COR.0009.0002.0201_R.
- 1874 Transcript of G Pell, Case Study 28, 3 March 2016 at 16492:1–5.
- 1875 Exhibit 28-0112, 'Minutes of Curia Meeting', Case Study 28, CTJH.221.06059.0446 at 0049; Transcript of G Pell, Case Study 28, 3 March 2016 at 16490:46–16491:31.
- 1876 Exhibit 28-0001, 'Final Report of the Victoria Police Child Exploitation Squad', Case Study 28, VPOL.0014.001.0023_E_R at [3], [5].
- 1877 Exhibit 28-0001, 'Final Report of the Victoria Police Child Exploitation Squad', Case Study 28, VPOL.0014.001.0023_E_R at [6], [18].
- 1878 Exhibit 28-0001, 'Letter from Bishop Mulkearns to Inspector Maloney', Case Study 28, VPOL.0014.001.0225_E.
- 1879 Exhibit 28-0001, 'Final Report of the Victoria Police Child Exploitation Squad', Case Study 28, VPOL.0014.001.0023_E_R at [19].
- 1880 Exhibit 28-0001, 'Final Report of the Victoria Police Child Exploitation Squad', Case Study 28, VPOL.0014.001.0023_E_R at VPOL.0014.001.0035_E_R.
- 1881 Exhibit 28-0001, 'Press Release by the Catholic Diocese of Ballarat', Case Study 28, CTJH.120.01095.0096.

[REDACTED]

2385	Exhibit 28-0127, 'Statement of BPE', Case Study 28, STAT.0737.001.0001_R at [25].
2386	Exhibit 28-0129, 'Statement of Sister Kathleen McGrath', Case Study 28, CTJH.500.68001.0001_R at [61].
2387	Exhibit 28-0122, 'Statement of Ann Ryan', Case Study 28, STAT.0743.001.0001_R at [18].
2388	Exhibit 28-0122, 'Statement of Ann Ryan', STAT.0743.001.0001_R at [19].
2389	Exhibit 28-0122, 'Letter to Bishop Mulkearns', Case Study 28, IND.0323.001.0001_R at 0002_R.
2390	Exhibit 28-0122, 'Letter to Bishop Mulkearns', Case Study 28, IND.0323.001.0001_R at 0002_R.
2391	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.
2392	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.
2393	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.
2394	Exhibit 28-0122, 'Letter to Bishop Mulkearns', Case Study 28, IND.0323.001.0003_R.
2395	Exhibit 28-0122, 'Letter to Bishop Mulkearns', Case Study 28, IND.0323.001.0003_R.
2396	Exhibit 28-0122, 'Reply from Bishop Mulkearns', Case Study 28, VPOL.0014.001.0173_E_R.
2397	Exhibit 28-0122, 'Letter to Bishop Mulkearns', Case Study 28, IND.0323.002.0014_R.
2398	Exhibit 28-0122, 'Letter to Bishop Mulkearns', Case Study 28, IND.0323.002.0014_R.
2399	Exhibit 28-0122, 'Reply from Bishop Mulkearns', Case Study 28, VPOL.0014.001.0174_E_R.
2400	Exhibit 28-0122, 'Letter to Bishop Mulkearns', Case Study 28, IND.0323.002.0015_R.
2401	Exhibit 28-0122, 'Statement of Ann Ryan', Case Study 28, STAT.0743.001.0001_R at [32].
2402	Exhibit 28-0122, 'Letter to priests of Ballarat', Case Study 28, IND.0323.001.0007.
2403	Exhibit 28-0122, 'Letter to priests of Ballarat', Case Study 28, IND.0323.001.0007.
2404	Exhibit 28-0122, 'Reply from Bishop Mulkearns', Case Study 28, VPOL.0014.001.0160_E.
2405	Exhibit 28-0122, 'Reply from Bishop Mulkearns', Case Study 28, VPOL.0014.001.0160_E.
2406	Exhibit 28-0122, 'Reply from Bishop Mulkearns', Case Study 28, VPOL.0014.001.0160_E.
2407	Exhibit 28-0122, 'Reply from Bishop Mulkearns', Case Study 28, VPOL.0014.001.0160_E at 0162_E.
2408	Exhibit 28-0122, 'Letter from BPE', Case Study 28, IND.0323.002.0018_R.
2409	Exhibit 28-0122, 'Letter from BPE', Case Study 28, IND.0323.002.0018_R.
2410	Exhibit 28-0001, 'Letter from Bishop Mulkearns to BPE', Case Study 28, VPOL.0014.001.0154_E_R.
2411	Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 96–97.
