

**ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES
TO CHILD SEXUAL ABUSE
AT BALLARAT**

**PUBLIC HEARING INTO VARIOUS INSTITUTIONS RUN BY CATHOLIC CHURCH
AUTHORITIES IN AND AROUND BALLARAT**

CASE STUDY 28

OPENING ADDRESS BY SENIOR COUNSEL ASSISTING

INTRODUCTION

1. This is the resumption of the 28th case study the subject of a public hearing by the Royal Commission. It is the second of three public hearings into various institutions run by Catholic Church authorities in and around Ballarat and the responses of those authorities to allegations of child sexual abuse.
2. The first public hearing was concerned primarily with the impact of child sexual abuse on survivors who were abused by Catholic clergy and religious in various institutions in the Diocese of Ballarat. Evidence from 17 male survivors about their experiences was given as well as from a psychiatrist about the literature attesting to the wide ranging psychological effects, both long and short term, of child sexual abuse.

3. In that public hearing, the Royal Commission heard evidence from Gerald Ridsdale, a former priest of the Diocese of Ballarat. Ridsdale has been convicted of some 138 offences against children, involving 53 victims.
4. The primary purpose of calling Ridsdale was for him to give evidence about the matters contained in his interview with Catholic Church Insurances, the transcript of which was tendered. His oral evidence was consistent with that transcript.
5. The Royal Commission received into evidence the transcript of a private hearing conducted with Paul David Ryan, a Catholic cleric ordained in the Diocese of Ballarat. Ryan has been convicted of three charges of indecent assault against one victim.
6. This second public hearing is primarily concerned with the knowledge of the Bishop and priests in the Diocese of Ballarat of allegations of child sexual abuse by Catholic clergy and religious. This hearing will also examine the response of the Diocese to such allegations, including the movement of offending priests from one parish to another.
7. A purpose of this second public hearing is to elicit evidence from those directly involved in the various events described in the documents tendered in relation to Ridsdale and Ryan in the first public hearing. There is expected to be evidence from families and others about what they knew, to whom in the

Church they reported, and the responses they received. This evidence will largely be in the form of statements which will be tendered.

8. The Royal Commission will also hear evidence about the response of the Diocese of Ballarat and Victoria Police to complaints against Monsignor John Day, a priest in the Diocese of Ballarat, in Mildura in the early 1970s.
9. At the request of Cardinal Pell, the Royal Commission will recall Mr David Ridsdale and Mr Timothy Green, each of whom gave evidence related to Cardinal Pell at the first public hearing.
10. The Royal Commission will also hear from Mr BWE and Mr BWF. Mr BWE is expected to give evidence about a conversation he is expected to say he overheard in or around 1983 between Father Madden and Cardinal Pell. Mr BWF is expected to give evidence about a conversation he had with Cardinal Pell in the 1970s, while he was a student at St Patrick's College in Ballarat.
11. Cardinal Pell will give evidence at the conclusion of this hearing. Cardinal Pell will be asked about matters relating to Case Study 35 into the Catholic Archdiocese of Melbourne, as well as his time in the Diocese of Ballarat. Three days are available for this purpose, subject to the completion of the other evidence in the Ballarat case study.

The third hearing in Ballarat

12. The Royal Commission will return to Ballarat in February next year. That hearing will primarily examine the knowledge of the Christian Brothers in Ballarat of allegations of child sexual abuse by religious.

The Catholic Diocese of Ballarat

13. The Catholic Diocese of Ballarat comprises 51 parishes that cover the western third of Victoria, including the City of Ballarat located in the east of the Diocese. James O'Collins was the bishop of Ballarat between 1941 and 1971. Ronald Mulkearns was the coadjutor bishop from 1968 until 1971 when he became Bishop. His vicars general were Father Frank Madden until 1976, Monsignor Leo Fiscalini until 1982 and Monsignor Henry Nolan until 1991. Father Brian Finnigan was in the position from 1991 until 1998.
14. Father Adrian McInerney was the bishop's secretary from 1973 until 1979. Father McInerney gave evidence in the first public hearing into Ballarat. Others who held position of secretary were Bishop Brian Finnigan from 1979 until 1985, Father Brian McDermott until 1990, and Monsignor Glynn Murphy until 1998.
15. Bishop Mulkearns retired in 1997 and was replaced by Bishop Peter Connors who held that position until August 2012. Bishop Paul Bird is the current Bishop of Ballarat.

