

All communications should be addressed to--

Chief Commissioner of Police  
Box 2763 Y, G.P.O.  
Melbourne, Vic. 3001

Telephone:  
662 0911

VICTORIA



POLICE

CHIEF COMMISSIONER'S OFFICE  
POLICE HEADQUARTERS  
MELBOURNE

47

PC:JW

Our Ref.....

9th March, 1972.

Your Ref.....

DEPUTY COMMISSIONER:

MONSIGNOR JOHN MICHAEL JOSEPH DAY -  
Allegations against of indecent assaults.

On the 19th November, 1971, Inspector A. Irwin of Mildura, submitted a report and brief of evidence to the Superintendent "E" District concerning allegations that Monsignor John Michael Joseph Day, born 15th April, 1904, parish priest at Sacred Heart Church, Mildura, indecently assaulted two young girls and three boys between 1957 and 1966. Allegations as to attempted buggery and gross indecency were also made in relation to two of the boys.

Inspector Irwin did not recommend prosecution due to lack of corroboration and early complaint and denial by the Monsignor. In each instance, years had passed before any allegation was made to the police.

The report with brief was forwarded to your office by Superintendent McPartland, then of "E" District, for consideration by the Legal Assistant. Folios 1 - 20.

On the 28th and 30th December, 1971, Senior Detective Ryan, 11468, of C.I.B. Mildura, who commenced the enquiries in September, 1971, following information from a Mr. John Howden, Headmaster, St. Joseph's Catholic College, Mildura, delivered additional statements to Superintendent H. Duffy, successor to Superintendent McPartland at "E" District. These statements concerned alleged indecent assaults on five other boys by Monsignor Day between 1958-1970.

Superintendent Duffy in a report dated 10th January, 1972, to the Chief Commissioner advised that he had considered the additional statements together with the Brief of evidence submitted by Inspector Irwin, but did not recommend prosecution due to lack of corroboration and evidence of complaint together with the lapse of time since the alleged offences.

The Superintendent also reported as to receiving from Senior Detective Ryan a copy of a letter forwarded by the member and Mr. John Howden to Most Rev. Mulkearns, Catholic Bishop of Ballarat, as to the alleged conduct of Monsignor Day and Bishop Mulkearns' letter in reply is attached.

Senior Detective Ryan also verbally and in writing alleged that Detective Sergeant J.P. Barritt, 9815, Officer in Charge, C.I.B. Mildura, had extorted moneys from persons and paid to Sacred Heart Church, Mildura. Folio 25.

Detective Chief Inspector Child of C.I.B. Russell Street and I have enquired into the allegations against Detective Sergeant Barritt and Monsignor Day. A separate report was submitted by me on 28th January, 1972, as to the allegations against Detective Sergeant Barritt.

INVESTIGATIONS RE MONSIGNOR DAY

Senior Detective Ryan when interviewed reiterated his enquiries were initiated following information in September, 1971, from Mr. John

-2-

Howden of an allegation by a [BPY] that Monsignor Day some five years earlier indecently assaulted her daughter, [BPI] born [REDA] [REDA] 1954, when a pupil at St. Joseph's College.

The Senior Detective saw [BPY] and daughter [BPI] on 29th September, 1971, when a signed statement was made. [BPI] also told of a friend and former student, [BPZ] born [REDA] 1953, having also been indecently assaulted in 1965. The following day Senior Detective Ryan saw [BPZ] in the presence of [BPY] and she made a signed statement.

The member stated he did not utilise the services of Policewoman Hunt, then at Mildura, to interview the young women as per Standing Order 653 as she may have advised Detective Sergeant Barritt who is a friend of Monsignor Day.

Following on further information from Mr. Howden, he interviewed other males who made the statements which were included in either Inspector Irwin's brief or given to Superintendent Duffy.

He unsuccessfully attempted on three occasions to interview a [REDA] [REDA], 15 years, schoolboy, who was present with [BUI] [BUI], born [REDA] 1956, when the latter was allegedly indecently assaulted while seated alongside and being driven by Monsignor Day from Mildura to Stawell on 3rd October, 1970. [REDA] also shared a room with the Monsignor and [BUI] in a motel at Halls Gap on the 3rd-4th October when [BUI] was allegedly indecently assaulted while sharing a double bed with Monsignor Day. [REDA] father, [REDA], a well-to-do second-hand dealer and friend of Monsignor Day refused permission to interview his son as possible witness.

Detective Chief Inspector Child and I interviewed [REDA] on three occasions but he refused permission to interview his son: he informed us his son had assured him no misconduct had occurred between [BUI] and the Monsignor.

Senior Detective Ryan informed us that he did not consider Monsignor Day could be successfully prosecuted due to lack of corroboration and early complaint and lapse of time. He repeated his earlier advice to Inspector Irwin that none of the complainants desired police action and their failure to report the matters earlier was because of embarrassment, religious beliefs and personal friendship between the Monsignor and Detective Sergeant Barritt.

