MS FURNESS: Your Honour, I appear to assist the Royal
Commission, with Mr Angus Stewart SC, assisted by Ms Hahn,
Ms Hagger, Ms Verney and Mr Mabbitt.

THE CHAIR: What are the other appearances today?

DR HANSCOMBE: If the Commission pleases, my name is
Hanscombe, I appear pursuant to leave granted in May for
[BAA], [BAB], Peter Blenkiron and Timothy Green, all of
whom are instructed by Laura Kane of Waller Legal. I
appear for [BAS], also pursuant to leave granted in May,
instructed by Avi Furstenberg from Lewenberg & Lewenberg,
and I seek leave today to appear for [BWA], instructed by
Laura Kane of Waller Legal.

THE CHAIR: No problem there, is there, Ms Furness?

MS FURNESS: No, Your Honour.

THE CHAIR: You have that leave.

DR FITZGERALD: If it please the Commission, my name is
Fitzgerald, and I appear for Mr Paul Geoffrey Levey and
Ms Beverley Anne Levey, leave having been granted. I am
instructed by Ms Saige Exner of Dr Martine Marich &
Associates.

MR ODGERS: Good morning, Your Honour. My name's Odgers,
I appear with Dr Marich for David Ridsdale, and I
understand leave has been granted.

THE CHAIR: Thank you, Mr Odgers.

DR MARICH: If the Commission pleases, I separately
appear, my name is Marich, and I appear for [BWE], leaving
having previously been granted.

MR D. O'BRIEN: If it please the Commission, my name is
O'Brien and I appear for [BPD] instructed by Lewis Holdway
Lawyers, leave having been granted.

MR TAAFFE: If the Commission pleases, I appear for Stephen
Farrell, leave having already been granted.

THE CHAIR: Your name is?
MR TAAFFE: Taaffe, Your Honour.

THE CHAIR: Yes, thank you.

MR STANTON: May it please the Commission, my name is Stanton, I appear pursuant to leave granted on 26 November 2015 for Father Brian McDermott.

THE CHAIR: Thank you.

MS HABAN-BEER: If the Commission pleases, my name is Ms Haban-Beer, I appear with Mr Brown on behalf of the State of Victoria.

THE CHAIR: Thank you.

MR DUGGAN: If the Commission pleases, my name is Duggan, I appear for Cardinal Pell.

THE CHAIR: Yes, thank you. Do you have a leader, Mr Duggan, in this matter or not?

MR DUGGAN: I do; I'm led by Mr Meyers, but he won't be here today.

THE CHAIR: He appears, does he?

MR DUGGAN: Yes, he does.

MR GREY: May it please the Commission, I appear with Mr Woods - or I continue to appear for the Truth, Justice and Healing Council, the Diocese of Ballarat, the Christian Brothers and the Sisters of Nazareth pursuant to leave granted in May. My name is Grey.

THE CHAIR: Is there anyone else?


THE CHAIR: Yes, thank you.

MR MALONEY: My name is Maloney, I appear for Mr Collins and Mr Woods, leave having previously been granted.
THE CHAIR: Thank you.

MR SECCULL: If the Commission pleases, my name is Seccull, I continue to appear on behalf of [BAP], [BAV], Andrea Lockhart. I'm instructed by Dr Vivian Waller from Waller Legal, and I also continue to act for Helen Watson, instructed by Mr Graham Hills of Heinz & Partners, if the Commission pleases.

THE CHAIR: Thank you. No-one else? Yes, Ms Furness.

MS FURNESS: Thank you, Your Honour.

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.

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 short and long-term.

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. 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 largely consistent with that transcript.

The Royal Commission also received into evidence a 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.

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. The hearing will also examine the response of the diocese to such allegations including the movement of priests from one parish to another.

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.

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, particularly in Mildura, in the early 1970s.

At the request of Cardinal Pell, the Royal Commission will recall Mr David Ridsdale and Mr Timothy Green, each of whom gave evidence in the first public hearing.

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, he says in the 1970s, while he was a student at St Patrick's College in Ballarat.

Cardinal Pell will give evidence at the conclusion of this hearing. Cardinal Pell will be asked about matters relating to Case Study 35, which concluded last week, other than Cardinal Pell's evidence, as well as his time in the Diocese of Ballarat. Three days are available for this purpose, subject to the completion of other evidence in this Ballarat Case Study.

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 comprises 51 parishes that cover the western third of Victoria, including the city of Ballarat, which is located in the east of the Diocese.

James O'Collins was the Bishop of Ballarat between 1941-1971. Ronald Mulkearns was the coadjutor Bishop from 1968-1971, when he became Bishop. His Vicars-General were Father Frank Madden until 1976; Monsignor Leo Fiscalini until 1982; Monsignor Henry Nolan until 1991. Father Brian Finnigan was in the position from 1991-1998. Father Adrian McInerney was the Bishop's secretary from 1973-1979. Father McInerney gave evidence in the first public hearing in Ballarat. Others who held the position of secretary were Bishop Brian Finnigan from 1979-1985; Father Brian McDermott until 1990; and Monsignor Glynn Murphy until 1998.

Bishop Mulkearns retired in 1997 and was replaced by Bishop Peter Connors who gave evidence last week, who held that position until August 2012 and Bishop Paul Bird is the current Bishop of Ballarat.

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. The purpose of this college is to assist the Bishop in his governance of the Diocese in various matters, including the appointment and movement of priests in the Diocese.

In that hearing, some minutes of meetings of the college 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.

The Royal Commission will, in this part of the Case Study, hear evidence from nine current or former priests in the Diocese of Ballarat, including Cardinal Pell, who were members of the College of Consultors while Bishop Mulkearns was the Bishop of Ballarat.

These nine priests also include all Vicar-General and Bishops' secretaries to Bishop Mulkearns. Monsignor
Fiscalini and Monsignor Nolan are deceased.

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.

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

As with the Melbourne Case Study, the Royal Commission has conducted a comprehensive data survey of all Catholic Church authorities in Australia, including the Diocese of Ballarat. 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 incidents of child sexual abuse which occurred outside Australia.

The data includes claims where the allegations were substantiated or accepted, as well as where allegations were not substantiated but a claim made. The data also includes claims which are ongoing.

Between January 1980 and 28 February 2015, 140 people made a claim of child sexual abuse against priests and religious operating in the Diocese of Ballarat. The data presented today 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.

With those preliminary comments: 95 per cent of the claims related to incidents alleged to have occurred from
1950-1989. As with Melbourne, the 1970s decade had the highest number of claims; 47 or 38 per cent of all claims.

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 by the Diocese of Ballarat.

There were 38 civil claims against the Diocese relating to child sexual abuse, 33 of which resulted in monetary compensation; these claims were in relation to one or more priests. $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.

Fifty-four claims of child sexual abuse against a priest in the Diocese resulted in paid compensation through a redress process. The total amount 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.

It's clear from these figures that some claims proceeded through both civil and redress processes.

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. The priest was Gerald Ridsdale.

Turning to Monsignor John Day, as he was then known: he 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.

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.
The first alleged incident of child sexual abuse by him occurred 24 years after his ordination, when he was 50 years old. The alleged incidents occurred in the period from 1954-1973 at three parishes: Mildura, Apollo Bay and Timboon.

Of the 15 claims made against him, all were made through a redress process. Of these, nine resulted in monetary compensation, with a total payment of just over $400,000, and an average of almost $45,000. Again, some claimants received only treatment, legal or other costs.

When taking into account these costs, there was a total payment of just over $415,000 at an average of around $38,000 per claimant.

There is expected to be evidence in this part of the Case Study of complaints made to Bishop Mulkearns and other priests about Day.

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 at Mildura. He said Father Taffe's first words were, "I thought he was over all this". Within half an hour the Bishop called and said to Mrs [BPA]'s husband, "What are you going to do? Are you going to go 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.

The Royal Commission will hear evidence from Denis Ryan, a former police officer with the Victoria Police, who was stationed in Mildura from 1962-1972. Mr Ryan is expected to give the following evidence: 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.

Mr Ryan is expected to say that in September 1971 he received a 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. 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.

From the end of September till 25 October 1971,
Mr Ryan obtained statements from five current or former
students at the college, the Sacred Heart Primary School in
Mildura, and these included [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”. 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 to cease any further enquiries. Mr Ryan is
expected to give evidence that inspector Irwin was Catholic
and close to Detective Sergeant Barritt.

Inspector Irwin and Detective Sergeant Barritt
interviewed Day on 10 November 1971. Day denied all
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:

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.

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

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Transcript produced by DTI
allegations so many years after the alleged incidents may be regarded as accomplices, and indeed in need of corroboration.

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 evidence that Father Taffe is unfit to provide evidence.

In December 1971, Mr Ryan obtained two further statements; one from a man who said he'd been sexually abused by Day one year earlier and another from a former student. He provided these to Inspector Irwin.

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'd made complaints. They asked to meet with the Bishop.

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 is, Bishop Mulkearns, that this information was given to him by Mr Kearney, clerk of the Magistrates' Court in Mildura, who accompanied Day to see him.

Bishop Mulkearns also wrote:

_With regard to the question of moving Monsignor Day from the Parish of Mildura, that is clearly impossible under the circumstances. Any such move would be tantamount to a public declaration that I consider him guilty._

Mr Ryan continued to obtain statements about Day. He obtained three from former students and the fourth was from a former proprietor of a motel in Halls Gap, where one of the complainants alleged he was sexually abused by Day.
That person 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 motel room and spoke to Day about horseplay. These statements were provided to the superintendent at Swan Hill, who sent them to the Chief Commissioner.

Early the next year, superintendent John O'Connor took Mr Ryan aside, said he intended to have Detective Sergeant Barritt moved on and have Mr Ryan made a detective sergeant at Mildura. Mr Ryan told superintendent O'Connor about his investigations, said he didn't want Detective Sergeant Barritt's job, but he did want Day to be thoroughly investigated. John O'Connor is now deceased.

Mr Ryan then obtained another statement and he is expected to give evidence that he told Superintendent O'Connor twice that he thought he could get more statements but he was told he was no longer part of the enquiry.

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 wasn't removed forthwith, he'd be charged. On 30 January 1972, Day told the congregation he had offered his resignation.

In March 1972, Bishop Mulkearns informed Father Taffe that he had been appointed assistant priest at Port Fairy, a parish in the south of the Diocese. Bishop Mulkearns expressed his gratitude to Father Taffe for, "His cooperation in handling the difficult situation which arose in Mildura".

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. He remained there until he died in 1978.

The Consultors present at meetings in 1972 and 1973 will be asked about their recollections of the discussions that took place at those meetings in respect of Day.

Further, there is expected to be evidence that in 1972 the police obtained advice from the Solicitor-General, Basil Murray, in relation to Day. Mr Murray advised that
the complaints were likely to be tried separately if they
went to trial, and that they may not get to a jury due to
the time that had elapsed and the lack of corroboration.

He concluded his advice with the following words, and
I quote:

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.

John O'Connor made a statement in 2006 in response to
media articles about the allegations against Day and the
investigations by Mr Ryan. He stated that the brief of
evidence against Day was referred to the chief prosecutor
at Crown Solicitor's Office for approval to prosecute. He
also stated that the chief prosecutor reported that, and I
quote:

Bishop Mulkearns be instructed to transfer
Day to a smaller, less populated parish, a
considerable distance from Mildura.

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.

In April 1972, Mr Ryan was instructed to apply for a
transfer. He didn't want to leave Mildura and he resigned.

The Royal Commission will also hear from Mick Miller.
Mr Miller was the Assistant Commissioner, Operations in
Victoria Police from 1971-1976. 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.
Moving from Day: the Royal Commission will hear further evidence in relation to Ridsdale. That evidence will be from families and others, as I've said, about what they knew, who they told and what happened to that knowledge.

The evidence is expected to concern the parishes of Warrnambool and Mortlake and the Catholic Enquiry Centre in Sydney.

The data produced to the Royal Commission revealed that 78 people made a claim of child sexual abuse against Ridsdale. The alleged incidents occurred in the period from 1961 to 1988 at 13 institutions. The first alleged incident occurred the year of his ordination, when he was 27 years of age.

Of those 78 claims, there were 36 civil claims; 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 account treatment, legal and other costs, there was a payment of just over $2.42 million, at an average of almost $76,000 per claimant. Of these 78 claims, 48 were made through a redress scheme. Half of those resulted in monetary compensation, with a total payment of just short of $1.2 million and an average of almost $49,000. Some claimants received only treatment, legal or other costs. By taking those costs into account, there was a total payment of just over $1.2 million at an average of just over $43,000 per claimant.