16. In the first hearing, the Royal Commission heard evidence from Father McInerney about the role of the College of Consultors in the Diocese of Ballarat. Its purpose is to assist the Bishop in his governance of the diocese in various matters, including the appointment and movement of priests in the diocese.
17. In that hearing, some minutes of meetings of the College of Consultors were tendered. Those minutes record the movement of Ridsdale from one parish or position to another after, the evidence suggests, Bishop Mulkearns and others were aware of allegations which had been made against him.
18. The Royal Commission will now hear evidence from nine current or former priests in the Diocese of Ballarat, including Cardinal George Pell, who were members of the College of Consultors while Bishop Mulkearns was the bishop of Ballarat. These nine priests also include all vicars general and bishop's secretaries to Bishop Mulkearns. Monsignor Fiscalini and Monsignor Nolan are deceased.
19. The Royal Commission has received and accepted medical advice that Bishop Mulkearns is receiving palliative care and is unfit to give evidence in this public hearing. Bishop Mulkearns remains subject to a Summons to Appear before the Commission and, should his health improve sufficiently, the Royal Commission intends to call him to give evidence in public.

20. The knowledge of the consultants and the response of the Diocese will be examined in relation to four priests, John Day, Gerald Ridsdale, Paul David Ryan and BPB, who has been assigned a pseudonym. The Royal Commission is required to deal with evidence in a way that does not prejudice current or future criminal proceedings.

DATA

21. The Royal Commission has conducted a comprehensive data survey of all Catholic Church authorities in Australia including the Diocese of Ballarat.

22. The data presented in this hearing relates to claims where redress was sought from the Diocese of Ballarat through Towards Healing or another redress process, including civil proceedings. The data relates to claims made in relation to allegations against a person operating within the Diocese of Ballarat at the time of the alleged child sexual abuse. Two of the claims in the analysis relate to alleged incidents of child sexual abuse occurring outside Australia.

23. The data includes claims where the allegations were substantiated or accepted as well as where the allegations were not substantiated. The data also includes claims that are ongoing.

24. Between January 1980 and 28 February 2015, 140 people made a claim of child sexual abuse against priests and religious operating within the Diocese of Ballarat.

25. The data presented in this hearing does not include an analysis of 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 of Ballarat.
26. 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% of the total claims.
27. Eighty-six claims resulted in a monetary compensation payment either from a civil claim or a redress process. The Diocese of Ballarat paid \$4.66 million in compensation in response to these claims, with an average payment of just over \$54,000. When taking into account treatment, legal and other costs, nearly \$5 million was paid.
28. There were 38 civil claims against the Diocese of Ballarat relating to child sexual abuse by at least one priest, 33 of which resulted in monetary compensation. \$2.31 million was paid by the Diocese, with an average payment of almost \$70,000. When taking into account treatment, legal and other costs, \$2.46 million was paid, with an average payment of just over \$74,000.
29. Fifty-four claims of child sexual abuse against a priest in relation to the Diocese of Ballarat resulted in paid compensation through a redress process. The total

amount of compensation paid was \$2.35 million, with an average payment of almost \$44,000. Some claimants received only treatment, legal or other costs. When taking into consideration these additional costs, \$2.5 million was paid to 67 claimants, with an average of almost \$37,000 per claimant.

30. Some claims proceeded through both civil and redress processes.
31. 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.

MONSIGNOR JOHN DAY

32. Monsignor John Day was ordained in July 1930. He was an assistant priest at various parishes in the Diocese of Ballarat until 1956, when he was appointed parish priest of Mildura, the Diocese's northern-most parish.
33. The data produced to the Royal Commission revealed that 15 people made a claim of child sexual abuse against Monsignor John Day. All claims were made after his death.
34. The first alleged incident of child sexual abuse by Monsignor Day occurred 24 years after his ordination, when he was 50 years old. The alleged incidents occurred in the period from 1954 to 1973 (inclusive) at three parishes: Mildura, Apollo Bay and Timboon.

35. Of the 15 claims of child sexual abuse against John Day, all were made through a redress process. Of these, nine resulted in monetary compensation with a total payment of \$401,000 and an average of almost \$45,000. Some claimants received only treatment, legal or other costs. When taking into consideration these additional costs, there was a total payment of just over \$415,000 at an average of around \$38,000 per claimant.
36. There is expected to be evidence of complaints made to Bishop Mulkearns and other priests about Day.

Mrs BPA

37. A mother, given the pseudonym Mrs BPA, is expected to give evidence as follows. In January 1972, after being told by their son that Day had abused him, his father rang the Mildura presbytery. He spoke to Father Peter Taffe, who was an assistant priest in Mildura. Father Taffe's first words were, 'I thought he was over all this'.
38. Within half an hour, the Bishop called and said to Mrs BPA's husband, 'What are you going to do? Are you going to the police?', to which her husband replied, 'Certainly not. I'm not putting my child through anything like this'. Mrs BPA never saw Day or any of the other priests again. She later found out that her younger son had also been abused by Day in Mildura.

