

Witness Statement

Name	Reverend Monsignor Paul Ryan
Address	REDACTED
Occupation	Catholic Priest
Date	5-6-14

- 1 My name is Paul Ryan.
- 2 I am a retired Catholic priest of the Catholic Diocese of Wollongong. I am 85 years of age. I have been asked by the Royal Commission to provide a statement regarding my involvement with a former priest of the diocese, John Nestor.
- 3 Exhibited to me at the time of making this statement is a folder of documents that relate to my involvement with Fr Nestor. Where I refer to a document in this statement, I have used the document reference number which appears in the top right-hand corner of the document to which I refer. I have not independently reviewed the files of the Diocese of Wollongong or other entities from which these documents have been drawn.
- 4 This statement has been prepared with the assistance of Gilbert + Tobin lawyers in response to and in compliance with a Summons or Notice issued by the Royal Commission in connection with a hearing into Case Study 14. It is produced to the Royal Commission on the basis that it will be tendered and received in evidence by the Royal Commission pursuant to that Summons or Notice, and on the basis that the statement will be treated as evidence pursuant to the Commonwealth or State legislation applicable to this Royal Commission case study.

Background

- 5 I was ordained a priest in 1955. From 1955 to 1964 I was a member of the Vincentian Fathers religious congregation, and I held a variety of teaching posts in Vincentian schools and the St Francis Xavier Seminary, Adelaide, during this period.
- 6 In 1964 I left the Vincentian Fathers, and was incardinated as a priest of the Diocese of Wollongong. Since that time, I held various pastoral posts in parishes within the diocese.
- 7 Upon the retirement of Bishop Murray on 12 April 1996, I was appointed as Administrator of the Diocese. I held this position until 10 July 1996, when Bishop Wilson was ordained as bishop. At the time of my appointment as the Administrator, I was the parish priest of St Patrick's, Port Kembla NSW.

Signature  Witness 

John Nestor

- 8 Prior to my time as Administrator I knew Fr Nestor slightly, but we were not well acquainted. I remember driving him and the parish priest of Dapto to his ordination ceremony in 1989, which was held in Moss Vale. My impression of Fr Nestor was that he was of a traditionalist, conservative mold, who held definite ideas about the priesthood and Catholic practice.
- 9 At some stage after his ordination to the priesthood, but before he was charged in 1996, Fr Nestor came to the Port Kembla parish to promote a "Summer Safari" camp for boys. I was the parish priest of Port Kembla at the time. I have no specific recollection of my conversation with him, though I did agree to his camp being publicised in the parish school.
- 10 To the best of my recollection two students in my parish school attended one of Fr Nestor's camps. Shortly after they returned, I asked them how they enjoyed the camp. They responded "*it was okay*", or words to similar effect. I do not recall the names of the two students who attended and they did not raise any particular complaints or issues.

Time as Administrator

- 11 I was appointed as Administrator of the Wollongong Diocese on 12 April 1996 upon the retirement of Bishop Murray. The announcement of Monsignor Philip Wilson as bishop-elect came very soon afterwards. My general approach as Administrator was to only make significant decisions where they were necessary to ensure the continued operation of the diocese before the installation of Monsignor Wilson as bishop.
- 12 I refer to a letter dated 14 April 1996 from Fr Nestor to Fr Graham Schmitzer [CTJH.001.12001.1390]. I do not recall having previously seen this letter. However, I do recall that Fr Nestor had been appointed to the parish of Kiama, and that he had requested to be transferred to the parish of Fairy Meadow.
- 13 I refer to a letter dated 19 April 1996 from me to Fr Nestor [CTJH.001.12001.1389]. I recall this letter and its contents, though I have no recollection of the phone call with Fr Nestor on 18 April 1996 to which it refers. I do remember thinking that I was not in a position to appoint Fr Nestor to Fairy Meadow, as such a decision ought to be taken by the incoming bishop rather than by the administrator. However, I accepted the status quo, namely, that Fr Nestor was now residing at the Fairy Meadow presbytery with Fr Leo Duck, who was the priest in charge at Fairy Meadow.

Complaints about Fr Nestor

- 14 I refer to a letter from Janet Morrissey to me dated 22 April 1996 [CTJH.001.12001.1385], and my response to her letter dated 6 May 1996 [CTJH.001.12001.1346]. I know Janet Morrissey, and I knew her at the time. I have a vague recollection of this correspondence with Janet. While the letter may have been a factor in the subsequent action I took in relation to Fr Nestor, I cannot be certain of that.