In the first public hearing, the Royal Commission heard evidence that complaints were made to the Bishop of the day in the 1960s, Bishop O'Collins, in 1975, Bishop Mulkearns. 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 Father Ridsdale.

Father Brophy died in 1974, and there is another priest in the diocese with the same name, and confusion should not exist in respect of each of those.
In January 1981, Ridsdale was appointed parish priest at 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 his offending in Mortlake.

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. The next day, she and her husband rang the Bishop's office and spoke to Father Finnigan, who was the Bishop's secretary.

Mrs [BAI] asked Father Finnigan whether they needed to be concerned about the welfare of their children in relation to Ridsdale. Father Finnigan said there was no need for concern and there had been no reports of improper behaviour by Ridsdale.

On the same day they spoke to Father Finnigan, Ridsdale visited their house, Mrs [BAI] is expected to say. He visited unannounced and said, "There must be some misunderstanding", relating to the previous night at the presbytery with their son. Bishop Finnigan will be asked about his recollection of these events.

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 she next saw her son, [BPW], she knew something was terribly wrong. He curled up in the back seat of the car and wouldn't speak to her.

That evening, Mrs [BPF] and her husband drove to see Monsignor Fiscalini who was the 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 and that he would deal with it and dismissed them. They didn't even get a chance to say that Ridsdale was involved and they were not asked any questions.

Not long after this conversation, Mrs [BPF]'s sons came home with a letter from Ridsdale apologising. She has
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.

In the first hearing, there was evidence that in 1993 Bishop Mulkearns told Catholic Church Insurances that, and I quote:

There was an approach to Monsignor Fiscalini, who was Vicar-General at the time, by people from Mortlake complaining about Ridsdale and there was a doctor in Mortlake who contacted him about it.

In a further interview, Bishop Mulkearns recalled that two parents from Mortlake came to see him in August 1982. One of those parents, Mrs [BAI], is expected to give the following evidence: her son, [BPT], told her that boys had been touched by Ridsdale at 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.

She rang the mother of those boys, who confirmed that her sons had been affected. Mrs [BAI]'s husband then rang the Bishop's office in Ballarat and wanted a meeting with the Bishop. Mrs [BAI] is expected to give the following evidence about her meeting with the Bishop: she said to him that they had come due to the actions of Ridsdale and that other boys had been affected. She said 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, and I quote:

These are our kids' mortal 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.

Mrs [BPF], who is the mother of the sons that Mrs [BAI] called, is expected to give the following evidence about her meeting with the Bishop: they said,
"We've got big problems in Mortlake". 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. She said they made her think that he was totally unsuitable to be in a position of leadership.

Mr Daniel Ewing, a Mortlake father of four, is also expected to give evidence that, after hearing that Ridsdale was to leave the parish, he spoke on Ridsdale's behalf to the Bishop. After Ridsdale had left, Mr Ewing heard rumours that Ridsdale had been interfering with children and that later on he'd been charged. About six years ago he found that his eldest son was sexually abused. He will give evidence about the impact on his family.

In the first public hearing, there was a deal of 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. 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 and some other boys to White Cliffs. Mr Levey was sexually abused by Ridsdale at White Cliffs.

Mr Levey is expected to say that 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.

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 that her son had been taken away from her. Not long after Paul had moved to Mortlake, she spoke to the Bishop and said:

How can you let a child live in a presbytery with a priest? It's not
appropriate. I want Paul taken out of there.

She will say that Bishop Mulkearns responded that, there was nothing he could do as Ridsdale had Paul’s father’s approval. She had at least two other similar conversations with Mulkearns and ultimately said:

I’ll get the police unless you do something about Paul and Ridsdale.

Mr Levey was subsequently and suddenly removed from the presbytery to stay with a local family. Shortly after this, Ridsdale left Mortlake.

In the first public hearing, the Royal Commission heard that in 1994 Bishop Mulkearns told the Catholic Church Insurances that there was no suggestion that there had been any interference whatsoever with the boy in that house.

Sister Kathleen McGrath was the principal at St Colman’s Primary School in Mortlake when Ridsdale was the parish priest. Two transcripts of interviews she had were tendered at the first hearing. Her evidence in this hearing is expected to be that, 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.

She understood she couldn’t talk to the other staff members or parents about the matter. There was a stream of parents who came forward and disclosed to her 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 it and Ridsdale had been removed.

Some of the parents wanted a public forum. Sister McGrath asked the Bishop whether there could be a public forum. He said there was to be no such meeting. She asked him what could be done for the children. He said, “Nothing, because that would be admitting guilt”.

Because she understood that she was to keep things quiet, she didn’t tell any other teachers or the principal
who replaced her about what had happened. She has always
been angry that Bishop Mulkearns required her to keep
quiet.

Mr [BPE] was the president of St Colman's school
council in the early 1980s and had children at the primary
school. His evidence is expected to be that Sister McGrath
told him there had been some inappropriate conduct with
children by Ridsdale, and that the boy who lived in the
presbytery had had been abused. She said she told the
Bishop who said the situation was in hand.

Mr [BPE] spoke to Monsignor Nolan, who said Ridsdale
had gone off the rails because his brother had died and it
was a one-off, wouldn't happen again. Mr [BPE]
subsequently became aware that many more boys in the town
had been abused.

Some time later he asked Bishop Mulkearns if he would
address the situation with Ridsdale and let the community
know the church was sorry. It was not an appropriate thing
to do, Bishop Mulkearns said.

Ann Ryan was a teacher at St Colman's in Mortlake from
1973-1996. Her evidence is expected to be that, in October
1989, some seven years after Ridsdale had left, she spoke
to a mother who said her son had been badly sexually abused
by Ridsdale and provided the names of other families.
Ms Ryan visited those families. She then wrote to
Bishop Mulkearns and said the parents were still hurting
and it would be an opportunity for healing.
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. 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.

In the first public hearing, the Royal Commission
heard evidence that, after Ridsdale had left Mortlake,
Bishop Mulkearns referred him for counselling by a Franciscan priest psychologist. He didn't report Ridsdale to the police.

There was also evidence that in late 1982, Ridsdale went to work at the Catholic Enquiry Centre in Sydney. Ridsdale told the Royal Commission, in May, that he could not recall the Bishop or anyone else putting any restrictions or limitations or conditions on what he was to do in Sydney.

In that hearing, the Royal Commission received correspondence including a file note of an interview with Father James Fitzpatrick. He was the director of the centre from 1976-1987, and his evidence is expected to be that Bishop Mulkearns told him that Ridsdale 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 didn't like to enquire any further. He thought the Bishop obviously had enough confidence in this priest because he was releasing him to work at the centre.

There was also evidence that in 1983 there was a discussion with Cardinal Clancy and that Cardinal Clancy accepted Ridsdale on the same terms of his predecessor, that is, he'd work at the centre, not be in contact with children and continue counselling.

Father Fitzpatrick is expected to say that he was not aware of any conditions agreed between Bishop Mulkearns and Cardinal Clancy or his predecessor in relation to Ridsdale at the centre.

One day, Father Fitzpatrick is expected to say, he received a call from the headmaster at St Gregory's College in Campbelltown, who told him that Ridsdale had been visiting boarders. Later, he found out that a young boy or teenager had stayed the night upstairs at the centre with Ridsdale. He rang Bishop Mulkearns and asked that Ridsdale be removed. A farewell dinner was held for Ridsdale in February 1986.

Father Fitzpatrick didn't tell anyone other than Bishop Mulkearns about these complaints or the call from the headmaster. 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.

After leaving the Catholic Enquiry Centre Ridsdale had appointments at two parishes in New South Wales and then returned to Ballarat. These appointments were discussed at the Archdiocese of the Sydney College of Consultors.

Turning to Father Paul David Ryan, a transcript of his private hearing was tendered at the first hearing and there was also evidence from Helen Watson about the impact his sexual abuse had on her son as well as the family.

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

The data produced to the Royal Commission in relation to Paul David Ryan reveal that four people made a claim of sexual abuse against him. The alleged incidents occurred in the period from 1979-1992. The first occurred three years after his ordination, when he was 31 years old. One claim related to Penshurst, one to Ararat, and the other two related to alleged incidents in Virginia in the United States. All four claims were made through a redress process and a total payment of just over $182,000 was made, with an average of almost $46,000.

There's 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 aide at the Sacred Heart Primary School in Mildura.

Ryan was ultimately asked to leave the Adelaide seminary in 1971, and there's been some evidence about that. There's also been evidence that Bishop Mulkearns subsequently accepted Ryan as a candidate for the Diocese of Ballarat. He was ordained in May 1975 and went to Ballarat North.

Ryan's evidence in that private hearing, which was tendered, is that, while at St Columba's in Ballarat North, he was involved with a boy or young man, [BPN], from the
choir. He thought he was 18 years or older but accepted he could have been younger.

[BN]'s mother, Mary O'Donoghue, is expected to give the following evidence: she went to see Bishop Mulkearns and told him that her sons thought Ryan was evil, he had dirty pictures and things and he wasn't suitable to be a priest. She doesn't remember what Bishop Mulkearns' response was, but it was a brief visit and he was dismissive.

On 28 May 1976, Ryan was ordained. After his ordination he spent some time in the United States receiving therapy. While he was in the United States, in May 1978, Bishop Mulkearns wrote to Ryan and said:

> There has been some talk about incidents which occurred here in Ballarat when you were here, which talk has only come to my notice later. How widespread any knowledge of problems here is, I do not 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.

By January 1989, Ryan had been appointed parish priest at Penshurst. In the first public hearing, there was evidence that at about 1991 a complaint was made about his offending and it is for that reason he left Penshurst.

The Royal Commission is to hear evidence from the boy against whom he offended's sister, 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. The sister and her mother travelled to Ballarat and met with Father Glynn Murphy, the Bishop's secretary. He was removed from the parish within weeks.

He then went to Ararat. In the first public hearing, the Royal Commission heard evidence that Ryan was not placed under any formal supervision in Ararat. 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.

The minutes of the Consultors meeting in December 1992...
records that Ryan would not be involved in any diocesan placements in 1993. He was then sent for treatment in the United States. He then returned and stayed at the Ararat Presbytery.

Mr [BPD] was a student at St Joseph's Christian Brothers College in Warrnambool. His evidence is expected to be that he was sexually abused by Father Ryan when he was 17 years old on a school retreat. Some time later, he had decided to join the priesthood. He went to see the Father at the presbytery and, while there, Ryan walked into the room with a couple of boys who were about 15 and 16. Within a month of that time, Mr [BPB] went and saw Bishop Mulkearns in his office in Ballarat and told Bishop Mulkearns he was not going to join the priesthood and that Ryan had sexually assaulted him when he was 17. He will say that 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. Thanks very much for your help.

Mr [BPD] did not see Bishop Mulkearns again after that meeting. Bishop Mulkearns never called him. Mr [BPD] didn't go to the police.

Towards the end of 1993, there's expected to be evidence that Ryan travelled to England to stay with Pickering, a priest from the Archdiocese of Melbourne. He had previously spent time with Pickering in the Parish of Gardenvale.

In the first hearing, Father Ryan gave evidence via the tendered transcript that, once in London, he found out that Pickering was trying to avoid facing issues of his own sexual conduct with adolescents being raised by Archbishop Little. The Royal Commission understands that Ryan remains a priest although his faculties have been removed.

A list of witnesses has been, as I understand it, published; that list is, as usual, subject to variation, particularly in relation to order.

The Royal Commission received a statement last night from the Reverend John Thomas Walshe, dated 5 December 2015. He states his occupation as parish priest,
St Patrick's Mentone, Parkdale.

In this statement, the Reverend Walshe gives evidence in relation to his recollection when living with Bishop Pell when he was an assistant parish priest and Bishop Pell was the Auxiliary Bishop. He gives evidence about what he recalls in relation to Bishop Pell following, as he says it, a discussion that Bishop Pell had with Mr David Ridsdale.

As I said, this statement was received last night, and as I understand it, a summons to appear is being prepared or has been prepared, but it's certainly expected that the Royal Commission will require by way of summons Reverend Walshe to give evidence.

Just one additional matter, if I can. The Royal Commission has requested statements from a number of people, as is its usual practice, and all of those statements it has requested have been provided.

As is clear from the statement of Reverend Walshe, other parties have been, and perhaps will, provide the Royal Commission with statements relevant to this Case Study. Given that the evidence commences today, can I indicate that if any of those at the Bar table propose to provide the Royal Commission with a statement about this hearing, that they do so before the evidence relevant to that statement be given.

There will always be an opportunity to question witnesses about their evidence and any application can be made for a witness to be recalled if that application is warranted.

I would seek from --

THE CHAIR: Do we know if there's anyone who is going to provide a further statement? I take it, from the silence, no-one's intending to provide a statement. Is that right? Yes, thank you.