2412	Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1968.
2413	Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, paras 100–101.
2414	Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 103.
2415	Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 104.
2416	Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 106.
2417	Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1967.

- 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.
- 2425 Exhibit 28-0001, 'Letter from Rev Fr Peter Lechner, Director of Villa Louis Martin, Jemez Springs, New Mexico, to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0070; Exhibit 28-0001, 'Letter from Rev Fr Peter Lechner, Director of Villa Louis Martin, Jemez Springs, New Mexico to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0073; Exhibit 28-0001, 'Letter from Rev Fr Peter Lechner, Director of Villa Louis Martin, Jemez Springs, New Mexico to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0082; Exhibit 28-0001, 'Letter from Rev Fr Peter Lechner, Director of Villa Louis Martin, Jemez Springs, New Mexico to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0093. See also Exhibit 28-0001, 'Letter from Rev Fr Peter Lechner, Director of Villa Louis Martin, Jemez Springs in New Mexico, to Bishop Mulkearns', Case Study 28, CCI.0001.00632.0069.
- 2426 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.0001.00632.0071; Exhibit 28-0001, 'Letter from Bishop Mulkearns to Fr Augustine Watson', Case Study 28, CCI.0001.00632.0072; Exhibit 28-0001, 'Letter from Bishop Mulkearns to Fr Augustine Watson', CCI.0001.00632.0074; Exhibit 28-0001, 'Letter from Bishop Mulkearns to Rev Fr Peter Lechner, Director of Villa Louis Martin, Jemez Springs, New Mexico regarding documentation from Jemez Springs', Case Study 28, CCI.0001.00632.0086.
- 2427 Exhibit 28-0001, 'Memorandum re Document on File of Gerald Ridsdale prepared by Bishop Mulkearns', Case Study 28, CTJH.120.01098.0060.
- 2428 Exhibit 28-0001, 'Memorandum re Document on File of Gerald Ridsdale prepared by Bishop Mulkearns', Case Study 28, CTJH.120.01098.0060.
- 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, para 1965.
- 2432 Exhibit 28-0182, 'Obituary from the National Catholic Register in relation to Father John Harvey', Case Study 28, CTJH.0031.001.0001 at 0002.
- 2433 Exhibit 28-0146, 'Statement of Dr Peter Evans', Case Study 28, STAT.0872.001.0001 at [101].
- 2435 Exhibit 28-0001, 'Psychological Reports prepared by Professor Ball', Case Study 28, OPP.3014.004.0162_E at 0165_E.
- 2436 Exhibit 28-0001, 'Letter from Professor Richard Ball to A Darvall', Case Study 28, COR.0009.0002.0249.
- 2437 Transcript of R Mulkearns, Case Study 28, 25 February 2016 at 16140:6-9.
- 2438 Transcript of R Mulkearns, Case Study 28, 25 February 2016 at 16140:11-42.
- 2439 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.
- 2440 Transcript of R Mulkearns, Case Study 28, 25 February 2016 at 16143:23-40.
- 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.
- 2443 Transcript of P Evans, Case Study 28, 25 February 2016 at 16168:1-7.
- 2444 Transcript of P Evans, Case Study 28, 25 February 2016 at 16194:9-15.

- 2445 Transcript of P Evans, Case Study 28, 25 February 2016 at 16194:17–22.
- 2446 Transcript of R Mulkearns, Case Study 28, 25 February 2016 at 16137:40–16138:3.
- 2447 Transcript of P Evans, Case Study 28, 25 February 2016 at 16164:3–21.
- 2448 Transcript of P Evans, Case Study 28, 25 February 2016 at 16164:26–33.