- 15 In or around April 1996 I received a phone call from the then Director of Education in the diocese, Terry White. I remember this phone call, and particularly the tone of it. Mr White was quite forceful in expressing his opinion that Fr Nestor should not have any dealings with children at St John Vianney's School at Fairy Meadow. Mr White's concerns related to rumours within the school regarding Fr Nestor's conduct with boys.
- 16 Mr White did not provide me with any specifics about Fr Nestor's behaviour or details of any particular complaint or incident. Nor did it occur to me at the time to press him for these details. However, I was anxious about the concerns that Mr White expressed. I was also mindful of the significant impact on the community of the conviction of a Wollongong priest, Peter Lewis Comensoli, in late 1994 for child sexual abuse offences, and the general climate of anxiety that followed these events. In order to allay school community concerns, on or around 24 April 1996 I directed Fr Nestor to not have any involvement or contact with St John Vianney's School. I also informed Fr Leo Duck of the directive. While I cannot now recall the details of my conversation with Fr Nestor, I do recall he wanted to know the reasons for his suspension.
- 17 Subsequent to my directive to Fr Nestor he came to see me at the Bishop's House in Wollongong and told me he was unhappy with the action I had taken.
- 18 On or around 29 April 1996 I was at the annual Wollongong priests' retreat in Minto. Early in the retreat, Fr Graham Schmitzer informed me that a serious complaint had been made against Fr Nestor, and that the complaint related to child sexual abuse. He did not provide me with any further details about the complaint or the identity of the complainant.
- 19 Upon receiving this information, I sought advice from Monsignor Philip Wilson by phone. Monsignor Wilson recommended that I consult with Fr Brian Lucas. I spoke to Fr Lucas that day by telephone. At the time I received notification from Fr Schmitzer of the complaint, I had not dealt with allegations of child sexual abuse before, or called upon to deal with allegations of that nature.
- 20 To the best of my recollection, both Monsignor Wilson and Fr Lucas advised me to stand Fr Nestor down from public ministry, pending the resolution of the complaints that had been made against him.
- 21 On 30 April 1996 I left the retreat to visit Fr Nestor at St John Vianney's Presbytery, Fairy Meadow, and gave him a letter formally instructing him to stand down from public priestly ministry
- Tab 4 [CTJH.001.12001.1381].** Fr Nestor seemed to be extremely unhappy. My impression was that he accepted that I had officially conveyed my instructions, but he did not agree with the step I had taken. A couple of days later, while still on retreat, I heard from Fr Schmitzer that Fr Nestor had been charged.
- Tab 6**
- 22 I have been shown an unsigned document dated 2 May 1996 [CTJH.001.12001.1349], which appears to be a draft letter from Fr Nestor to me. I have no recollection of this document.




23 I have been shown a document that appears to be a media statement by me
Tab 5 [CTJH.001.12001.1351]. I have no present recollection of this document but I believe it is likely to be one that I prepared, probably with advice and assistance from other church officials.

24 I have been shown a letter from Fr Nestor to Bishop Wilson dated 21 September 1996. The letter refers to four contacts between me and Fr Nestor. The contact he mentions on 26 April was most likely the occasion described in paragraph 17 of this statement. I do not recall the others. Nor do I recall promising to ascertain further information for him from Mr White and I doubt that I made this promise.

Article in the *Illawarra Mercury*

25 I have been shown a newspaper article dated 3 May 1996 [CTJH.001.03002.0121], with the headline "*Boy sex allegation: Dapto Priest Charged*". I recall this newspaper article and in particular the comments attribute to Fr Patrick Kenna:

"I mentioned my concerns about rumours to Bishop Murray and that's all I can say", Fr Kenna said. "He certainly didn't leave the Kiama parish on my initiative. There were complaints but I have made no initiative which led to his leaving. I listened to the parents, of course, and it was not very long after that that John Nestor took up an appointment at Fairy Meadow".

I was nonplussed by the remarks to the *Illawarra Mercury* that were attributed to Fr Kenna. My view was that comments to any newspaper on this sensitive topic were unwise as they could be misinterpreted.

26 I cannot now recall speaking to Fr Kenna about his comments in the *Illawarra Mercury*, though it is likely that we did discuss it.

27 I refer to a hand written note from Fr Kenna to me dated 10 May 1996 [CTJH.001.12001.1344], and the document signed by Fr Kenna dated 4 May 1996 [CTJH.001.12001.1345]. I have no recollection of the note, or the document signed by Fr Kenna, though I do not doubt I received it.