MS FURNESS: Thank you, Your Honour. Perhaps, if there can be a short adjournment.

THE CHAIR: I think we might take the morning adjournment now, and then take evidence after that.
MS FURNESS: At 11.30, Your Honour?

THE CHAIR: Yes.

SHORT ADJOURNMENT

THE CHAIR: Yes, Mr Stewart.

MR STEWART: Your Honour, my learned friend, Ms Furness, referred in opening to data. I tender the data analysis of claims of child sexual abuse in relation to the Diocese of Ballarat, data report.

THE CHAIR: What's the number of the Case Study for Ballarat? Where are we up to?

MR STEWART: 28, Your Honour.

THE CHAIR: What's the next exhibit number, do we know? It will be marked 28-86.

EXHIBIT #28.86 DATA ANALYSIS OF CLAIMS OF CHILD SEXUAL ABUSE IN RELATION TO THE DIOCESE OF BALLARAT

THE CHAIR: Yes, Mr Stewart.


<DAVID JAMES RIDSDALE, affirmed: [11.33am]

<EXAMINATION BY MR STEWART:

MR STEWART: Q. Please state your full name and occupation, Mr Ridsdale?
A. David James Ridsdale. I am currently unemployed.

MR STEWART: Your Honour, Mr Ridsdale has been recalled for the purposes of Cardinal Pell's representatives to ask him questions. I have nothing further for him.

THE CHAIR: I understand that, but he now has counsel, different counsel appearing for him. Do you have any questions before he is cross-examined, Mr Odgers?

MR ODGERS: No, thank you, Your Honour.
THE CHAIR: Well then, who wants to ask Mr Ridsdale questions?

MR DUGGAN: I do, Your Honour.

THE CHAIR: Only you. Is there anyone else? Yes, very well.

<EXAMINATION BY MR DUGGAN:

MR DUGGAN: Q. Mr Ridsdale, my name is Duggan and I represent Cardinal Pell. You gave some evidence, which was reading your statement in the earlier hearings in Ballarat. Is there anything that you wish to correct from that statement or that earlier evidence?
A. Nothing particular that I can think of.

THE CHAIR: Could both of you make sure you talk into the respective microphones? As you realise, there are people in Ballarat and elsewhere wanting to hear what's going on.

MR DUGGAN: Q. Mr Ridsdale, I want to ask you some questions about George Pell. You knew him as a family friend; is that right?
A. He was a personal friend of my family, yes.

Q. You had a number of dealings with him over the years?
A. Many dealings, sir.

Q. After he left Ballarat in 1984, did you have dealings with him very often in that period?
A. After 1984?

Q. Yes.
A. That's quite - I can't recall specifically. I know I saw him when I was working as a nurse at St John of God Hospital when I called him, so not as many as before 1984, no.

Q. You called George Pell in February 1993. That was because he was a man you felt you could trust at that stage?
A. That's correct.

Q. At that stage you believed him to be a man of integrity?
A. Yes, that's correct.

Q. Your previous experiences with him were positive?
   A. They were social, yes.

Q. But they were positive; you'd had positive dealings with him up till that point?
   A. I had no reason to suspect anything else.

Q. When you called George Pell, you were in Bentleigh at the time; is that right?
   A. That's correct.

Q. And he was in Mentone?
   A. Uh-huh, that would - yep.

Q. How did you have his number for Mentone?
   A. I can't recall.

Q. When you made the call, did he answer the call or did someone else?
   A. I wouldn't - couldn't recall; that's way too far back.

Q. This was not an easy call for you to make, was it?
   A. It was very difficult.

Q. And you were apprehensive about making the call?
   A. Mm-hmm.

Q. And there must have been a million things going through your mind when you made the call; was that right?
   A. I couldn't answer such a question.

Q. In your statement - and I'm not sure whether you have a copy of your statement but if you do --
   A. Not in front of me.

THE CHAIR: Can we provide a copy?

MR DUGGAN: Q. I don't need to take you to it immediately, but if you need to check your statement, you can do that. In your statement, you say that you were terrified of ringing the police to report Gerald, when you called Bishop Pell; is that right?
   A. That's what it says in my statement.

Q. It's paragraph 49, if you need to check.
A. That's correct.

Q. You also were terrified at that stage of going public. One of the reasons, as I understand it, for those fears, is the effect that going public may have on your grandmother; is that right?

A. That would be the major fear at the time.

Q. The major reason that you had those fears. Your concern about your grandmother, that was something that you made clear to George Pell in the phone call?

A. Very clear.

Q. You also made clear to George Pell, that you wanted a private process; is that right?

A. Well, yes, I was seeking help.

Q. But you made clear to George Pell in the phone call that you wanted a private process; is that correct?

A. I asked him if a private process was available, yes.

Q. And a private process is not going to the police, is it?

A. No.

Q. Because going to the police means charges, it means court?

A. Means court, public.

Q. It's very public. I just want to ask you some questions about the general tone of the conversation that you had with George Pell. You'd obviously had some experience with him over the years. It's fair to say that he has a very formal demeanour; would you agree with that?

A. My experiences with George were involved with swimming, they were involved in social activities; I'd always had positive friendly conversations with him, and the tone that the conversation eventually took was a big shock to me.

Q. But in your experience with him, before the conversation, he was often a fairly formal character; would you accept that?

A. Not with me. I saw him - I called him George, I've never ever referred to him as Father, Bishop or Cardinal. He was George. We'd see each other at the swimming pool.
Q. You wouldn't describe him as a man who wore his heart on his sleeve, would you?
A. I would make no such assertion about him at all.

Q. I'm not suggesting you have, but he's not a man in your experience that wears his heart on his sleeve?
A. He used to throw the kids around in the pool; he was the man mountain.

Q. But in an emotional sense, he's not a man who wears his heart on his sleeve; would you accept that?
A. I don't know.

Q. You've spoken to many people over the years, and I'm not talking just about before this telephone conversation, but you've spoken to many people over the years about your experiences. Is it true that some people are better at receiving that information and knowing what to say than others? Is that your experience?
A. Sorry, I'm not sure what you mean.

Q. You've discussed the experience you had as a child and the abuse at the hands of Gerald with a number of people over the years?
A. (Witness nods).

Q. Is it your experience that some people are just better at knowing how to respond to that situation and say the right thing?
A. There would be variation in all viewpoints, yeah.

Q. I think you've spoken about this conversation you had with George Pell a number of times and in different forums, but I think you once described it - that being a conversation - as being "as confusing as speaking to a difficult barrister". Do you recall saying that?
A. I don't remember saying it, but that sounds appropriate.

Q. Is it fair to say that during this conversation the lines of communication weren't as open as they could have been?
A. I actually - I don't know; my main memory of the conversation is the end of the conversation. Somewhere in the middle I became confused at his line of discussion.

Q. You became confused at his line of discussion; does
that mean that the lines of communication were interfered
with or they weren't as open as they could have been; is
that fair to say?
A. I'm not sure what you mean by open; I was very open in
my line of communication.

Q. This telephone conversation, to state the obvious,
wasn't a face-to-face conversation, so you couldn't see the
facial expressions --
A. Absolutely not.

Q. -- of George Pell. And you weren't able to see his
body language?
A. Absolutely not.

Q. Can I suggest to you this, and if you can give me your
recollection, can I suggest that there were barriers to
communication during this conversation, one of them being
the fact it was over the phone, and the other perhaps that
this was a fairly highly-charged conversation, and all
those things together meant that there were barriers
between you and George in this conversation; would you
accept that?
A. From my perspective the phone call started friendly;
it ended not so friendly. But as far as barriers, I'm not
sure if you're talking about body language?

Q. I'll ask you questions about a different topic
perhaps. I'm not sure whether you were here for the
opening of Senior Counsel Assisting, but have you read the
statement of Father Walshe?
A. I have.

Q. Do you know Father Walshe?
A. No, not that I'm aware of.

Q. He was living in Mentone, or he gives evidence that he
was living in Mentone with George Pell when he received
your call; you've seen that in his statement?
A. Yes, I've seen that.

Q. He describes George Pell's response, after that phone
call - and if I can take you to his statement, if there's a
copy available or we have copies.
A. I have a copy.

THE CHAIR: I don't think we do, do we? Should I mark it

.07/12/2015 (C134) C14191 D J RIDSDALE (Mr Duggan)
Transcript produced by DTI
now?

MR STEWART: Yes, Your Honour.

THE CHAIR: Statement of Reverend Walshe will be exhibit 28-87.

EXHIBIT #28-87 STATEMENT OF REVEREND WALSHE

MR DUGGAN: Q. Mr Ridsdale, I want to draw your attention in particular to paragraphs 7 and 8 of this statement. For the benefit of those who don't have a copy, I think it's up on screen now.

Father Walshe says, and this is after the conversation took place:

My recollection is that I could tell from his face that Bishop Pell was upset and he spoke to me immediately after his call with David Ridsdale. My recollection is that he said that he had spoken to David Ridsdale and he explained David Ridsdale's situation and his abuse by Gerald Ridsdale. My recollection is that it was generally known amongst priests that Gerald Ridsdale was being investigated by police by that stage.

I have a recollection of Bishop Pell being very concerned for David and him saying words to the effect that 'David is a mess' and that he felt terribly for him. My impression was that Bishop Pell was worried for David Ridsdale and felt sad and upset about the abuse he had suffered. To my observation, his demeanour was not that of a person that had been in a rude or angry conversation. He did not describe the call to me in that way. Instead, my strong recollection is that Bishop Pell was concerned for David Ridsdale who had been terribly affected by the abuse ...

Having read that statement, does that give you cause to reconsider whether there might have been some misunderstanding between you and George Pell in this conversation?
A. No.

Q. In your statement - and I’m referring to paragraph 52 in particular - you say:

I started to get a sense that he was insinuating things about my story and I felt like I’d done something wrong.

Do you see that?

A. I do.

Q. Also at paragraph 55, I think you describe the conversation there in these terms, at least part of it:

I have never stated that Pell offered me anything specific or tangible in our conversation, only that his attempts to direct the conversation down a particular path made me extremely suspicious of his motivations and what he was insinuating.

This conversation that you give evidence about there was more than 20 years ago; I think earlier you said it was a long time ago?


Q. You’ve played this conversation, I suggest, in your head over a number of times?

A. No, not the whole conversation; the end. I’ve always expressed which bits I was aware of.

Q. I think you describe it somewhere as a fairly important conversation in the context of your life?

A. It was life-changing.

Q. I assume from that, that it is a conversation that you’ve thought about a lot over the years?

A. Well, it’s - I have to keep thinking about it because I have to keep coming to things like this, yes.

Q. Have you spoken to many people about it, the conversation?

A. No, I don’t tend to - these are memories that you don’t necessarily want to have every day.

Q. Is it fair to say that your recollection of this
conversation now is of things rather than precise words?
A. No, the precise words at the end of the conversation are embedded in my head.

Q. Let's talk about --
A. Themes are before, but the end, no, that's embedded.

Q. One of the themes before the final part of the conversation was your housing situation; do you accept that?
A. No, that was something George started to speak about, my young family and the growing needs of a young family; that was my impression of his discussions.

Q. What I want to suggest to you about that, is that the theme of housing or general difficulty that you were having was something that you introduced to the conversation?
A. No, I wasn't having any difficulty with housing; I had a job, I was a well paid person, I had a growing family, that was not an issue for me at all, I had a house, so no.

Q. What I want to suggest, is that, you were having difficulty coping with things generally, apart from the abuse, and that in that context, of you raising that matter, George Pell did nothing more than express an offer for help; do you accept that?
A. I'm sorry, could you repeat that?

Q. I want to suggest that, at the time of the conversation you weren't coping with things generally --
A. No, I'm sorry, that confuses me; what do you mean by that? That's very broad.

Q. Well, that you were having financial difficulties?
A. No.

Q. And that you raised this issue of a house?
A. No.

Q. And that George Pell, in that context, did nothing more than express an offer of help?
A. As I wasn't having financial difficulties and didn't raise such topics, my answer would still be no.

Q. What I want to suggest, is that, there was a misunderstanding between the two of you about George Pell offering something which was untoward?
A. If that's the case, George Pell's never taken the opportunity to correct that, to contact me, or to do anything of any nature.

Q. So, you dispute that, do you?
A. I can't speak for George Pell.

Q. I'm asking you about your impression and whether there was a misunderstanding between the two of you; you don't --
A. I can't answer that, I can only answer from my perspective, which I was very confused and I told him what I thought. I asked him specifically, "What are you talking about?"

Q. I just want to go to a slightly different topic. You've been asked previously about the date of the conversation with George Pell.
A. Mm-hmm.