Denis Ryan

39. The Royal Commission will hear evidence from Denis Ryan, a former police officer with Victoria Police who was stationed in Mildura from 1962 until 1972. Mr Ryan is expected to give the following evidence.
40. When he moved to Mildura, he observed that there was a close relationship between Day, the local Detective Sergeant at Mildura, Jim Barritt, and Joe Kearney, the Clerk of the Courts in Mildura.
41. In September 1971, Mr Ryan received a phone call from the headmaster of St Joseph's College in Mildura, John Howden. Mr Howden requested that he come to the college without letting Detective Sergeant Barritt know that he had called.
42. When Mr Ryan arrived, Mr Howden told him that a mother had complained that Day had indecently assaulted her daughter, BPI. The principal of St Joseph's College was also present. She said she had known about Day's behaviour for some time.
43. From 30 September until 25 October 1971, Mr Ryan obtained statements from five current or former students of St Joseph's College or Sacred Heart Primary School in Mildura, including BPI. All five provided a statement alleging that Day had sexually abused them as children. Mr Ryan is expected to give evidence that it wasn't a difficult investigation. Each victim gave him another name; it was like 'stepping stones'.

44. Having collected these five statements, Mr Ryan rang the Superintendent at Swan Hill, Jack McPartland, who was the most senior officer in the district. He told Mr Ryan to give the statements to Inspector Irwin, who was the senior uniform officer in Mildura, and cease any further inquiries. Mr Ryan is expected to give evidence that Inspector Irwin was Catholic, and was close to Detective Sergeant Barritt.

45. Inspector Irwin and Detective Sergeant Barritt interviewed Day on 10 November 1971. Day denied all the allegations. A report from Inspector Irwin to the Superintendent about this interview recommended that no further police action be taken. Inspector Irwin quoted a case concerning bestiality from 1844 that '[i]t 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.'

46. Superintendent McPartland sent this report to the Chief Commissioner of Police, Reginald Jackson. He noted that the allegations were not corroborated and were denied by Day. He agreed with Inspector Irwin 'that the persons who have made these allegations, so many years after the alleged incidents may be regarded as accomplices, and in need of corroboration'.

December 1971

47. Mr Ryan is expected to give evidence that in early December 1971, he spoke to Father Taffe, who said to him: 'Drop the inquiry into Monsignor Day or you'll be out of a job.' The Royal Commission has accepted medical advice that Father Taffe is unfit to provide evidence.
48. In December 1971, Mr Ryan obtained a further two statements: one from a current student of St Joseph's College who alleged he had been sexually abused by Day one year earlier, and one from a former student of St Joseph's. He provided these to Inspector Irwin.
49. On 10 December 1971, Mr Ryan and Mr Howden wrote a letter to Bishop Mulkearns, who had become the Bishop in May of that year. In that letter they set out the allegations of the seven complainants who had made statements. They requested a meeting with the Bishop.
50. Bishop Mulkearns responded that he had been assured that the Police had investigated the accusations and satisfied themselves that there was no substance to the charges. He later said that this information was given to him by Mr Kearney, clerk of the Magistrate's Court in Mildura who accompanied Day to see him.
51. He also wrote, 'With regard to the question of moving Monsignor Day from the Parish of Mildura, this is clearly impossible under the circumstances. Any

such move would be tantamount to a public declaration that I consider him guilty.'

52. In December 1971, Mr Ryan obtained further statements about Day. Three of these were from males who alleged they were sexually abused by Day when students at St Joseph's College and Sacred Heart Primary School.
53. The fourth was from the former proprietor of a motel in Halls Gap, where one of the complainants had alleged he was sexually abused by Day. He stated that Day came to the motel with two boys who were about 14 and 16 years old. He stated that he heard scuffling in the room and spoke to Day about horseplay.
54. These four statements were provided to the Superintendent of Swan Hill, who sent them to the Chief Commissioner.

January 1972

55. On 15 January 1972, Superintendent John O'Connor took Mr Ryan aside, and said he intended to have Detective Sergeant Barritt moved on and have Mr Ryan made a detective sergeant in Mildura. Mr Ryan told Superintendent O'Connor about his investigations into Day, and that he did not want Detective Sergeant Barritt's job, but he did want Day to be thoroughly investigated. John O'Connor is now deceased.
56. In January 1972, Mr Ryan obtained another statement from a male who alleged that he had been sexually abused by Day when he was at the Primary

School. Mr Ryan is expected to give evidence that in January he told Superintendent O'Connor twice that he thought he could get more statements, but was told he was no longer part of the inquiry.