28 I refer to a letter from Fr Nestor to me dated 23 May 1996 [CTJH.001.12001.1343] complaining about Fr Kenna's comments. I replied to Fr Nestor on 5 June 1996 [CTJH.001.12001.1319].

29 I refer to a letter from Fr Nestor to me dated 7 June 1996 [CTJH.001.12001.1316]. I do not recall seeing this letter, though I do not doubt that I received it and read it at the time.

30 I refer to a letter from me to Fr Nestor dated 13 June 1996 [CTJH.001.12001.1313]. While I have no recollection of this letter, I have no reason to doubt I sent it. The wording of the document, particularly the reference to canon law, suggests that I received assistance from others, perhaps Bishop Wilson, in preparing this letter.



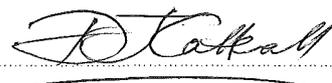

- 31 I refer to an undated letter from Fr Kenna to Fr Nestor [CTJH.001.03002.0093]. The letter states, "I have received from Fr Paul Ryan copies of your letters (May 23, June 7) and his replies (May 31, June 13). I have no recollection of sending these materials to Fr Kenna, but I do not doubt I did so.
- 32 I refer to a fax from me to a lawyer acting for the Wollongong Diocese, Michael McGrath, dated 5 July 1996 [CTJH.001.12003.0275], which enclosed a letter from Elias, Gates & Associates, lawyers for Fr Nestor, to Fr Kenna, dated 28 June 1996 [CTJH.001.12003.0276]. While the handwriting on the fax is my own, I have no recollection of sending this fax, or how I came to possess the letter from Elias, Gates & Associates. My assumption is that Fr Kenna gave it to me and I sought legal advice in relation to it.

Fr Nestor's attendance at the Installation Mass of Bishop Wilson

- 33 Fr Nestor had indicated that he would be attending and concelebrating the ordination of Monsignor Wilson, the incoming bishop of Wollongong. As Fr Nestor had been stood down by me from public ministry and was facing criminal charges, I considered it was inappropriate for him to concelebrate this mass. I believe that I sought the advice of both Monsignor Wilson and Fr Brian Lucas in preparing this letter.
- 34 I refer to a document dated 21 June 1996, with my handwritten annotation stating "From Fr Brian Lucas Phone Conversation 21 June 1996" [CTJH.001.12003.0280]. I spoke with Fr Lucas by telephone about trying to prevent Fr Nestor attending Bishop Wilson's ordination. This note appears to be a record of some of Fr Lucas's suggestions, though I do not presently recall making the note.
- 35 I refer to a letter I sent to Fr Nestor dated 21 June 1996 [CTJH.001.12001.1312] in which I asked him not to attend the ordination. I wrote to Fr Bryan Jones on 21 June 1996 [CTJH.001.12003.0279] asking him to deliver my letter to Fr Nestor.
- 36 To the best of recollection, Fr Nestor did not concelebrate at the ordination of Bishop Wilson.

Fr Nestor's Request for Secular Employment and Reimbursement

- 37 I refer to a letter from Fr Nestor to me dated 10 June 1996. While I have no recollection of this letter in particular, I do recall that Fr Nestor requested permission to undertake secular employment as a casual teacher with the University of Western Sydney. I sought advice from Monsignor Wilson about Fr Nestor's request, and took the view that, as the Administrator, I was not competent to grant Fr Nestor permission to undertake secular employment, as it would be a significant innovation. I notified Fr Nestor accordingly on 13 June 1996 [CTJH.001.12001.1313]. **Tab 8**
- 38 I refer to my letter to Fr Nestor dated 2 July 1996 [CTJH.001.12001.1311], Fr Nestor's reply dated 3 July 1996 [CTJH.001.12001.1310], and my undated letter to Fr Mark O'Keefe [CTJH.001.12001.1308]. I have no specific recollection of these letters, but it would appear I was engaging in the mechanics of ensuring that Fr Nestor was paid his clergy entitlements, and ensuring

that Fr Mark O'Keefe was receiving a contribution for expenses incurred during Fr Nestor's stay at St Thomas Moore presbytery.

Letter to John Nestor

39 After Fr Nestor's acquittal, I sent him a letter offering my congratulations. I no longer have a copy of this letter.

Signature *Paul Ryan*

Witness *Fr. David Catterall*

Name Monsignor Paul Ryan

Name Fr. David Catterall PP.

Date 5-6-14

Date 5-6-14

194863 Signature *Paul Ryan*

Witness *Fr. David Catterall*