Q. I think that, in about 2002, you told ABC National Radio that:

I called February the 3rd 1993. It's a date I've always said.

Do you recall saying that?
A. No, I've always said it was the day before Gerald was charged. The only people who were interested in the specific dates are the legal and the media. If I've said that in the ABC thing, I have always said that it was the day before he was charged.

Q. I just want to show you the transcript, if I can, from that interview. This is the transcript of an interview between yourself, and it looks like Linda Mottram; do you recall that?
A. Not particularly. It's a long time. No, there was a lot of media, but I do - I believe this was after George Pell spoke. I can see the piece you're talking about.

Q. On the second page, and you say --
A. As it points out there, it's the date at the top of the police statement.

Q. You say there, that you called on 3 February 1993, "It's the date I've always said"?
A. It does say that. It does definitely say that.
Q. In your statement at paragraph 51, you say that:

At 9am on 2 February 1993, I rang George ...

A. That's correct, different dates.

Q. Which one is correct?
A. I have no idea, it was the day before he was charged and the date on top of the statement. So I have never - it has never been a strong concern for me, it has always been the end of the phone call. It changed my life, I rang the police.

Q. You don't recall whether it was the 2nd or the 3rd, you just recall it was the day he was charged?
A. It's a long time ago.

Q. Do you have a recollection about the date?
A. I don't. It's a long time ago. I have been asked many times in different places, shown many documents, so if there's any - as I said in my statement, most of the differences were more to do with journalism.

Q. There were a couple of articles written under the headline "Sins of the Father", one was Who Magazine and the other was Outrage; do you recall those articles?
A. I do.

Q. I can show them to you if you like, but it's reported in there, that you reported your uncle to police in 1992; was that an anonymous complaint?
A. Ninety-two? No - sorry, again, as far as dates in different articles and stuff, I would always answer when it was done and the journalists would then put their dates in. I don't take responsibility for their efforts.

Q. No, I understand that. Before you had this conversation with George Pell and before you went to the police, did you telephone Operation Paradox?
A. In 1987 or 1988, I rang with friends present in a house I was living at and I hung up. I mentioned my uncle's name and Edenhope and hung up; I didn't give any names or anything.

Q. In 87 or 88?
A. Not sure. I can't tell you actually, it could have been as late as 90 - it was in a house, in a flat I lived in Ballarat, so somewhere around those dates, before I moved to Melbourne.

Q. If I could take you to an article, which I think is from Who Magazine.

THE CHAIR: Do you want to tender this transcript?

MR DUGGAN: Yes, I would ask Counsel Assisting to.

THE CHAIR: Mr Stewart?

MR STEWART: Your Honour, I'm quite happy to tender it. It's clearly not a transcript of a conversation. It seems to be excerpts, but we'll tender it for what it is.

THE CHAIR: I was going to ask this: presumably lying behind it will be, it would seem, a recording of interviews with Cardinal Pell and Mr Ridsdale, from which this has been compiled. Do we have the whole interviews?

MR DUGGAN: We don't. We have obtained this from the internet and, in terms of its provenance and what lies behind it, we don't have that.

THE CHAIR: Mr Stewart, I'll mark it as an exhibit, but I think enquiries should be made, because it may well be that this doesn't reflect what actually was in the whole interview, and I think in fairness that's what should be done. It may not be retrievable now too, that's possible.

MR STEWART: Yes, Your Honour, that's the point I was seeking to make. It's something from the internet, but what it is, whether it reflects what actually happened or --

THE CHAIR: It reflects what went to air, I would suspect, but behind it will lie interviews but they may no longer exist. We'll receive it as an exhibit and we might have our people make enquiries to see whether we can retrieve originals. It will become exhibit 28-88.

EXHIBIT #28-88 TRANSCRIPT OF INTERVIEW WITH ABC NATIONAL RADIO
MR DUGGAN: Q. I'm going to ask you to have a look at these two articles, one from I think Who Magazine or Who Weekly, and the other from Outrage. If I can take you to the first one which has "Sins of the Father" at the top of the page; do you have that?
A. Yes.

Q. On the fourth page, halfway down the right column, the paragraph beginning:

In 1992 Peter rang the Victoria Police's phone-in.

Do you see that?
A. Yes.

Q. It goes on to refer to Operation Paradox, and it says:

He was one of two callers to name the priest, the other was David Ridsdale.

Is it your recollection that you called Operation Paradox?
A. I don't remember it as specifically as that, no.

Q. Just for completeness, the other reference is to the same effect, it's in the second article, and it is the last page, the left-hand column.
A. I see, "It's about power".

Q. Yes:

In 1992 David Ridsdale telephoned Operation Paradox, informing them that they should look into his uncle's activities during his tenure in Edenhope.

So firstly, is that correct, do you have a recollection of calling --
A. It seems a bit of journalistic licence. As I said, I made the call very briefly, I hung up after about two lines.

Q. Which part is the licence and which part is true? What do you recall saying to them?
A. I recall making a call in the flat and panicking and hanging up, mentioning my uncle's name and Edenhope and
hanging up.

Q. And you didn't give your name?
A. (Shakes head).

Q. Was that because of a concern that you had at that stage about keeping the process private and about your grandmother?
A. Absolutely.

Q. I just want to ask you some questions now about some documents which appear in the Gerald Ridsdale bundle?

THE CHAIR: Do you want these tendered or not?

MR DUGGAN: My apologies, I keep forgetting to do that. If they could be tendered through Counsel Assisting, please.

MR STEWART: I'm not sure that they need to be tendered, but I'm happy if my learned friend really wants them tendered. He's put the relevant sentence and there's been a response in relation to that sentence. Clearly, they're not evidence of anything but --

MR DUGGAN: I don't press the tender.

THE CHAIR: I think we'll give them back, Mr Duggan, unless they become more significant in the scheme of things later on.

MR DUGGAN: I'm happy with that course.

Q. The tab I want to take you to in this brief is tab 81A.

THE CHAIR: Sorry, what are we looking at?

MR DUGGAN: The Gerald Ridsdale tender bundle. I assume it hasn't been tendered yet.

MR STEWART: Your Honour, perhaps I can just deal with that bundle now. What happened is, in the first part of this public hearing there was a tender bundle in relation to Gerald Ridsdale which has an exhibit number 28-1, it's now been supplemented, and certainly how I have it, it's in two volumes. Since my learned friend is going to refer to
it, this may be a good time to tender that.

THE CHAIR: What are we tendering?

MR STEWART: What I propose is to re-tender it as a self-standing exhibit, although much of it duplicates exhibit 28-1. Because it's now been supplemented and there are additional documents in it, it will be more useful for us from now on just to refer to it as - giving it a new exhibit number.

THE CHAIR: Why not give it the same?

MR STEWART: Well, it's different.

THE CHAIR: Yes, but it's being supplemented.

MR STEWART: I think that there are some documents in it that, under exhibit 28-1, had particular tab numbers and that will now, in the way in which it's now been put together, will have different tab numbers.

THE CHAIR: So it's been re-organised?

MR STEWART: In small respects it's been re-organised; generally it's been supplemented.

THE CHAIR: As long as we don't get lost further down the track.

MR STEWART: I'm being corrected, Your Honour; it hasn't been reorganised, it's only been supplemented.

THE CHAIR: Why shouldn't we keep the same number?

MR STEWART: Keep the same number, Your Honour.

THE CHAIR: We'll note, 28-1 has been supplemented between part 1 and part 2 of the hearing.

EXHIBIT #28-1 (SUPPLEMENT)

MR DUGGAN: Q. Mr Ridsdale, the document is up on screen, it's a letter from the Bishop of Ballarat, who was presumably Bishop Mulkearns at this stage, dated 4 January 1993; do you see that in the top right?

A. I do.
Q. It's sent to the director of the facility in Jemez Springs, New Mexico; are you familiar with that facility?
A. I know of it, because my uncle was there, I believe.

Q. It's the third paragraph in this letter that I want to draw your attention to. It says:

I am afraid that we have some disappointing news regarding Gerry Ridsdale. It appears that accusations have been made following a phone-in occasion on which people were invited to report offences and police are following up on allegations and it is quite likely that Gerry will be formally charged once these investigations have been completed. Things have been going well for him in his post in Sydney, but he has now felt the need to resign from this position and is in a very difficult period of waiting.

Can I suggest that the position he was resigning from was a position in St John of God Hospital in Richmond, New South Wales; do you recall that?
A. That would probably be right, where he was, yeah.

Q. Were you aware that he had resigned from his position by the time you had spoken to George Pell?
A. No.

Q. I want to take you to the next document in the bundle, which is tab 81B. This appears to be a memorandum to counsel which was written by a solicitor for your uncle. At the beginning it says, "We act for Father Gerry Ridsdale"; do you see that?
A. I do.

Q. Then it says in the next paragraph:

He is being investigated vigorously by the Child Exploitation Unit as a result of a series of complaints ...

Then it refers to a phone-in, do you see that?
A. Yes.
Q. Scrolling down to the second-last paragraph, you see there that it says:

The immediate problem is that the members of the Child Exploitation Unit wish to interview him. Father Ridsdale wishes to make a clean breast of the whole problem and take his punishment. His instructions are that, except in one case, there has been no sexual penetration, but the police say otherwise. The police have statements from 8 children and, in accordance with counsel's previous advice, we have offered to the police to confirm or deny the statements made by the children.

Do you see that?

A. I do.

Q. The date is at the bottom of the page, 26 January 1993, so this is before your conversation with George Pell.

A. That's correct.

Q. Were you aware about the extent of these investigations at this stage, before you spoke to George Pell?

A. No. Not until I spoke to the police.

Q. Can I suggest to you that others, including George Pell, were aware that investigations were underway by the police?

A. Oh, I'm quite sure they were.

MR ODGERS: I object. I don't think he can answer that question.

THE CHAIR: I don't think he can. I don't know, but I don't know that he can help us.

MR DUGGAN: Perhaps not, and perhaps I can put this question to him and see what his response is and perhaps wait for an objection.

Q. Can I suggest to you this: that, in circumstances where the police investigation was well underway, and in circumstances where church figures were aware of the investigation, can I suggest that it was pointless for
George Pell to offer any bribe to you in this conversation?
A. I can't speak for George Pell.

Q. Do you stand by your evidence in relation to the bribe?
A. I never have said that he bribed me; I believe I've been clear on that.

Q. Let me be more accurate. If I can take you to paragraph, I think it's 53, of your statement. The key words are those in italics, the "me, George, me" conversation that is reported there. Do you see that?
A. Yes.

Q. I want to suggest to you, that George Pell never said, "I want to know what it will take to keep you quiet"; do you accept that?
A. No. I'm sorry, I'm not sure why - that confuses me.

Q. So you affirm what is said in your statement?
A. That's correct.

Q. I want to suggest to you that the third sentence there, in relation to that, you never swore at him?
A. I definitely swore at him.

Q. And, whatever your emotions during this conversation, I want to suggest that it was not an acrimonious conversation?
A. It ended acrimoniously.

Q. I also want to suggest that George Pell tried to call you after this conversation and spoke with your partner; do you accept that?
A. Sorry?

Q. I want to suggest that, after this conversation that you had in early February 1993, that George Pell tried to call you again, and didn't speak to you but spoke to your partner; do you accept that?
A. No, I've never heard that information before.

Q. For completeness, I want to suggest that this conversation that you have recorded here never happened?
A. No, utterly; that is as clear to me as the first time my uncle forced me onto his penis; these are things that stick. They changed my life.
Q. After this conversation, I think you say the next time you spoke to George Pell was at the St John of God Hospital in Brighton; is that right?
A. That's correct. He was opening a wing.

Q. And he said to you, "Oh, David, how are you going?" Is that your recollection?
A. I can't recall what he would have said specifically at all. It wasn't a life-changing situation. All I remember is, I called him George and one of the nuns said, "Why did you do that?" And I said, "He's not worthy"; that's the only thing I remember.

Q. Can I take you to paragraph 57 of your statement, please. Do you see there, the end of the second line, describing this conversation in the hospital:

George came up to me and said, 'Oh David, how are you are you going?'

Do you see that?
A. I do.

Q. Is that your recollection of what he said to you?
A. As an opening, yes.

Q. Can I suggest to you that that is a strange thing to say in circumstances where, on your version of events, the last time you'd spoken, and the last thing you'd said to him in fact was, "Fuck you, George, and everything you stand for"?
A. Again, I can't speak for George Pell.

Q. But I'm asking for your impression; don't you think that's a rather strange thing for someone to say, "Oh David, how are you going?" --
A. It would depend on his motivation.