- 2449 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 1960.
- 2450 Submissions of the Truth, Justice and Healing Council, Case Study 28, SUBM.1028.022.0001_R, para 92.
- 2451 Transcript of R Mulkearns, Case Study 28, 25 February 2016 at 16136:5–17.
- 2452 Transcript of R Mulkearns, Case Study 28, 25 February 2016 at 16136:30–45.
- 2453 Transcript of R Mulkearns, Case Study 28, 25 February 2016 at 16136:47–16137:4.
- 2454 Transcript of R Mulkearns, Case Study 28, 25 February 2016 at 16137:25–34.
- 2455 Transcript of R Mulkearns, Case Study 28, 25 February 2016 at 16155:25–16156:6.
- 2456 Exhibit 28-0003, ‘Qualifications, CV and experience of Professor Carolyn Quadrio’, Case Study 28, CORR.0036.001.0026_E at 0026_E.
- 2457 Exhibit 28-0003, ‘Qualifications, CV and experience of Professor Carolyn Quadrio’, Case Study 28, CORR.0036.001.0026_E at 0026_E, 0027_E.
- 2458 Exhibit 28-0022, ‘Statement of Andrea Lockhart’, Case Study 28, STAT.0580.001.0001 at [3], [5]–[6], [9].
- 2459 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8449:4–8450:41.
- 2460 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8455:44–8460:23.
- 2461 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8455:44–8460:23.
- 2462 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8455:44–8460:23, 8464:13–24.
- 2463 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8455:44–8460:23, 8464:13–24.
- 2464 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8477:24–39.
- 2465 Transcript of D Ridsdale, Case Study 28, 20 May 2015 at 8273:32–37.
- 2466 Transcript of BAP, Case Study 28, 19 May 2015 at 8170:8–29, 8177:10–17.
- 2467 Transcript of G Hill, Case Study 28, 20 May 2015 at 8219:17–21.
- 2468 Transcript of BAV, Case Study 28, 20 May 2015 at 8229:6–10.
- 2469 Transcript of BAV, Case Study 28, 20 May 2015 at 8229:23–24.
- 2470 Transcript of N Wileman, Case Study 28, 20 May 2015 at 8246:16–20.
- 2471 Transcript of A Collins, Case Study 28, 21 May 2015 at 8379:32–37.
- 2472 Transcript of P Auchettl, Case Study 28, 19 May 2015 at 8203:36–41.
- 2473 Transcript of H Watson, Case Study 28, 20 May 2015 at 8288:45–8289:21.
- 2474 Transcript of H Watson, Case Study 28, 20 May 2015 at 8288:45–8289:21.
- 2475 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8455:44–8456:17.
- 2476 Transcript of P Blenkiron, Case Study 28, 20 May 2015 at 8305:25–35.
- 2477 Transcript of P Blenkiron, Case Study 28, 20 May 2015 at 8315:36–38.
- 2478 Transcript of P Blenkiron, Case Study 28, 20 May 2015 at 8306:18–43.
- 2479 Transcript of P Blenkiron, Case Study 28, 20 May 2015 at 8306:18–43.
- 2480 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8455:44–8460:23.
- 2481 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8455:44–8460:23.
- 2482 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8455:44–8460:38.
- 2483 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8455:44–8460:23.
- 2484 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8459:24–37.
- 2485 Transcript of BAS, Case Study 28, 19 May 2015 at 8160:36–38.
- 2486 Transcript of BAS, Case Study 28, 19 May 2015 at 8164:41–46.
- 2487 Transcript of N Wileman, Case Study 28, 20 May 2015 at 8241:19–29.
- 2488 Transcript of T Green, Case Study 28, 20 May 2015 at 8255:37–8256:6.
- 2489 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8465:9–8466:27.
- 2490 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8455:44–8460:23, 8465:9–8466:27.
- 2491 Exhibit 28-0023, ‘Statement of Andrea Lockhart’, Case Study 28, STAT.0580.001.0001 at [10].
- 2492 Exhibit 28-0023, ‘Statement of Andrea Lockhart’, Case Study 28, STAT.0580.001.0001 at [12].