57. In late January 1972, Superintendent O'Connor and Detective Chief Inspector Child told Mr Howden they were going to see Bishop Mulkearns to tell him that if Day was not removed forthwith, he would be charged.
58. On 30 January 1972, Day told the congregation that he had offered his resignation.
59. In March 1972, Bishop Mulkearns informed Father Taffe that he had been appointed assistant priest of Port Fairy, a parish in the south of the Diocese. Bishop Mulkearns, expressed his gratitude to Father Taffe for his 'co-operation in handling the difficult situation which arose in Mildura'.
60. There is expected to be evidence that after leaving Mildura, Day went overseas for some months. In January 1973, he was appointed parish priest of Timboon, which is one of the southern-most parishes in Ballarat. Day remained at Timboon until he died in 1978. The consultors present at meetings in 1972 and 1973 will be asked about their recollections of discussions at those meetings in relation to Day.
61. The evidence is expected to be that in 1972, the police obtained advice from the Solicitor-General, Basil Murray, in relation to Day. Mr Murray advised that

the complaints would likely be tried separately if they went to trial, and that they may not get to the jury due to the time that had elapsed since the alleged offences, and the lack of corroboration.

62. He concluded his advice with the following words: '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.'
63. John O'Connor made a statement in 2006 in response to media articles about the allegations against Day and the investigations of Mr Ryan. He stated that the brief of evidence against Day was referred to the Chief Prosecutor at the Crown Solicitor's Office for approval to prosecute. He also stated that the Chief Prosecutor reported that 'Bishop Mulkearns be instructed to transfer Day to a smaller less populated parish a considerable distance from Mildura.'
64. No document has been produced to the Royal Commission indicating that this matter was referred to the Chief Prosecutor, much less that the Chief Prosecutor then provided the advice alleged. The evidence is expected to be that on 4 May 1972, Superintendent O'Connor advised Bishop Mulkearns of the relevant comments of the Solicitor General concerning Day.

Resignation

65. In April 1972, Mr Ryan was instructed to apply for a transfer from Mildura. Not wanting to leave Mildura, Mr Ryan submitted his resignation from Victoria Police in April 1972.
66. The Royal Commission will also hear from Mick Miller. Mr Miller was the Assistant Commissioner (Operations) in Victoria Police from 1971 until 1976. In that position, Mr Miller was responsible for the day-to-day performance of detectives stationed in country districts in Victoria, which included Mildura. He will give evidence with regard to his knowledge and experience of the relevant events.

FATHER GERALD RIDSDALE

67. The Royal Commission will hear further evidence in relation to Ridsdale. That evidence will be from families and others about what they knew, who they told in the Church and elsewhere about this knowledge, and the responses they received. This evidence is expected to concern the parishes of Warrnambool and Mortlake, and the Catholic Enquiry Centre in Sydney.
68. The data produced to the Royal Commission revealed that 78 people made a claim of child sexual abuse against Gerald Ridsdale.

69. The alleged incidents occurred in the period from 1961 to 1988 (inclusive) at 13 institutions. The first alleged incident occurred the year of his ordination, when he was 27 years old.
70. Of the 78 claims of child sexual abuse against Gerald Ridsdale, there were 36 civil claims. Of those, two were discontinued, two are ongoing, and 32 resulted in monetary compensation, with a total payment of \$2.27 million, and an average payment of just over \$71,000. When taking into consideration treatment, legal and other costs, there was a total payment of just over \$2.42 million at an average of almost \$76,000 per claimant.
71. Of the 78 claims of child sexual abuse against Gerald Ridsdale, 48 were made through a redress process. Of those, 24 resulted in monetary compensation, with a total payment of \$1.19 million and an average of almost \$49,000. Some claimants received only treatment, legal or other costs. When taking into consideration these additional costs, there was a total payment of just over \$1.2 million at an average of just over \$43,000 per claimant.
72. In the first public hearing into Ballarat, the Royal Commission heard evidence that complaints were made to the bishop of the day in the 1960s and 1975.
73. In this second hearing, the Royal Commission is expected to hear evidence from BWA of a complaint he made in 1972 to an assistant priest in Warrnambool, Father Tom Brophy, about his abuse in that parish by Ridsdale.

Father Brophy died in 1974, and is not to be confused with another priest in the Diocese with the same name.