MR ODGERS: I object. How can Mr Ridsdale answer that?
MR DUGGAN: Well, I think he can, Your Honour. He's describing two conversations that they had and I'm suggesting --
THE CHAIR: I'll allow that question, although you're getting close to the line.
MR DUGGAN: Would you like the question again, Mr Ridsdale?
A. I would.

Q. What I'm suggesting to you is that you say you had a conversation with him in February 1993. The last thing you said to him was, "Fuck you, George, and everything you stand for". The next time you spoke to him, you say the first thing that he said to you was, "Oh, David, how are you going?". What I'm suggesting to you is that that's a rather strange thing for someone to say in circumstances where you've told them what you've told them?
A. That would depend on his motivation and the fact we were in public around other people, but I can't speak for him.

Q. So you don't think it's a strange thing to say?
A. Not when we're in public.

Q. I'll move to a slightly different topic now.

THE CHAIR: Before you do, Mr Duggan, there's just one matter I'd like you to clear up, if you would. You put to Mr Ridsdale "the conversation never happened", meaning the telephone conversation. That's a somewhat ambiguous question; would you like to clear it up?

MR DUGGAN: My apologies.

Q. What I meant to put to you, Mr Ridsdale, was that at paragraph 53 of your statement you say:

I remember with clarity the last three lines we spoke together.

What I'm putting is that those three lines were never spoken in this conversation?
A. No, they're the only three I remember.

Q. Thank you, Your Honour. Up until the time of this telephone call, you say that your view was that George Pell was a man of integrity?
A. No, I thought he was friend. I never said he had integrity.

Q. Or he was a man that you respected before --
A. He was a man I thought I could trust.

Q. You saw, I assume, through media reports, that he had accompanied your uncle to court in about May 1993; do you recall that?
A. Months after we spoke, yes.

Q. And that made you angry, didn't it?
A. Sorry?

Q. That made you angry?
A. It didn't make me angry; I was already angry.

Q. Did you feel betrayed by the fact that George Pell had accompanied your uncle to court?
A. I don't remember how I felt, to be honest. No, I don't really remember how I felt. I couldn't understand it, but I don't remember feeling anything in particular.

Q. Did you see that in the media? How did you become aware of it?
A. Yeah, I must have. I didn't attend that court hearing.

Q. Sorry, I missed that?
A. I didn't attend that court hearing, so I must have seen it in the media.

Q. But you became aware of the fact that George Pell had accompanied your uncle to court about the time it happened?
A. Yes, and I remember him being asked and he saying he wasn't aware of what was happening at the time as well.

Q. When you became aware of that fact, that he had accompanied your uncle to court, did that give you cause to go back and analyse the conversation you'd had a few months earlier in February?
A. No.

Q. I want to move to a slightly different topic, and I'm almost finished. I want to show you a document. This is what I suspect may be a sensitive document. We received a copy last night from the solicitors assisting the Commission. I'm not sure whether it's redacted, but perhaps if I can put it to the witness?

THE CHAIR: Could you show it to Mr Stewart.
MR STEWART: I'm aware of the document and I believe my learned friend knows the sensitivities of it, so he'll deal with it appropriately.

THE CHAIR: Sorry?

MR STEWART: I am aware of the document and I believe my learned friend appreciates the sensitivities of it and will deal with it appropriately. Perhaps we won't put it on the screen just yet.

It's a [BWE] document.

MR DUGGAN: [BWF], I think, if I've got the list right.

MR STEWART: Beg your pardon, it's a [BWF] document. Thank you.

THE CHAIR: So it's not presently in evidence?

MR STEWART: No, it's not, Your Honour.

MR DUGGAN: I will proceed with caution, Your Honour, and I understand the sensitivities.

Q. Mr Ridsdale, this appears to be a handwritten letter; have you seen it before?
A. Never seen it.

Q. Is this a letter to you?
A. I don't know; I don't know who it's from; I've never seen this letter.

Q. Have you got a list of pseudonyms for people's names?
A. I do.

Q. Do you know - and this is on the second page of that list, almost to the end, do you know [BWF]?
A. I don't believe so. No, I've never seen this, I don't believe I know him.

MR DUGGAN: Mr Ridsdale, I know this hasn't been easy for you and I thank you for coming back to answer questions from me. I have nothing further for you.

THE CHAIR: Again, that document doesn't go anywhere at
MR DUGGAN: No, there's no need to tender it.

MR STEWART: Can I have it back, Your Honour?

THE CHAIR: Yes, give it back, I think, rather than get it lost. Mr Odgers, do you have any questions?

MR OGDERS: No questions from me, thank you, Your Honour.

THE CHAIR: Mr Stewart, do you have any questions?

MR STEWART: No, Your Honour.

THE CHAIR: Thank you, Mr Ridsdale, that again concludes your evidence, you are now again excused.

<THE WITNESS WITHDREW>

THE CHAIR: Yes, Mr Stewart.


<TIMOTHY GREEN, affirmed: [12.24pm]

<EXAMINATION BY MR STEWART:

MR STEWART: Q. Mr Green, will you state your full name and occupation for the record?

A. Timothy Andrew Green, I'm a personal trainer.

Q. I'd like to show you a statement, it's at tab 20 of the statements bundle. It will be shown to you on the screen. If you find it easier to have a hard copy, I can arrange to have a hard copy shown to you. It's a statement by somebody who's been given the pseudonym [BWD]. You have to your right a pseudonym list. If you look on that list on the right-hand side, about six or seven names from the bottom, you will see a name there. Do you know that person?

A. Yes, I do.

Q. That is one of the people whom you had named in your statement; is that right?
A. That's correct.

Q. In particular, if I can show you paragraph 9 on the top of the second page of [BWD]'s statement, do you see he says that he has been shown a statement made by you dated 22 April, and in that statement you describe an incident where you and two friends saw Father George Pell at the Eureka Swimming Pool in Ballarat, and you state that you advised Father Pell of child sexual abuse taking place at St Patrick's College, Ballarat. He goes on:

That statement does not name the two boys he claims were with him at the pool when that conversation took place. I have been advised that Tim Green named me as one of the boys present that day and [REDACTED] as the other.

I do not recall ever being at the Eureka pool with Tim Green and [REDACTED] together although that is not to say that it didn't happen. I just don't have a recollection of it. It wouldn't surprise me if I had been there with [REDACTED].

At paragraph 13 he says:

I do not have any recollection of a conversation that took place at the Eureka Swimming Pool between Tim Green and Father Pell where it was said that Father Dowlan was touching little boys.

Firstly, Mr Green, have you said that it was [BWD] who was one of the boys who was with you that day?
A. Yes, he was.

Q. What is your response to what he has to say in his statement?
A. I have no response for him. He was there, he may not have heard what I said.

Q. And what you said to then Father Pell, was that not in such a way that he must have heard it?
A. Sorry?

Q. Was that not in such a way that, if [BWD] was there,
he must have heard it?
A. No, he may not have been concentrating, he may have been doing other things, I don't know what he was doing at the time. We were sitting on a bench in the changing rooms, I was on the left-hand side, he was on the far right-hand side from me.

MR STEWART: No further questions.

THE CHAIR: Dr Hanscombe, do you have any questions?

DR HANSCOMBE: No, I don't, although possibly after the cross-examination on behalf of (indistinct) I might.

THE CHAIR: Yes, certainly. Mr Duggan?

MR DUGGAN: Thank you, Your Honour.

MR P. O'BRIEN: Can I indicate that I have some brief questions also.

THE CHAIR: I think you should probably go before Mr Duggan then.

MR P. O'BRIEN: I'm happy to.

<EXAMINATION BY MR P. O'BRIEN:

MR P. O'BRIEN: Q. Mr Green, I represent [BWF]. If you want to look at your pseudonym list, you can see what his name is. My name is O'Brien.

You commenced St Patrick's High School in 1973?
A. That's right.

Q. You were only 11 years of age, or I think you've described in your statement as being the youngest student in your year; is that correct?
A. That's correct.

Q. You have described in your statement also that the headmaster of the school was Brother Nangle?
A. That's correct.

Q. Throughout your statement you describe being sexually molested by a Brother named Dowlan. You have said in your statement at paragraph 12, if it can be brought up on the
screen please, that:

The kids at St Patrick's used to snigger about Dowlan's behaviour and say things like 'He's touching the kids again'.

Do you remember writing that in your statement?
A. Yes, I do.

Q. Is it the case that it was commonly known amongst and between the students at St Patrick's, and your cohort in particular, that Dowlan was someone who was precocious in molesting children?
A. I certainly knew anyway; I don't know whether everyone else knew.

Q. In paragraph 13, you say:

Everyone in the class knew what was going on but it was never discussed.

I take it from the statement and context of it, that you're talking about, everyone knew what Dowlan was doing; is that right?
A. That's right.

Q. In particular, it was well-known that he used to take children to the back of the class and strap them, and also at the same time sexually molest them; is that right?
A. That's what we suspected, and then when it happened to me, it confirmed it.

Q. And it was, although unspoken about, commonly known amongst your fellow students; is that the case?
A. Yes.

Q. Was there any particular term or reference or way in which that particular behaviour was referred to by your fellow students? Was he known as a child molester or any particular word given to him?
A. No, there was no words; "touching" was the word that I used.

Q. Did people call him or refer to him as a pervert?
A. No. I referred to him when I told my mother that he was a poofter.
Q. A poofter?
A. Yes.

Q. Do you know if other students around the class, or your year, or within the school, referred to him also as a poofter or a poof?
A. No idea.

Q. But that was certainly how you referred to him when you spoke to your mother about him?
A. Yes.

Q. Was that at the time, around 1973, 1974?
A. I think it was 1974.

Q. You approached, then Father Pell, at the Eureka Swimming Pool in 1974?
A. I didn't approach him.

Q. Sorry, he came into the swimming pool change rooms, you spoke to him?
A. That's correct.

Q. You were with two friends, but you're not sure - did they go to St Pat's as well?
A. Yes, they did.

Q. You say in your statement at paragraph 17, I'll have it up there for you so you can see it and refresh your memory, that you felt that:

I don't think Father Pell would have known our names, but he would have known that we were students from St Patrick's.

Do you see that?
A. Yep.

Q. Indeed, you thought that he might have had some connection or familiarity with you, because you had thanked him for coming to the school and attending a particular function at the school; is that right?
A. Yep, that's at Villa Maria, yes, but I actually thought that he would know the other two boys better than I did.

Q. The situation was, although you were only in your
first year at school, you came to recognise Father Pell as
being someone who was regularly at the school; is that
right?
A. I wouldn't say "regularly at the school", but he was
around the school. I'd seen him on a few occasions.

Q. You say in that same paragraph that he was an old
St Patrick's boy, he was known to you as being an old
St Patrick's boy at that time?
A. Yes.

Q. You say in that paragraph that "he was a big imposing
figure"?
A. That's correct.

Q. You say in that paragraph also that:

He strutted around the college when he was
there as if he was superior to everyone
else, and because of that I just assumed
that he was superior.

Do I take it from that, that he was from time to time
to be seen around and on the school grounds?
A. Yes.

Q. And that was a fairly regular occurrence?
A. Once again, I wouldn't say regular, but I did see him
at the school.

Q. So it was something that happened from time to time?
A. From time to time, yes.

Q. You're by that stage two years at the school?
A. Mm-hmm.

Q. You'd see him around the campus?
A. Yes.

Q. I think you have said in this paragraph, or elsewhere,
and correct me if I'm wrong, that he was also someone who
would officiate at the mass and ceremonies?
A. Occasionally; I can't remember any specific times that
he was doing it, but I think he did do mass when he was
there.

Q. I think you've said also in that paragraph, as I
relayed to you earlier, that he was in attendance at a school function on some occasion or other?
A. The school function that he was at when I thanked him was at Villa Maria, the primary school.

Q. Do you know, when you saw him on and around the school campus, if he was with the then principal of the school, Brother Nangle?
A. No, I don't know, but I assume that they would have. He was a bit of a dignitary, so he would have been greeted by the headmaster.

Q. I take it, from what you say as a dignitary, he was someone who you saw not only as someone who was superior as you've said in your statement, but someone who was looked up to and revered by the other teachers within the school; is that correct?
A. That's correct.

MR STEWART: Sorry to interrupt my learned friend. I'm not sure how this relates to the interests of Mr [BWF]; if my learned friend can explain that or assure us that it does, then I will sit down, but I'm conscious that we have time limitations and it isn't obvious to me how it relates to the interests of my learned friend's client.

MR P. O'BRIEN: All I can do is assure you that it does, Commissioners. That assurance really stems from the evidence of Mr [BWF] himself, and as I expect that he might be contradicted by other parties around the table.

This witness was --

THE CHAIR: Mr O'Brien, I'm not going to stop you at this stage, but some of the time you've spent so far has been merely to repeat what's in the statement.