- 2493 Transcript of BAS, Case Study 28, 19 May 2015 at 8164:4–7; Transcript of BAV, Case Study 28, 20 May 2015 at 8235:35–45; Transcript of N Wileman, Case Study 28, 20 May 2015 at 8246:31–34; Transcript of P Blenkiron, Case Study 28, 20 May 2015 at 8308:40–43.
- 2494 Transcript of H Watson, Case Study 28, 20 May 2015 at 8289:13–21.
- 2495 Transcript of H Watson, Case Study 28, 20 May 2015 at 8297:6–38.
- 2496 Transcript of BAA, Case Study 28, 19 May 2015 at 8189:40–8190:11.
- 2497 Transcript of BAS, Case Study 28, 19 May 2015 at 8164:30–34.
- 2498 Transcript of G Hill, Case Study 28, 20 May 2015 at 8219:46–8220:3.
- 2499 Transcript of N Wileman, Case Study 28, 20 May 2015 at 8246:22–34.
- 2500 Transcript of BAV, Case Study 28, 20 May 2015 at 8235:35–45.
- 2501 Exhibit 28-0094, ‘Statement of Paul Levey’, Case Study 28, STAT.0740.001.0001 at [29].
- 2502 Transcript of T Green, Case Study 28, 29 May 2015 at 8256:41–44.
- 2503 Transcript of BAS, Case Study 28, 19 May 2015 at 8163:44–47.
- 2504 Transcript of BAP, Case Study 28, 19 May 2015 at 8172:41–8173:36.
- 2505 Transcript of BAP, Case Study 28, 19 May 2015 at 8177:19–24.
- 2506 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8465:9–8466:27.
- 2507 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8465:9–8466:27.
- 2508 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8465:9–8466:27.
- 2509 Transcript of BAC, Case Study 28, 19 May 2015 at 8150:40–45.
- 2510 Transcript of P Nagle, Case Study 28, 19 May 2015 at 8137:38–44.
- 2511 Transcript of BAA, Case Study 28, 19 May 2015 at 8190:26–33; Transcript of T Green, Case Study 28, 20 May 2015 at 8256:14–23.
- 2512 Transcript of BAQ, Case Study 28, 21 May 2015 at 8374:27–37.
- 2513 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8455:44–8460:23.
- 2514 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8455:44–8460:23.
- 2515 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8461:8–8464:1.
- 2516 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8455:44–8460:23.
- 2517 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8455:44–8460:23.
- 2518 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8455:44–8460:23.
- 2519 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8455:44–8460:23.
- 2520 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8455:44–8460:23.
- 2521 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8455:44–8460:23, 8478:15–35.
- 2522 Transcript of D Ridsdale, Case Study 28, 20 May 2015 at 8283:43–47; Transcript of S Woods, Case Study 28, 21 May 2015 at 8347:12–18; Transcript of BAV, Case Study 28, 20 May 2015 at 8231:3–10; Transcript of T Green, Case Study 28, 20 May 2015 at 8257:4–8; Transcript of P Blenkiron, Case Study 28, 20 May 2015 at 8308:40–43.
- 2523 Transcript of T Green, Case Study 28, 20 May 2015 at 8257:4–8.
- 2524 Transcript of BAP, Case Study 28, 19 May 2015 at 8178:4–9.
- 2525 Transcript of BAA, Case Study 28, 19 May 2015 at 8190:13–24.
- 2526 Transcript of BAA, Case Study 28, 19 May 2015 at 8190:13–24.
- 2527 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8473:7–28.
- 2528 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8471:36–8473:5, 8473:7–28.
- 2529 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8471:36–8473:5.
- 2530 Exhibit 28-0023, ‘Statement of Andrea Lockhart’, Case Study 28, STAT.0580.001.0001 at [14].
- 2531 Transcript of BAB, Case Study 28, 20 May 2015 at 8266:9–16.
- 2532 Transcript of T Green, Case Study 28, 20 May 2015 at 8253:15–22.
- 2533 Transcript of BAS, Case Study 28, 19 May 2015 at 8165:1–4.