He had been a joint signatory with Mr. John Howden to the letter to Bishop Mulkearns because as a practising Catholic he was concerned as to the Monsignor's conduct and he believed it was in the interest of the Church and the young people with whom Monsignor Day could associate. He claimed his action as a religious privilege and not associated with his police duties. He did not discuss the allegations with Detective Sergeant Barritt as he could not trust his superior officer because of Barritt's close relationship with the Monsignor.

Detective Chief Inspector Child and I interviewed a number of persons, including [BUI], but no corroborative evidence was obtained. We particularly enquired without success as to any alleged indecent assault in recent times, exclusive of [BUI].

Senior Constable [BUR] of Mildura, made a signed statement that when eleven years old (1956) and a student at Sacred Heart Primary School, Mildura, he and another boy, [REDA] accompanied Monsignor then Rev. Father Day, to Apollo Bay to transport the Monsignor's furniture to Mildura. While staying overnight at Colac, en route and returning, he shared a bed with Day who indecently assaulted him each night.

-3-

On the 27th January, 1972, we visited Bishop Mulkearns at Ballarat. He advised us the information in his letter of 18th December, to Senior Detective Ryan and Mr. Howden to the effect the police investigating the allegations against Monsignor Day were satisfied they were without substance, was given him by Mr. Joseph Kearney, Clerk of Magistrates' Court, Mildura, who accompanied the Monsignor to Ballarat to answer Ryan and Howden's allegations.

I acquainted the Bishop as to the further allegations unknown to him and in consequence the Monsignor attended at Ballarat the following day. On Sunday, 30th January, Monsignor Day publicly announced at Masses at Mildura, he had submitted his resignation to the Bishop and it was effective as from 1st February, 1972. He was to leave Mildura immediately and intended to travel overseas for some months. He made no reference to the allegations.

#### INTERVIEW WITH MONSIGNOR DAY

We interviewed Monsignor Day by appointment at St. Joseph's Presbytery, Elsternwick, on 2nd March, 1972. He informed us he is not attached to any parish but staying either with friends or his widowed sister at Williamstown pending departure on 25th March overseas for some months. He does not expect to be appointed to any parish on his return.

He expressed the opinion the allegations have resulted from his conflicts with Howden and other parishioners who were attempting to usurp his authority in respect to the Sacred Heart Primary School. He was not involved in the management of St. Joseph's College. He had in consequence suffered malicious allegations not only as to the alleged indecent assaults but wrongfully converting government grants to the Primary School and other moneys to his personal use or to assist in defraying approximately \$200,000 costs in extensions to the parish church.

The Monsignor accused Senior Detective Ryan as actively assisting Howden, not only to have him removed but to embarrass Detective Sergeant Barritt and Mr. J. Kearney, particularly Barritt, whom Ryan dislikes and wants out of Mildura.

We did not re-interview the Monsignor as to the complaints contained in Inspector Irwin's brief of evidence. He was questioned as to the allegations of BUO [redacted], BUH [redacted] BUQ [redacted] BUQ [redacted] BUJ [redacted] and BUR [redacted] as to indecent assaults committed between 1956 and 1966 and on BUI [redacted] BUI [redacted] in October, 1970. At the conclusion of the interview of over three hours, the Monsignor signed a record of interview, copy attached.

Monsignor Day denied indecently assaulting the complainants. He admitted BUO [redacted], BUH [redacted] and BUQ [redacted] accompanied him to Melbourne and if they stayed at his widowed sister's home at Williamstown, each would have shared a double bed with him as the only available accommodation.

He agreed BUR [redacted] accompanied him to Apollo Bay in 1956, but had no recollection of staying overnight at Golac but acknowledged he would have broken the journeys to and from Apollo Bay as he was using a motor truck to transport his furniture. He denied any indecent act on BUJ [redacted] at the presbytery at Mildura.

He admitted booking into the Motel at Halls Gap on Sunday, 4th October, 1970, as Mr. J. Day, in civilian dress without any identification as a clergyman and BUI [redacted] and REDA [redacted] could have been accepted as his sons. He stated he unsuccessfully enquired for three single beds. He directed BUI [redacted] to share the double bed with him to prevent horseplay with REDAC [redacted]. He agreed BUI [redacted] left the bed and slept on the floor but explained BUI [redacted] complained of being too hot.

-4-

I gave the Monsignor a copy of the record of interview by arrangement at Russell Street on 7th March.

RECOMMENDATION

I concur with the opinions and reasons given by Superintendent Duffy and Inspector Irwin, the evidence is insufficient to prosecute Monsignor Day, but it is requested the file be forwarded to the Legal Assistant for opinion.

REDACTED

REDACTED

(J. O'Connor)  
SUPERINTENDENT.