MR P. O'BRIEN: I accept that. It was a long time since this witness gave evidence earlier.

THE CHAIR: I'm not going to stop you at this stage.

MR P. O'BRIEN: Thank you.

Q. In 1973 or 1974, both when you started at the school and when you spoke to Father Pell, did you have any idea at that time where he might have lived or worked, that is,
Father Pell?
A. No, I didn't.

Q. Did you know that at that stage he was connected with the St Patrick's Cathedral?
A. No, I - oh, yes, I did know that he - he used to do mass at St Patrick's Cathedral; I thought that he was at St Alipius.

Q. As to where he was living or working?
A. Working.

Q. But you weren't sure?
A. I wasn't sure, no.

MR P. O'BRIEN: I thank you for your time. I have got no further questions.

THE CHAIR: Mr Duggan?

<EXAMINATION BY MR DUGGAN:

MR DUGGAN: Q. Mr Green, my name is Duggan, I represent Cardinal Pell. You gave some evidence about attending Villa Maria as a primary school. I think your evidence is that in 1972, you finished at Villa Maria, and in 1973 you started at St Patrick's; is that right?
A. That's correct.

Q. Where is Villa Maria located in Ballarat?
A. Melbourne side of Ballarat.

Q. Ballarat East, would you --
A. Ballarat; yes, there was a suburb called - but I can't remember what it's called.

Q. You've given evidence about the fact George Pell would have known you from Villa Maria?
A. He would know my face, yes.

Q. And that was because, in your final year, was it, that you --
A. I don't think so; I think it was the year before.

Q. So that would have been 1971, you think it might have been?
A. I think it might have been, yes; I'm not 100 per cent
Q. Can I suggest to you that Father Pell did not move to Ballarat until 1973, when you were at St Patrick's; is that your recollection?
A. No, it's not. He may have visited Ballarat, but I did thank him on behalf of the school community.

Q. You think it's 1971 that that happened?
A. I think it was, but I'm not 100 per cent sure.

Q. Could it have been 1972 in your final year at --
A. It could have been. For those two years, anyone that came to the school I thanked on behalf of the school community.

Q. It says, I think in your statement, that you were school captain or --
A. Wasn't officially school captain, they didn't do school captains at Villa Maria, but for thanking the guests and representing the school, I used to do all that sort of stuff.

Q. If I suggested that, in 1972 Father Pell was the parish priest of Swan Hill, does that affect your evidence about this in any way?
A. I don't think so. I certainly thanked him on behalf of the school for some reason.

Q. I want to ask you some questions about the conversation at the Eureka Swimming Pool. Was the pool used by a lot of kids?
A. The pool? I very rarely went there, so I couldn't tell you.

Q. Do you recall, on the day you had the conversation with George Pell, whether or not there were a lot of kids around?
A. No, I couldn't tell you.

Q. Did you see Father Pell at the swimming pool on more than one occasion, or is it just --
A. No, just that one.

Q. I think you just said that you wouldn't go there very often; how many times would you say you'd been to the pool, do you recall?
A. No, I don't.

Q. But you didn't go there often at the time that this had happened?
A. No.

Q. Had you been there before with, and I may mispronounce the name, is it [REDACTED]?
A. [REDACTED], yes.

Q. Did you go there very often with him?
A. No.

Q. Do you have a list of pseudonym names with you?
A. Yes.

Q. Did you go there very often with [BWD]?
A. No.

Q. Was this the only occasion that you would have gone there with [BWD]?
A. I think it was.

Q. You say that there was a conversation at the pool, and is it correct that you were already in the change room?
A. That's correct.

Q. You were with [BWD] and Phillip [REDACTED]?
A. That's correct.

Q. They were in the change room with you?
A. Yes.

Q. Do you recall whether it was after school or a weekend?
A. It was a weekend.

Q. Was it school holidays?
A. I think so.

Q. How many other people, apart from [BWD] and Phillip [REDACTED], were in the change rooms?
A. George Pell and myself.

Q. And there was no-one else in the room?
A. Not that I can remember, no.
Q. Is it possible that there was someone but you don't recall?
A. I don't think so.

Q. If you could tell us something about the change room layout; was there a door that led into the change room and then another door that led out to the swimming pool?
A. I think there were two exits to get out to the swimming pool.

Q. Two exits to the pool?
A. I think, yes.

Q. Was there another exit that - in which you walked into the change room but on the other side from the pool?
A. Yes.

Q. Just the one or more than one?
A. I don't remember, I can't recall.

Q. Pool change rooms are often echoey, for want of a better word; is that your recollection as to this change room?
A. No, I don't have any recollection of that, no.

Q. But you've experienced before in a public swimming pool, sometimes the change rooms are a bit echoey?
A. I haven't noticed, no.

Q. Do you remember whether there was a lot of noise coming from the swimming pool and kids playing in the pool?
A. No.

Q. Is it possible that there was some noise coming in from outside?
A. My memory of the layout of the pool is that the change rooms were at the front, the kids' pool was at the rear I think, or the side of the main pool, and it was a fair distance away from the change rooms. It's an open air pool, it's not an indoor pool.

Q. You give evidence about a conversation with Father Pell.
A. Mm-hmm.

Q. It's a very short conversation. You might need to say "yes" for the transcript.
A. Yes.

Q. You said you were already in the change room. Had you just been for a swim or --
A. We had been for a swim, yes.

Q. Father Pell walked into the change rooms; had he just been for a swim or was he --
A. No, he was just coming in.

Q. So he came in, not through the exit towards the swimming pool, but from the other exit?
A. Yep.

Q. Do you have a clear recollection of that?
A. I don't have a clear recollection, it's a long time ago.

Q. Father Pell came in, and I assume he was getting changed, ready to go for a swim; is that right?
A. That's right.

Q. Was he standing up or sitting down?
A. We were all sitting on a bench, he walked behind us; none of us - well, I certainly didn't anyway - turned around to look at him, I kept staring straight ahead of me, so I don't know what he was doing.

Q. When you spoke to him, were you turning away from him?
A. I had my back to him.

Q. This conversation, I think you said it was a long time ago, it was about 40 years ago?
A. Mm-hmm.

Q. And you were about 12?
A. Yes.

Q. Can I put it this way: the conversation could be described as fleeting, in terms of its length?
A. I describe it as, I just blurted it out.

Q. You've said that you were facing away from Father Pell, and that you blurted this comment out; it's possible, isn't it, that he didn't hear you?
A. No, he answered me.
Q. Did you see Father Pell walk out after the conversation?
A. No, I had my back to him.

Q. I take you to paragraph 18 of your statement. The last sentence there in paragraph 18 says:

Father Pell said, 'Don't be ridiculous', and walked out.

So, did you see him walk out?
A. No, I didn't, but he wasn't in the change rooms when I left.

Q. So, he left before you?
A. Yes.

Q. Did you see his demeanour in any way?
A. No. I heard his voice.

Q. Your evidence about this conversation is pretty remarkable, it's a fairly remarkable thing to say; would you accept that?
A. Yes.

Q. You say that - at paragraph 19 of your statement - you say:

Father Pell didn't ask any questions, he didn't ask 'what do you mean?' Or 'how could you say that?' He just dismissed it and walked out.

Again, you say you didn't see him walk out; is that your evidence?
A. Yes.

Q. How did he just dismiss it?
A. He said, "Don't be so ridiculous".

Q. You say here that:

His reaction gave me the impression that ... he wouldn't do anything about it.

Is that simply because of what he said, do you say?
A. Yes.
Q. You say that your two friends never said a word, although they nodded in agreement.
A. Mm-hmm.

Q. That suggests they understood the effect of what you had said?
A. I'm assuming so, but I'm not 100 per cent sure.

Q. Why doesn't [BWD] remember the conversation?
A. I have no idea.

DR HANSCOMBE: I object to that.

THE CHAIR: I think that's a bit hard, Mr Duggan.

MR DUGGAN: I'll move on.

Q. Father Pell has come into the change rooms and he's about to go for a swim, and you've got your back to him; is it possible that he didn't grasp what you were saying to him?

DR HANSCOMBE: Well, I object to that too.

THE CHAIR: I think it's in the same territory, Mr Duggan.

MR DUGGAN: I think it's a fair question in circumstances where he's described the impression that was given to him, of Father Pell's reaction.

THE CHAIR: He's doing that from the words that he says Father Pell spoke, but beyond that, I'm not sure he can speak to Father Pell's internal mind workings. But you can ask the question, but what I'm saying to you is, I don't think the answer is going to be of any benefit.

MR DUGGAN: All right.

Q. Is it possible that Father Pell didn't grasp what you were saying?
A. I wouldn't have thought so.

Q. Is it possible that Father Pell did not hear properly what you had said?
A. I don't think so.
Q. You gave evidence earlier that [BWD] may not have heard what you said, and I think you said that [BWD] was sitting to the right of you; is that your evidence?
A. That's correct.

Q. And Father Pell was behind you, and your mouth obviously was facing away from him; it's possible that Father Pell didn't hear what you said, is it not?
A. You'd have to ask Father Pell that. His answer to me was, "Don't be so ridiculous".

Q. Is it possible that, because Father Pell walked out of the change rooms, that he didn't actually say, "Don't be ridiculous", but that was your impression of his thought process?
A. No. He said, "Don't be so ridiculous".

MR DUGGAN: No further questions, Your Honour.

THE CHAIR: Do you have any questions, Dr Hanscombe?

DR HANSCOMBE: Yes, if the Commission pleases.

<EXAMINATION BY DR HANSCOMBE:

DR HANSCOMBE: Q. How well did you know Phillip [REDACTED] at this time?
A. Phillip [REDACTED] was in my form year for 1973 and 1974, so I knew him reasonably well.

Q. Was he a close friend of yours?
A. I wouldn't say he was a close friend of mine. We befriended each other because, in 1975, we were going to play under 14 football together.

Q. So you befriended him in that year, when you were in the same class?
A. From Form 1, yeah, from Form 1 we were in the same class.

Q. And these events were at the end of Form 1?
A. These events were at the end of Form 2.

Q. What about [BWD], were you close to him?
A. No, he was in Form 1B and Form 2B, and most of the kids would sort of hang around their own form years, or form groups, in these early years and then probably split
up and go by the allegiances of football teams they played for from Years 9-12.

Q. What about the relation between Phillip [REDACTED] and [BWD]?
A. They were good friends, they went to primary school together.

DR HANSCOMBE: No, I have nothing else.

THE CHAIR: Mr Stewart?

MR STEWART: I have nothing further, Your Honour.

THE CHAIR: Thank you, Mr Green, that concludes your evidence. You are again excused.

<THE WITNESS WITHDREW>

MR STEWART: Your Honour, the next witness is [BWE]. I'm in Your Honour's hands as to whether we proceed with that immediately.

THE CHAIR: I think we might take lunch.

LUNCHEON ADJOURNMENT

THE CHAIR: Yes, Mr Stewart.

MR STEWART: Your Honour, I call the witness [BWE], bravo, whiskey, echo.

<MR [BWE], sworn: [2.02pm].

<EXAMINATION BY MR STEWART:

MR STEWART: Q. On the lectern in front of you, there's a list of pseudonyms, and adjacent to the letters "[BWE]" there's a name; are those your names?
A. Yes, it is.

Q. What is your occupation?
A. I'm a retired soldier.

Q. I'd like to refer you to your statement dated 17 November 2015, tab 21 of the statements bundle. Is that your statement of that date?
A. Of 17 November, yes.

Q. I understand that there's an additional paragraph you want to add to that statement; is that right?
A. That's correct.

Q. I'll come back to that in a moment. Is there any other correction or change you would like to make to the statement?
A. No.

Q. Do you confirm that the statement is true and correct?
A. Yes.

MR STEWART: I tender the statement, Your Honour.

THE CHAIR: It will be exhibit 28-89.

EXHIBIT #28-89 STATEMENT OF MR [BWE] DATED 17/11/2015

MR STEWART: I ask you to read the statement, including the additional paragraph when you get to the appropriate place for that.
A. “This statement made by me accurately sets out the evidence that I am prepared to give to the Royal Commission into Institutional Responses to Child Sexual Abuse. The statement is true and correct to the best of my knowledge and belief.

My full name is [BWE]. I was born in 1971 in Ballarat. I am currently 43 years old.

My mother was born in Carlton and raised in Prahran in Melbourne. My father was born in a village called Vittorito in Italy and raised there until the end of the Second World War. My parents met in Ballarat in 1954. My father was raised a Catholic and my mother converted to Catholicism in order to marry him. I am the youngest of seven children. I grew up in Wendouree in Ballarat. My family attended mass at the monastery run by the Redemptorist priests at Wendouree.