- 2534 Transcript of D Ridsdale, Case Study 28, 20 May 2015 at 8281:2–12.
- 2535 Transcript of D Ridsdale, Case Study 28, 20 May 2015 at 8281:39–47.
- 2536 Transcript of P Nagle, Case Study 28, 19 May 2015 at 8140:42–45.
- 2537 Transcript of S Woods, Case Study 28, 21 May 2015 at 8348:3–14.
- 2538 Exhibit 28-0095, ‘Statement of Beverley Levey’, Case Study 28, STAT.0739.001.0001 at [36]–[37].
- 2539 Transcript of H Watson, Case Study 28, 20 May 2015 at 8297:3–38.
- 2540 Exhibit 28-0128, ‘Statement of Daniel Ewing’, Case Study 28, STAT.0735.001.0001_R at [13]–[14].

- 2541 Transcript of P Blenkiron, Case Study 28, 20 May 2015 at 8316:3–17.
- 2542 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8466:43–8468:12.
- 2543 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8466:43–8468:12.
- 2544 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8466:43–8468:12.
- 2545 Exhibit 28-0023, 'Statement of Andrea Lockhart', Case Study 28, STAT.0580.001.0001 at [13].
- 2546 Transcript of A Lockhart, Case Study 28, 21 May 2015 at 8361:11–18.
- 2547 Transcript of BAC, Case Study 28, 19 May 2015 at 8151:1–5.
- 2548 Transcript of N Wileman, Case Study 28, 20 May 2015 at 8247:36–8248:7.
- 2549 Transcript of D Ridsdale, Case Study 28, 20 May 2015 at 8274:12–15.
- 2550 Transcript of D Ridsdale, Case Study 28, 20 May 2015 at 8276:20–23.
- 2551 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8470:31–8471:29.
- 2552 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8472:15–8473:5.
- 2553 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8472:15–8473:5.
- 2554 Exhibit 28-0023, 'Statement of Andrea Lockhart', Case Study 28, STAT.0580.001.0001 at [11].
- 2555 Transcript of P Nagle, Case Study 28, 19 May 2015 at 8141:6–9; Transcript of BAC, Case Study 28, 19 May 2015 at 8151:40–43; Transcript of BAV, Case Study 28, 20 May 2015 at 8236:21–34; Transcript of N Wileman, Case Study 28, 20 May 2015 at 8246:46–8247:11; Transcript of S Woods, Case Study 28, 21 May 2015 at 8349:3–4.
- 2556 Transcript of BAS, Case Study 28, 19 May 2015 at 8162:25–8164:2; Transcript of BAA, Case Study 28, 19 May 2015 at 8189:30–38; Transcript of BAV, Case Study 28, 20 May 2015 at 8235:47–8236:3; Transcript of T Green, Case Study 28, 20 May 2015 at 8255:37–43; Transcript of P Blenkiron, Case Study 28, 20 May 2015 at 8316:3–17; Transcript of A Collins, Case Study 28, 21 May 2015 at 8381:4–14.
- 2557 Transcript of BAP, Case Study 28, 19 May 2015 at 8173:13–8174:6.
- 2558 Transcript of P Blenkiron, Case Study 28, 20 May 2015 at 8316:3–17.
- 2559 Transcript of P Blenkiron, Case Study 28, 20 May 2015 at 8317:38–44.
- 2560 Transcript of BAC, Case Study 28, 19 May 2015 at 8145:6–10.
- 2561 Transcript of BAV, Case Study 28, 20 May 2015 at 8229:26–27.
- 2562 Transcript of A Collins, Case Study 28, 21 May 2015 at 8385:33–37.
- 2563 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8471:36–47.
- 2564 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8472:7–13.
- 2565 Transcript of A Collins, Case Study 28, 21 May 2015 at 8385:39–41.
- 2566 Transcript of A Collins, Case Study 28, 21 May 2015 at 8385:3–9.
- 2567 Transcript of A Collins, Case Study 28, 21 May 2015 at 8385:11–18.
- 2568 Transcript of A Collins, Case Study 28, 21 May 2015 at 8385:17–18.