Mortlake

74. In January 1981, Ridsdale was appointed Parish Priest of Mortlake. In the first public hearing, the Royal Commission heard evidence that there were reports to Bishop Mulkearns, Father Brian Finnigan and Monsignor Fiscalini from different sources about Ridsdale's offending in Mortlake.
75. In this hearing, there will be evidence from two Mortlake mothers about complaints they made about Ridsdale. One of those mothers, Mrs BAI, is expected to give the following evidence. Not long after Ridsdale arrived in Mortlake, she was told by her 14 year old son that Ridsdale had grabbed him.
76. The next day, Mrs BAI and her husband rang the Bishop's office. They spoke to Father Finnigan, who was the bishop's secretary and Mrs BAI asked Father Finnigan whether they needed to be concerned about the welfare of their child in relation to Ridsdale. Father Finnigan said that there was no need for concern, and that there had been no reports of improper behaviour by Ridsdale.
77. On the same day they spoke to Father Finnigan, Ridsdale visited their house unannounced. He said, 'there must be some misunderstanding' relating to the previous night at the presbytery. Bishop Finnigan will be asked about his recollection of these events when he gives evidence.

78. Another Mortlake mother, Mrs BPF, is expected to give the following evidence. In early November 1981, her two sons stayed overnight at the presbytery in Mortlake with Ridsdale. When Mrs BPF next saw her son BPW, she knew something was terribly wrong. She took him to the car. He crawled into the back seat and curled up; he wouldn't talk to her. Mrs BPF said, 'BPW, did Gerry touch you?' BPW just hung his head and wouldn't make eye contact with her.
79. That evening, Mrs BPF and her husband drove to see Monsignor Fiscalini, who was vicar general and parish priest of Terang. They told Monsignor Fiscalini 'We've got a problem in Mortlake.' He told them that Bishop Mulkearns was not in the diocese, said 'I will deal with it', and dismissed them. They didn't even get a chance to say that Ridsdale was involved. Monsignor Fiscalini did not ask them any questions.
80. Not long after this conversation, Mrs BPF's sons came home with a letter from Ridsdale apologising. She has since destroyed the letter.
81. The expected evidence of Mrs BAI and Mrs BPF is that Bishop Mulkearns did not contact either family after their complaints to his secretary and vicar general respectively about Ridsdale.

Meeting with Bishop Mulkearns

82. In the first hearing, there was evidence that in 1993 Bishop Mulkearns told Catholic Church Insurances, 'there was an approach to Monsignor Fiscalini, who was Vicar General at the time by people from Mortlake, complaining

about his [Ridsdale's] behaviour and there was also a Doctor in Mortlake who contacted me about it'. In a further interview in 1994, Bishop Mulkearns recalled that two parents from Mortlake came to see him about Ridsdale on 11 and 12 August 1982.

83. One of those parents, Mrs BAI, is expected to give the following evidence. Her son BPT told her that the boys had been touched by Ridsdale in the Church and in the presbytery. She asked who was involved, and he said just about the whole school, but named two boys from another local family.
84. The next day, Mrs BAI rang the mother of those boys, Mrs BPF. Mrs BPF was very tearful, and confirmed that her sons had also been affected. Mrs BAI's husband then rang the Bishop's office in Ballarat, and insisted on having a meeting with the Bishop about Ridsdale.
85. Mrs BAI is expected to give the following evidence about her meeting with the Bishop. She or her husband said they had come due to the actions of Ridsdale, and that other boys had been affected. Bishop Mulkearns did not respond. He just stared at them and seemed totally devoid of any emotion. As they turned to go, Mrs BAI said to Bishop Mulkearns: 'These are our kids' immortal souls being played with by this person and there won't be any more conversation. Next time we will be going straight to the police.' The whole meeting lasted less than 15 minutes.

86. Mrs BPF is expected to give the following evidence about her meeting with the Bishop. Either she or her husband said to him: 'We've got big problems in Mortlake.' Before they said anything else, Bishop Mulkearns said, 'How am I to take the word of a child over one of my priests'. They were in the Bishop's office for less than five minutes. Mrs BPF found Bishop Mulkearns' comments devastating. They made her think that he was totally unsuitable to be in a position of leadership.
87. Mr Daniel Ewing, a Mortlake father of four, is also expected to give evidence that, after hearing from Ridsdale that he was to leave the parish, Mr Ewing spoke to Bishop Mulkearns and asked whether Ridsdale could stay at Mortlake. Bishop Mulkearns was non-committal in response.
88. After Ridsdale had left, Mr Ewing heard rumours circulating Mortlake that Ridsdale had been interfering with children. In the early 1990s he found out that Ridsdale had been charged with offences against children. This made him feel angry and betrayed.
89. About six years ago, Mr Ewing found out that his eldest son was sexually abused by Ridsdale. Mr Ewing is expected to give evidence that Ridsdale's actions had a huge impact on his family, and that they still feel the effects of it today.