In 1976 I started kindergarten at Loreto College on Wendouree Parade, Wendouree. In 1977 I started prep at St Joseph's Primary School in Lyons Street, Ballarat. St Joseph's was a co-ed Catholic School for preparatory grades through to Grade 2. I then attended the Christian
Brothers St Patrick's Parish Primary School in Drummond Street from Grades 3 to 6. I finished primary school in December 1983.

In 1984 I went to high school at St Patrick's College. I completed my final year at Ballarat Grammar and graduated in 1989.

I was first told to stay away from the priests in Ballarat in about 1976, when I was 5. My older brother, [REDACTED], who was 12 at the time, told me about Father Gerry Ridsdale. He said, 'He will put his birdie in your bottom'. "Birdie" was the term used for "penis" in my household.

Another brother of mine, [REDACTED], who was 19 and a full-blown heroin addict by this stage told me that Brother Dowlan had made sexual advances towards him when he was a student at St Pat's.

I remember Father Ridsdale saying occasional masses at St Patrick's Cathedral while I was at Drummond Street. I don't know where he was based during this time.

I first met George Pell in about 1977. My brothers were at St Pat's and were playing football there. George Pell would attend and watch football games that my brothers were playing in. I was from a horse racing family and would see him at the Ballarat races. He had a very strong reputation in Ballarat and I also remember him being physically imposing. By the time I was 11, he had made an impression on me as someone who might be Pope one day.

By the time I was an altar boy I knew George Pell by sight. We would not have met or had a conversation, but he would have been aware of who I was because our family was very well-known in Ballarat. We were the only [BWE] family in Ballarat and my father was very well-known in the town.

When I was at Drummond Street we occasionally went to mass at Aquinas College in Ballarat because it was geographically close to Drummond Street. On some occasions, George Pell officiated those masses.

Father Frank Madden was the parish priest of St Patrick's Cathedral in the early 1980s. As the parish priest from the Cathedral, he had the most to do with our
primary school while I was there. He officiated at my First Holy Confession, which was held at St Patrick's Cathedral.

I think I had First Holy Confession in Grade 3 and First Holy Communion in Grade 4. I received Confirmation when I was in Grade 5 or 6. In around 1982, after my Confirmation, I started participating in masses and practising to become an altar boy. By 1983, I fully participated in mass as an altar boy. This was mainly at St Patrick's Cathedral. I also served at masses at the Redemptorist Monastery in Wendouree on a handful of occasions.

Altar boys were not assigned to a particular priest, they were usually assigned to a particular church. There were always two altar boys rostered on. Whoever was rostered on would be the altar boy for whichever priest was officiating at that mass.

I was an altar boy for masses, weddings, special occasions, other weekly occasions such as holy days of obligation and funerals. I was rostered sometimes on Sunday and sometimes on Saturday afternoon or evening if someone was having a nuptial mass. I would sometimes serve on weekdays if there was a requirement, usually for a requiem mass. If we were required to be at a mass on a weekday, our teachers would let us go as it was quite an honourable thing to be doing.

As an altar boy, you would carry the cross, ring the bells, help with the offertory procession part of the mass, which is bringing up the bread and wine to be consecrated. You would also help holding the boat which contains the incense for the thurible or holding the holy water if there were blessings. In funerals, more often than not, my role was to "--

I'm sorry, I'm missing a page from my statement. Thank you. I apologise.

"In funerals, more often than not, my role was to carry the bucket of holy water from which the priest or Bishop, whomever was officiating, would flick the holy water onto whatever need to be blessed.

In order to get dressed into our religious garb, we
had to go through the body of the Cathedral and through a
doorway in the upper left-hand corner adjacent to the
altar, if one is facing the tabernacle into the sacristy.
On the outside of the Cathedral there were stairs that we
called the God stairs that led to an old door that went
directly into the sacristy, but I don't ever recall going
in that entrance.

If you went through the sacristy door from inside the
Cathedral the altar boys' albs were kept in a small alcove
to the left. There was a door on it. There was a larger
area on the outside of this alcove where the priests and
Bishops and Monsignors had all their garb and where they
would get dressed.

The size of the entire sacristy would have been maybe
about 12 by 14 feet. There was always more than one altar
boy getting dressed when I was there. We would usually go
into the alcove and just put the garb over whatever we were
wearing, usually our school uniform. We did not need to
take any clothes off. For this reason, we did not normally
close the door to the alcove, there was no need to. There
would usually only be one priest officiating for a normal
mass, including for funerals. Sometimes he would have a
deacon or trainee junior priest assisting him. If it was a
big occasion, there might be a Monsignor or a Bishop or
another priest as well as the parish priest. There would
rarely be more than one priest for a funeral, unless it was
someone important or a friend of someone important.

[BWK], Andrew O'Brien and I were quite regular altar
boys at the Cathedral.

From memory, at that time there were no more than six
to eight regular altar boys at the Cathedral. Not all
operated at the same time. You would turn up when you were
required or asked. A typed roster for a month or two in
advance would be put up on the outside of the alcove where
the altar boys kept their albs in sacristy.

There is a mass that sticks out in my mind in
particular. One Wednesday in about the third week
of September 1983, I was an altar boy at a funeral at
St Patrick's Cathedral, along with another altar boy,
[BWK]. I believe it was a requiem mass for an old lady
from Bungaree, I cannot remember her name. I remember that
the mass was well attend. By that, I mean there were
probably between 100 to 150 people there.

George Pell was officiating. My understanding at the time was that George Pell was officiating because the person whose funeral was being conducted was either a former parishioner or a close friend of George Pell's. Father Madden was also present for this funeral. I think that was because he was the parish priest for the Cathedral where the mass was being held. It was probably held at the Cathedral to hold all the people who wanted to go.

I think the funeral was in the third week of September 1983, because I remember the second semifinal of the Victorian Football League being mentioned at some stage, and I think the mass was the Wednesday before that second semifinal. Ballarat was football-mad and conversations would often turn to football.

I don't remember arriving at the Cathedral but I believe [BWK] and I turned up together and we went to the alcove where we got changed. I remember Father Madden was already in the sacristy, but no-one else was there. As we were putting on our religious garb in the wardrobe, George Pell arrived. I think he came in from the body of the Cathedral. I heard him exchange pleasantries with Father Madden. I heard his voice, but I could not see him from where I was. The door between the sacristy and the alcove was open. I don't know whether George Pell saw [BWK] and me. He would have had to walk into the room and turn around in order to look into the alcove where we were getting changed.

After they had exchanged pleasantries, Father Madden said, 'How's everything down your way?' or words to that effect. George Pell responded by saying, 'Ha, ha, I think Gerry's been rooting boys again'. I may have made eye contact with Father Madden but I can't be certain. Father Madden then shut the door to the alcove where [BWK] and I were getting dressed. He didn't have to walk far to shut.

This remark shocked me to the core. It rattled me, because of everything I had learned from my brothers about Gerry Ridsdale. I did not say anything to [BWK] while we were in the alcove with the door shut. I don't know if [BWK] heard the remark by George Pell, he never said anything to me about it.
I heard words being exchanged outside, but I couldn't hear what was being said. After about 30 seconds, the door was sort of released like someone turned the handle and left it. Then [BWK] and I exited the alcove. We were changed by now. The priests were no longer in the priest's area, they were already heading towards the rear of the Cathedral to start the mass. We followed them at some distance and took up our positions.

I remember George Pell blessing the coffin with holy water during the ceremony because I nearly tipped the holy water I was carrying all over my shoes. I started to fade out because of what had occurred earlier and I could hear water pouring. [BWK] started elbowing me and said, 'Watch what you are doing'. I don't remember whether Father Madden officiated during the funeral.

Once the ceremony was complete, we went back through the Cathedral to the alcove, took off our garb and hung it up and then went back to school. There was no-one in the priest's area as the priests were doing other things with the bereaved people.

The first person I told about this conversation was my mother, in about 1984 or 1985, when I was in high school. I told her that I had overheard George Pell confirm, more or less, that Gerry Ridsdale was still having sex with boys. She said to me, 'Don't be ridiculous'. I spoke to my mother recently and she told me she has no memory of this conversation.

I stopped being an altar boy towards the end of 1983, after I overheard this conversation, because it affected me quite a bit at the time. I remember feeling scared. I wanted nothing more to do with another Catholic priest ever again.

I haven't been into the sacristy area since I stopped being an altar boy in 1983.

In 1984, I started at St Patrick's College in Ballarat. Whilst there, I was myself the victim of child sexual abuse by a member of the clergy. The effect and trauma of this on my life has been enormous. I don't like to call myself a victim because I believe I was able to escape worse abuse.
I was lucky that I had four older brothers who went to St Pat's before me and who warned me of which Brothers to avoid."

Q. Thank you, Mr [BWE]. I have a few questions in relation to your statement. Perhaps if you could go to paragraph 13, that should come up on the screen for you.

A. Thirteen, yes.

Q. You say there that you started participating in masses and practising to become an altar boy, and by 1983 you fully participated in mass as an altar boy. At that time at St Patrick's Cathedral, when you were an altar boy and preparing to become an altar boy, typically at what age did boys begin to be altar boys?

A. I don't think age came into it; it depended upon what sacraments you had received at that time. So, once you had received your First Holy Confession and First Holy Communion, you were ripe for the plucking, so to speak.

Q. Typically, when would service as an altar boy finish?

A. I would only be speculating, but I would say late teens.

Q. Typically how long would that be? In other words, between taking those relevant sacraments, Holy Confession and Holy Communion, and ending being an altar boy?

A. Possibly five or six years.

Q. You started as an altar boy in 1983; at that time, did you have an expectation as to how long you may serve as an altar boy?

A. When I started as an altar boy, it was my expectation that I would grow up and become a priest.

Q. That doesn't quite answer my question, which is, when you started being an altar boy in 1983, did you have an expectation as to how long you would continue to be an altar boy?

A. I would continue as long as I was wanted.

Q. So, would that then, in your case, have been the typical period of maybe five or six years?

A. Yes.

Q. Was it a matter of some pride to you to be an altar boy?

A. Could you repeat the question please?
Q. Was it a matter of some pride to you, to be an altar boy?
A. Absolutely.

Q. And honour?
A. Yes.

Q. As it turned out, you were only an altar boy for about one year; is that right?
A. Approximately one year; maybe a little bit longer, but not much.

Q. Why was it that your expectation as to how long you would serve as an altar boy and the reality of how long you did serve were so different?
A. Because of what I experienced in my time as an altar boy, in the conversations I overheard.

Q. Are you referring there specifically to the conversation that you've given evidence about, being the comments made between then Father George Pell and Father Madden?
A. Yes.

Q. On that point, of Father Madden, can I ask you to have a look at paragraph 24 of your statement. You say there that your understanding at the time was that George Pell was officiating because the person whose funeral was being conducted was either a former parishioner or close friend of George Pell's. You say:

Father Madden was also present for this funeral. I think that was because he was parish priest for the Cathedral where the mass was being held.

The records that we have available to us from the church and from the Cathedral specifically - I withdraw that. The information that I have available to me from Father Madden's record of service at the church says that he was a leader at the Cathedral from 1977 to June 1982, and he was then parish priest at Horsham from 1982 until, I think it was quite a long time thereafter, certainly at the period 1983 that you're speaking of.

At the time that you're speaking of, in other words,
in September 1983, Monsignor Nolan was the parish priest at
the Cathedral, he served there from June 1982 until January
1985.

In those circumstances, how sure are you that it was
Father Madden who was the person who was there with you
that day when George Pell was there?
A. I'm absolutely certain.

Q. Is there anything in particular that you refer to or
that you can remember, or that was striking that makes you
so confident that it was Father Madden as opposed to one of
the other priests?
A. Well, I remember his jaw. He had a striking jaw.
Father Madden and Monsignor Nolan look vastly different.

Q. I'm not suggesting you confused one with the other,
I'm just seeking to test your memory, thinking back, as to
whether - accepting that you knew the difference between
Father Madden and Father Nolan - whether you are sure that
on that occasion it was Father Madden who was there rather
than perhaps Father or Monsignor Nolan or someone else?
A. No, I am certain it was Father Madden.

Q. I'd like to refer you to a statement at tab 22, the
statement of [BWK]; you're familiar with who I'm referring
to by [BWK]?
A. Yes.

Q. He's the other altar boy who you said was there with
you that day?
A. Yes.

Q. In particular, if I can refer you to paragraph 28 of
his statement on page 5. I'm going to draw your attention
to particular parts of the statement and then ask you to
respond. In paragraph 28 he says:

I do not remember a funeral over which
Father Madden and Father Pell presided.