- 2569 Transcript of BAC, Case Study 28, 19 May 2015 at 8151:13–15.
- 2570 Transcript of BAC, Case Study 28, 19 May 2015 at 8151:15–18.
- 2571 Transcript of BAC, Case Study 28, 19 May 2015 at 8151:21–23.
- 2572 Transcript of BAC, Case Study 28, 19 May 2015 at 8151:35–38.
- 2573 Transcript of BAV, Case Study 28, 20 May 2015 at 8236:42–45.
- 2574 Transcript of BAV, Case Study 28, 20 May 2015 at 8236:42–47.
- 2575 Exhibit 28-0022, 'Statement of Francis Sheehan', Case Study 28, STAT.0572.001.0001 at [21].
- 2576 Exhibit 28-0022, 'Statement of Francis Sheehan', Case Study 28, STAT.0572.001.0001 at [29]–[30].
- 2577 Exhibit 28-0022, 'Statement of Francis Sheehan', Case Study 28, STAT.0572.001.0001 at [31].
- 2578 Transcript of P Bird, Case Study 28, 29 May 2015 at 8767:37–47.
- 2579 Transcript of P Bird, Case Study 28, 29 May 2015 at 8767:47–8768:7.
- 2580 Transcript of P Bird, Case Study 28, 29 May 2015 at 8786:33–8787:8.
- 2581 Transcript of BAP, Case Study 28, 19 May 2015 at 8179:9–10.
- 2582 Transcript of BAP, Case Study 28, 19 May 2015 at 8179:10–14.
- 2583 Transcript of T Green, Case Study 28, 20 May 2015 at 8258:27–31.
- 2584 Transcript of P Auchettl, Case Study 28, 19 May 2015 at 8204:4–6.
- 2585 Transcript of S Woods, Case Study 28, 21 May 2015 at 8349:6–10.
- 2586 Transcript of T Green, Case Study 28, 20 May 2015 at 8257:43–44.
- 2587 Transcript of T Green, Case Study 28, 20 May 2015 at 8257:44–45.
- 2588 Transcript of P Auchettl, Case Study 28, 19 May 2015 at 8198:29–30.

- 2589 Transcript of P Auchettl, Case Study 28, 19 May 2015 at 8202:33–36.
- 2590 Transcript of S Woods, Case Study 28, 21 May 2015 at 8348:31–33.
- 2591 Transcript of S Woods, Case Study 28, 21 May 2015 at 8348:3–5.
- 2592 Transcript of S Woods, Case Study 28, 21 May 2015 at 8348:30–31.
- 2593 Transcript of H Watson, Case Study 28, 20 May 2015 at 8297:32–38.
- 2594 Exhibit 28-0125, 'Statement of BAI', Case Study 28, STAT.0742.001.0001_R at [36].
- 2595 Exhibit 28-0028, 'Statement of Adrian McInerney', Case Study 28, CTJH.500.55001.0001 at [9].
- 2596 Exhibit 28-0028, 'Statement of Adrian McInerney', Case Study 28, CTJH.500.55001.0001 at [14].
- 2597 Exhibit 28-0167, 'Statement of Justin Joseph Driscoll', Case Study 28, CTJH.500.59001.0001 at [12].
- 2598 Transcript of BAC, Case Study 28, 19 May 2015 at 8150:7–8.
- 2599 Transcript of BAC, Case Study 28, 19 May 2015 at 8150:8–11.
- 2600 Transcript of BAC, Case Study 28, 19 May 2015 at 8150:13–14.
- 2601 Exhibit 28-0163, 'Statement of Audrey Christine Brown', Case Study 28, CTJH.500.56001.0001 at [30].
- 2602 Exhibit 28-0163, 'Statement of Audrey Christine Brown', Case Study 28, CTJH.500.56001.0001 at [31].
- 2603 Exhibit 28-0168, 'Statement of Peter Casey', Case Study 28, CTJH.500.62001.0001_R at [22].
- 2604 Transcript of C Quadrio, Case Study 28, 25 May 2015 at 8481:21–42.
- 2605 Transcript of S Woods, Case Study 28, 21 May 2015 at 8345:44–8346:2.