Paul Levey

90. In the first public hearing, the Royal Commission heard evidence that while Ridsdale was in Mortlake, there was a boy living with him in the presbytery,

and that this was known to Bishop Mulkearns and Father Henry Nolan, the vicar general. The Royal Commission is expected to hear evidence from that boy, Paul Levey, and his mother, Beverley Anne Levey.

91. Paul Levey is expected to give evidence that he met Ridsdale at the National Pastoral Institute in 1980, when he was 12 years old. Ridsdale took Mr Levey and his mother as well as some other boys to White Cliffs, where he sexually abused Mr Levey.
92. Mr Levey is expected to give the following evidence. In 1980 his parents separated. He continued to see Ridsdale. Around Easter 1982, when Mr Levey was 14, his father sent him to live at the presbytery at Mortlake with Ridsdale. He lived there until October 1982. During that time, Ridsdale sexually abused him all the time, just about every day.
93. Ms Levey is expected to give the following evidence. She did not like the fact that Paul was living with Ridsdale, and she was devastated they had taken her son away. Not long after Paul had moved to Mortlake, she spoke to the Bishop and said to him: 'How can you let a child live in a presbytery with a priest? That's not appropriate. I want Paul taken out of there.' Bishop Mulkearns responded that there was nothing he could do as Ridsdale had Paul's father's approval.

94. Ms Levey had at least two other similar conversations with Bishop Mulkearns. In one she said: 'I will get the police involved if you don't do something about Paul and Ridsdale.'
95. One day, Mr Levey was suddenly moved from the presbytery to stay with a local family on their farm. Shortly after this, Ridsdale left Mortlake. Mr Levey is expected to give evidence that Ridsdale still haunts him to this day.
96. In the first hearing into Ballarat, the Royal Commission heard that in 1994, Bishop Mulkearns told Catholic Church Insurances that there was no suggestion that there had been any interference 'whatsoever' with that boy in the house.
97. Sister Kathleen McGrath was the principal of St Colman's Primary School in Mortlake when Ridsdale was parish priest. In the first Ballarat hearing, transcripts of two interviews with her in the 1990s were tendered into evidence. Sister McGrath's evidence in this public hearing is expected to be as follows.
98. Some weeks after Ridsdale left Mortlake, she and the other Sisters of Mercy in Mortlake spoke to Bishop Mulkearns who told them to keep matters very quiet. Sister McGrath's understanding after this discussion was that she was not to discuss the matter with other staff members or parents, unless they came to her to raise the issue.

99. After the initial complaint, there was virtually a stream of parents who came forward and disclosed to Sister McGrath that Ridsdale had molested their child or children. As there was no priest in Mortlake, and the Bishop was in Ballarat, she was the face of the Church in Mortlake. She had to explain to these parents that the Bishop was handling the matter and that Ridsdale had been removed. That was all she felt she could tell them.
100. Some of the parents who approached Sister McGrath wanted to discuss the situation in a public forum. Sister McGrath asked the Bishop whether a public meeting could be held. He said there was to be no such meeting. She asked him what could be done for the children. He replied that nothing would be done for the children because that would be admitting guilt.
101. Because she understood that Bishop Mulkearns had instructed her to keep Ridsdale's behaviour quiet, Sister McGrath did not tell any other teachers or the principal who replaced her when she left Mortlake about what had happened.
102. Sister McGrath is expected to give evidence that she has always been angry that Bishop Mulkearns required her to keep quiet about Ridsdale's activities. She found that it impeded her ability to assist the victims and the local community to deal with the impact of Ridsdale's actions. She also found it incredibly isolating.

Mr BPE

103. Mr BPE was the President of the St Colman's School Council in the early 1980s, and had children at St Colman's Primary School. His evidence is expected to be as follows. Sister McGrath told him there had been some inappropriate conduct with children by Ridsdale, and that the boy who lived with Ridsdale in the presbytery was being abused. She said she had spoken to the Bishop, and that he had told her the situation was in hand.

104. Mr BPE spoke to Monsignor Nolan, who said he thought Ridsdale had gone off the rails because his brother had died, that he thought it was a one-off, and that he couldn't imagine it happening again.

105. Mr BPE subsequently became aware from other parents that many more boys in the town had been abused.

106. Sometime later, Mr BPE spoke to Bishop Mulkearns and asked him 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. Bishop Mulkearns replied that this would not be an appropriate thing to do at that time.

Ann Ryan

107. Ann Ryan was a teacher at St Colman's in Mortlake from 1973 until 1996. Her evidence is expected to be as follows. In October 1989, some seven years after Ridsdale had left Mortlake, she spoke to a mother who said her son had been

badly sexually abused by Ridsdale, and provided the names of other families whose children had also been abused. Ms Ryan visited those families.

108. On 30 October 1989, she sent a letter to Bishop Mulkearns about Ridsdale in which she wrote that parents were still hurting because their boys were damaged, and that she thought this would be an opportunity to initiate healing in the parish.

109. Bishop Mulkearns' letter in response reads 'it is simply not possible to enter into correspondence in any detail concerning the matter to which you allude' and that '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.' There will be evidence to the contrary, that is that specific allegations had been made.

Catholic Enquiry Centre, Sydney

110. In the first public hearing, the Royal Commission heard evidence that after Ridsdale left Mortlake, Bishop Mulkearns referred him for counselling by a 'Franciscan Priest Psychologist'. Bishop Mulkearns did not take it as his position to report Ridsdale to the police.

111. There was also evidence that in late 1982, a few months after he had left Mortlake, Ridsdale was sent to work at the Catholic Enquiry Centre in Sydney (the Centre). Ridsdale told the Royal Commission that he could not recall the Bishop or anyone else putting any restrictions or limitations or conditions on what he was doing in Sydney.

112. In that hearing, the Royal Commission received into evidence correspondence in relation to Ridsdale's transfer to Sydney as well as a file note of a Catholic Church Insurances interview with Father James FitzPatrick and an unsigned statement given to Catholic Church Insurances.
113. Father FitzPatrick was the Director of the Centre from 1976 until 1987. His evidence is expected to be that Bishop Mulkearns told him that Ridsdale had had some problems with young people and that it could be serious, so he would 'like to get him out of the place and away'. Father FitzPatrick did not like to inquire any more about those problems. He thought the Bishop obviously had enough confidence in this priest because he was releasing him to work at the Centre.
114. In the first public hearing, the Royal Commission heard evidence that in 1983 Bishop Mulkearns told the Archbishop of Sydney, Cardinal Clancy, that Ridsdale had certain sexual problems and was under professional treatment. There was also evidence that Cardinal Clancy accepted Ridsdale on the same basis that his predecessor had. That is, that he would work at the Centre, not be in contact with children and continue with his counselling.
115. Father FitzPatrick was not aware of any conditions agreed between Bishop Mulkearns and Cardinal Clancy or his predecessor in relation to Ridsdale's presence at the Centre.

116. One day, Father FitzPatrick received a call from the headmaster of St Gregory's College in Campbelltown, who told him that Ridsdale had been visiting boarders.
117. At the beginning of 1986, Father FitzPatrick found out that a young boy or teenager had stayed the night upstairs at the Centre with Ridsdale. Father FitzPatrick immediately rang Bishop Mulkearns and told him about this. He asked that Ridsdale be removed from the Centre. A farewell dinner was held for Ridsdale on 26 February 1986.
118. Father FitzPatrick did not tell anyone other than Bishop Mulkearns about either of these complaints, or the reason he had told Ridsdale to leave the Centre. He is expected to give evidence that the Bishop was the person who was responsible ecclesiastically for Ridsdale, and that 'whatever the Bishop did with that information, was his choice and responsibility'.
119. After leaving the Catholic Enquiry Centre, Ridsdale had appointments in two parishes in New South Wales until May 1986, when he returned to the Diocese of Ballarat. Both of these appointments were discussed at meetings of the Archdiocese of Sydney College of Consultors.

FATHER PAUL DAVID RYAN

120. In the first public hearing, the Royal Commission tendered evidence relating to Father Paul David Ryan. The Royal Commission also heard evidence from a

mother, Helen Watson, about the impact Ryan's sexual abuse had on her son Peter, as well as the impact it has had on her and the rest of her family.

121. In this second hearing, there is expected to be evidence from a survivor and family members about what they knew of Ryan's conduct, and what they told the Church authorities about Ryan. This evidence is expected to concern Ballarat North, Penshurst and Ararat parishes.

122. The data produced to the Royal Commission revealed that four people made a claim of child sexual abuse against Paul David Ryan.

123. The alleged incidents occurred in the period from 1979 to 1992 (inclusive). The first alleged incident occurred three years after Father Ryan's ordination, when he was 31 years old. One claim related to the parish of Penshurst and one claim related to the parish of Ararat in the Diocese of Ballarat. The other two claims related to alleged incidents in Virginia, USA.

124. All four claims of child sexual abuse against Paul David Ryan, were made through a redress process. All resulted in monetary compensation, with a total payment of just over \$182,000 and an average of almost \$46,000 per claimant. No legal, treatment, or other costs applied to these redress payments.