- 2606 Transcript of S Woods, Case Study 28, 21 May 2015 at 8346:10–13.
- 2607 Transcript of S Woods, Case Study 28, 21 May 2015 at 8346:15–18.
- 2608 Transcript of S Woods, Case Study 28, 21 May 2015 at 8348:17–22.
- 2609 Transcript of S Woods, Case Study 28, 21 May 2015 at 8348:22–27.
- 2610 Transcript of P Blenkiron, Case Study 28, 20 May 2015 at 8311:45–8312:3.
- 2611 Transcript of P Blenkiron, Case Study 28, 20 May 2015 at 8312:5–9.
- 2612 Transcript of P Blenkiron, Case Study 28, 20 May 2015 at 8312:21–25.
- 2613 Transcript of P Blenkiron, Case Study 28, 20 May 2015 at 8312:21–39.
- 2614 Transcript of BAA, Case Study 28, 19 May 2015 at 8194:35–37.
- 2615 Transcript of BAA, Case Study 28, 19 May 2015 at 8194:37–41.
- 2616 Transcript of BAA, Case Study 28, 19 May 2015 at 8194:45–8195:2.
- 2617 Transcript of F Sheehan, Case Study 28, 21 May 2015 at 8352:19–21; Exhibit 28-0022, 'Statement of Francis Sheehan', Case Study 28, STAT.0572.001.0001 at [16]–[18].
- 2618 Exhibit 28-0022, 'Statement of Francis Sheehan', Case Study 28, STAT.0572.001.0001 at [15], [19].
- 2619 Transcript of F Sheehan, Case Study 28, 21 May 2015 at 8351:15–36.
- 2620 Transcript of F Sheehan, Case Study 28, 21 May 2015 at 8351:15–36.
- 2621 Transcript of F Sheehan, Case Study 28, 21 May 2015 at 8352:23–46.
- 2622 Transcript of F Sheehan, Case Study 28, 21 May 2015 at 8353:19–31.
- 2623 Exhibit 28-0035, 'Statement of Bishop Paul Bird', Case Study 28, CTJH.500.60001.0001 at [48].
- 2624 Exhibit 28-0035, 'Statement of Bishop Paul Bird', Case Study 28, CTJH.500.60001.0001 at [49].
- 2625 Exhibit 28-0035, 'Statement of Bishop Paul Bird', Case Study 28, CTJH.500.60001.0001 at [42].
- 2626 Exhibit 28-0035, 'Statement of Bishop Paul Bird', Case Study 28, CTJH.500.60001.0001 at [45].
- 2627 Transcript of P Bird, Case Study 28, 29 May 2015 at 8768:9–8769:7.
- 2628 Transcript of P Bird, Case Study 28, 29 May 2015 at 8757:4–29.
- 2629 Transcript of P Bird, Case Study 28, 29 May 2015 at 8769:9–14; Exhibit 28-0035, 'Statement of Bishop Paul Bird', Case Study 28, CTJH.500.60001.0001 at [82].
- 2630 Transcript of P Bird, Case Study 28, 29 May 2015 at 8769:16–31.
- 2631 Transcript of P Bird, Case Study 28, 29 May 2015 at 8787:45–8788:1; Exhibit 28-0035, 'Statement of Bishop Paul Bird', Case Study 28, CTJH.500.60001.0001 at [81].
- 2632 Exhibit 28-0035, 'Statement of Bishop Paul Bird', Case Study 28, CTJH.500.60001.0001 at [40].
- 2633 Transcript of P Bird, Case Study 28, 29 May 2015 at 8787:28–43.
- 2634 Transcript of P Bird, Case Study 28, 29 May 2015 at 8788:10–16.
- 2635 Transcript of P Bird, Case Study 28, 29 May 2015 at 8786:33–45.
- 2636 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 at [88]–[99].

- 2637 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.
- 2638 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].
- 2639 Exhibit 28-0154, 'Data Analysis of claims and Substantiated Complaints of Child Sex Abuse in Relation
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- 2640 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].
- 2641 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].
- 2642 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].
- 2643 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].
- 2644 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].
- 2645 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].

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