Mildura

125. There is also expected to be evidence in relation to Ryan's knowledge of Day's sexual abuse of children in Mildura. Ryan spent a year working as a teacher's

aid at Sacred Heart Primary School in Mildura after being asked to leave the Adelaide seminary in 1971.

Ballarat North

126. In the first public hearing into Ballarat, the Royal Commission heard evidence that Bishop Mulkearns subsequently accepted Ryan as a candidate for the Diocese of Ballarat, and Ryan attended the Melbourne seminary from 1972. In May 1975, prior to Ryan's ordination, he was sent to St Columba's Parish in Ballarat North for three months to spend a probationary pastoral period with the parish priest, Father Dan Boylan.

127. In that hearing, Ryan's evidence was while at St Columba's he was involved with a boy or young man – BPM - from the choir. Ryan said he thought that BPM was over 18 years old, but accepted that he could have been younger than 18. BPM's mother, Mary Donoghue, is expected to give the following evidence.

128. She went to see Bishop Mulkearns and told him that her sons thought Ryan was evil, that he had dirty pictures and things, and that she didn't think he was a suitable person to become a priest. She does not remember what Bishop Mulkearns' response was, but he was dismissive and ushered her out and it was a very brief visit.

129. On 28 May 1976, Ryan was ordained as a priest of the Diocese of Ballarat. After his ordination, Ryan spent time in the United States receiving therapy. There is expected to be evidence that in May 1978, Bishop Mulkearns wrote to Ryan that there had been ‘some talk about incidents which occurred here in Ballarat when you were here – which talk has only come to my notice later’. He also wrote: ‘How widespread any knowledge of problems here is I do not really know, but it could be that such knowledge could put you under some pressure which would make it difficult for you to operate with the necessary freedom’.

Penshurst

130. By January 1989, Ryan had been appointed parish priest of Penshurst. In the first public hearing into Ballarat, the Royal Commission heard evidence that in about 1991 a complaint was made about Ryan offending against an adolescent boy and it was for this reason he left Penshurst.

131. The Royal Commission is expected to hear evidence from this boy’s sister, Ms BWJ, that in 1990 or 1991 her mother told her that Ryan had tried to have a bath with her brother who was 12 or 13 years old at the time.

132. Ms BWJ and her mother travelled to Ballarat, where they met with Father Glynn Murphy who was the bishop’s secretary at that time. Ryan was removed from the parish within a matter of weeks.

Ararat

133. From Penshurst Ryan went to Ararat for a few months as a priest. In the first public hearing, the Royal Commission heard evidence that Ryan was not placed under any formal supervision in Ararat.
134. Ms BWJ is expected to give evidence that two or three years after she spoke with Father Murphy, she saw Ryan conducting Mass in Ararat.
135. The minutes of a Consultors Meeting on 1 December 1992, record that Ryan would not be involved in any diocesan placements in 1993. In early 1993, Ryan was sent to the United States for treatment. The Royal Commission is expected to hear evidence that Ryan had returned to the Diocese of Ballarat by June 1993, and stayed at the Ararat Presbytery with the parish priest, Father Brendan Davey.
136. Mr BPD was a student at St Joseph's Christian Brothers College in Warrnambool. Mr BPD's evidence is expected to be as follows. In 1985, when he was 17 years old, he was sexually abused by Father Ryan on a school retreat.
137. Some years later, in about 1993, Mr BPD decided to join the priesthood. He went to see Father Davey in the Ararat presbytery. While he was speaking with Father Davey, Ryan walked into the room with a couple of boys who were about 15 or 16. Within a month of seeing Father Davey, Mr BPD went and saw Bishop Mulkearns in his office in Ballarat. He told Bishop Mulkearns he was

not going to join the priesthood, and that Ryan had sexually assaulted him when he was 17.

138. Bishop Mulkearns said to him: 'Now, I'll deal with this. It's in my hands, there's no need to go to the police. I'll fix it and give you a ring. Thank you very much for your help.' Mr BPD did not see Bishop Mulkearns again after that meeting. Bishop Mulkearns never called him. Mr BPD did not go to the police.

139. There is expected to be evidence that towards the end of 1993, Father Ryan travelled to England to stay with Father Ronald Pickering, a priest from the Archdiocese of Melbourne. Father Ryan had previously spent some time living with Pickering in Gardenvale in Melbourne.

140. In the first hearing, Father Ryan gave evidence that once in London, he found out that Pickering was trying to avoid facing issues of his own sex with adolescents being raised with him by the Archbishop of Melbourne, Archbishop Little.

141. The Royal Commission understands that Ryan remains a priest, although his faculties have been removed.

Gail Furness SC

Angus Stewart SC

7 December 2015