Then, over the page at paragraph 34, he says:

I can't ever remember serving mass with
[BWE]. I do not recall that he was an
altar boy, but I accept that he may have
been an altar boy during the week.
Pausing there, this particular funeral in question, I think you've said in your statement it's during the week; is that right?
A. That's correct.

Q. Then he says:

[BWE] could have been one of the group of 12, but I don't ever recall seeing him in his altar boy uniform, which I think would have stood out to me, but it just doesn't.

In paragraph 38:

I do not remember a conversation where Father Pell told Father Madden, 'Gerry is rooting little boys again'. If I did, I think I'd probably remember that. Maybe it's just because now I understand it all, but to me that seems quite an outlandish, outrageous sort of statement that would stick in my mind. I probably would have run home and told my brothers, it would have been that big. 'Rooting' was a word that was used in those days. I understood it to have some sexual connotation.

That's what [BWK] says in relation to those incidents or that event that you've given evidence about. What do you say to that?
A. Well, I can say nothing to that; I can't testify to how someone's memory works.

Q. You stand by the evidence you've given then?
A. I most certainly do.

MR STEWART: I have no further questions, Your Honour.

THE CHAIR: Does anyone else have any questions?

MR DUGGAN: I do, Your Honour, Commissioners.

THE CHAIR: Is Mr Duggan the only one?

DR MARICH: Can I reserve my rights?
THE CHAIR: I rather think maybe you should go first.

DR MARICH: I'd prefer to hear what my learned friend --

THE CHAIR: You might, but I think it's fair that
Mr Duggan be aware of everything the witness is going to
say. I wouldn't preclude you from having a right, after
Mr Duggan, if there's some matter that needs clearing up.
But you should go first.

DR MARICH: I appreciate that. In view of the lack of
preclusion, I don't have any questions. I don't wish to
elicit any new evidence.

THE CHAIR: You won't be allowed to, you understand.

DR MARICH: No, I appreciate that.

THE CHAIR: That's the course you are taking.

DR MARICH: Yes.

THE CHAIR: All right. Mr Duggan.

<EXAMINATION BY MR DUGGAN:

MR DUGGAN: Q. [BWE], my name is Duggan and I represent
Cardinal Pell.
A. Yes, Mr Duggan.

Q. I think you've given evidence that you were an altar
boy for two years, or you were practising for one year and
altar boy for a second; is that right?
A. Approximately.

Q. How old were you when you were an altar boy for that
two year period?
A. Between the age of 10 and 12.

Q. I think your evidence is roughly that you were
practising in 1982 and you were a fully-fledged altar boy
in 1983; is that right?
A. Yes.

Q. You've given evidence of a conversation that you say
took place between Father Madden and Father Pell
in September 1983; you recall reading that out before?
Q. Your evidence, quite strong evidence, is that you gave up being an altar boy after this conversation because of the effect it had upon you; is that right?
A. That is correct.

Q. Notwithstanding that strong evidence, are these events a little hazy after 30 years?
A. No, they are not.

Q. You say that it left an impression on you, or that's the effect of your evidence; a conversation of the type that you say took place would leave an impression on most people, wouldn't it?
A. I can't attest how most people would think or feel. I'm a smart man, but I'm not that clever.

Q. You say that you told your mother, I think, in about 1984/1985, of this conversation?
A. That is correct.

Q. But she doesn't recall you telling her; is that right?
A. No, my mother is in her 80s and she is suffering from dementia.

Q. You say that the VFL second semifinal was mentioned?
A. Yes.

Q. If you'll assume from me that in 1983 the second semifinal was 10 September 1983, you would know presumably that finals were usually in September?
A. That's correct.

Q. You say it was a Wednesday; are you sure it was a Wednesday?
A. I'm almost certain, almost certain it was a Wednesday.

Q. Are you certain that it was a lady's funeral?
A. Yes.

Q. And you think that the woman was perhaps from Bungaree; is that right?
A. Yes.

Q. Does the name Margaret Morgan ring a bell?
A. No.
Q. What about Gladys Pope?
A. No.

Q. I want to take you to a document.

MR DUGGAN: Your Honour, Commissioners, we'll hand out copies of these but they've also been provided to the Commission staff to put up on screen, if that is possible, they're the funeral records.

THE CHAIR: What are the documents?

MR DUGGAN: They are funeral records for St Patrick's Cathedral for 1983.

Q. I want you to assume, [BWE], that this is a document that we've obtained in relation to the St Patrick's Cathedral and appears to record funerals that took place, and requiem masses and the like at the Cathedral. If I can take you to page 3. My Latin is not strong, in fact it's absent, but the middle column appears to suggest a date of death; do you see that?
A. Yes.

Q. And the second-last column appears to be the date of the funeral or the date of burial; do you see that?
A. Yes.

Q. I referred you to two names earlier; do you see "Morgan, Margaret" about the fourth-last entry?
A. Yes.

Q. She appears to have died on 31 August 1983; do you see that?
A. Yes.

Q. If you go a couple of columns over, there only appear to be two funerals recorded in this document for September 1983; do you see that?
A. Yes.

Q. So Margaret Morgan is 5 September 1983, and Gladys Pope is 14 September 1983; do you see that?
A. Yes.

Q. If you assume that the second semifinal for the VFL in
1983 was on 10 September, does that assist you in recollecting whether it might have been one of these two funerals?

A. No, it certainly does not.

Q. The 5th of September was a Monday and 14 September was a Wednesday; does that assist in which one is more likely?

A. No, it does not.

MR DUGGAN: I tender that document, or ask Counsel Assisting to.

MR STEWART: Yes, I tender it, Your Honour.

THE CHAIR: We'll make it exhibit 28-90.

EXHIBIT #28-90 FUNERAL RECORDS FOR ST PATRICK'S CATHEDRAL FOR 1983

MR DUGGAN: Q. I take you to paragraph 20 of your statement. Your evidence there, starting at the end of the second line:

If it was a big occasion, there might be a Monsignor or a Bishop or another priest, as well as the parish priest.

Do you see that?

A. Yes.

Q. It would be unusual for a requiem mass to be said without the parish priest, wouldn't it?

A. I don't know the inner workings of how the Catholic Church runs itself.

Q. No, but I'm referring to your statement. You say:

If it was a big occasion, there might be a Monsignor or a Bishop or another priest, as well as the parish priest.

A. Yes, that happened on occasions, yes.

Q. Is your evidence, that that was the usual course, that if there was a big occasion or a requiem mass, that one of those officiating would be the parish priest?

A. Occasionally, yes.
Q. Isn't it the case that it was more than occasionally, it was the usual practice?
A. Well, I think you're putting words in my mouth. I don't know if that was the usual practice; all I know is that, as an altar boy during certain masses, Monsignors or Bishops would officiate depending on the gravity of the mass or the funeral or how much donations that person had made to the church. There's a lot of variables.

Q. Would the parish priest, during the time that you were an altar boy - sorry, I withdraw that.

I want to take you to another document, or two documents; again, this has been distributed. The first one is a plan of St Patrick's Cathedral. Do you have a hard copy of that document?
A. Yes, I do.

Q. Does that look to you like the layout as you recall it of St Patrick's Cathedral?
A. It's a fair approximation.

Q. You've obviously given evidence about this conversation that you overheard whilst you were getting changed into your altar boy robes or garb.
A. Yes.

Q. Can I ask you to please mark, with a pen - and if you don't have one, if one might be given to you - where you say you were when you overheard the conversation.
A. Approximately?

Q. Yes.
A. (Witness marks document).

Q. How have you marked that?
A. With a circle.

Q. Can you please mark, with a "GP" and an "FM", where you say George Pell and Father Madden were?
A. You didn't read my statement?

Q. I'm just asking you to please mark on the map where you say they were?
A. That would only be an approximation, because I was in an alcove when I heard that conversation take place.
could not say for any degree of certainty exactly where both gentlemen were standing and whether one was facing north or one was facing south.

THE CHAIR: I think, Mr [BWE], if you just give us an indication of where you believe they were; we appreciate you couldn't see him at the time.

A. Your Honour, I can put a ring on the document and write "GP" and "FM" in there, if that will suffice.

THE CHAIR: That sounds like it will do. See how that goes.

MR DUGGAN: Q. Can I ask to see that document, please?

THE CHAIR: We'll have a look first, I think, Mr Duggan.

MR DUGGAN: I'm happy with that.

Q. Do help us understand, Mr [BWE]. Can you look at the plan. Where it's said to be "work room" - do you see those words?

A. Say that again, Your Honour.

Q. Where the words "work room" are - have you got a hard copy there with you?

A. I haven't, I've handed it in.

Q. Have we got another hard copy? See where the words "work room" are?

A. Yes, Your Honour.

Q. What's the nature, as you recall it, of whatever is represented by the parallel lines around that "work room" area?

A. Okay, Your Honour. If I remember correctly, 31 years ago - sorry, 32 years ago, that was where the altar boys would hang their albs and where we would get changed.

Q. So, could you walk into that area?

A. As far as I remember, it was a type, a type of, walk-in wardrobe.

THE CHAIR: Mr Duggan?

MR DUGGAN: If that document might be returned to the witness, please. (Marked document returned to witness).
Q. If I read your markings on that plan correctly, are you saying that Father Pell and Father Madden were outside the sacristy, or the room marked as "sacristy" on that map?
A. That is a possibility.

Q. I want to take you to paragraph 26 of your statement. Do you see that second sentence?
A. Yes, I do.

Q. Your evidence is:
I remember Father Madden was already in the sacristy but no-one else was there.
Do you see that?
A. Yes.

Q. What I want to suggest to you is that the version of events that you've given in your statement puts Father Madden in the room marked "sacristy" on this map; do you accept that?
A. Are you saying, at the time I overheard the flippant remark, or at the time I arrived?
Q. At the time you overheard the flippant remark?
A. At the time I overheard the flippant remark, I couldn't say exactly where Father Madden was standing.

Q. You say, and it appears with some certainty in paragraph 26 of your statement, that the door between the sacristy and the alcove was open; do you see that?
A. Yes.

Q. What I'm suggesting to you, is that, the only relevance that would have is if Father Pell and Father Madden were inside the sacristy; do you accept that?
A. I accept that Father Madden was already in the sacristy.

Q. I want to show you another document?
MR DUGGAN: If I could tender that one please.
THE CHAIR: We'll make the plan as marked by the witness exhibit 28-91.
EXHIBIT #28-91 PLAN MARKED BY MR [BWE]

MR DUGGAN: Q. I'll show you a photograph. Does that photograph look familiar to you?
A. Before I answer: may I ask when this was taken?
Q. Recently, as in, a few days ago.
A. Well, I must say, it looks a lot more renovated than what I remember.
Q. In what respect?
A. New floor coverings, new carpet, freshly varnished doorways, paint job.
Q. Is the layout as you recall it?
A. Basically, yes.
Q. I want to suggest to you that the photograph is looking into a room, and I'm talking about the room with one door closed, one door open, and that that room is the sacristy; is that your recollection?
A. I would have to agree with you, yes.
Q. I want to suggest to you that the photograph is being taken from the position of the room in which the altar boys got changed; do you accept that?
A. Unless I was behind the camera - I would have to take your word for it, Mr Duggan.

THE CHAIR: Mr Duggan, it might be best if you told us, on the plan, where the photographer was standing, because at the moment I'm not sure I'm correctly oriented either.

MR DUGGAN: Certainly, Your Honour, I'm happy to do that.
Q. If you could go to the plan, [BWE], and do you see the room marked "work room" between the chapel and the sacristy?
A. Yes.
Q. I want to suggest to you that the photographer was standing in that room, facing towards the sacristy to take the photograph?

THE CHAIR: Will that be the evidence? Because, you see, there's a second set of doors. You see the doors to the sacristy, then there's another set of doors, and which
doors are they?

MR DUGGAN: The doors closest to the photographer are the
doors of the work room, and the doors furthest away are
those of the sacristy.

THE CHAIR: Then there's another set of doors behind the
photographer, is there?

MR DUGGAN: Yes, that's right.

THE CHAIR: Then there's the two doors, I assume - well,
one door looks like it goes to the outside; is that right,
between the sacristy and the work room?

MR DUGGAN: That's as it appears, yes.

THE CHAIR: And the other door goes into another room?

MR DUGGAN: Yes.

THE CHAIR: So that, someone coming into the sacristy can
come through that door; is that right?

MR DUGGAN: I don't know, is the accurate answer.

THE CHAIR: I think we now understand.

Q. Do you understand that, Mr [BWE]?
A. I'm just as confused as everyone else, I think,
Your Honour. I can see the doors. I'm looking, trying to
match up with the plan and the photograph. I think you
might have needed a better photographer.

THE CHAIR: Don't worry about that, but it would seem that
what's being said is that the photographer is standing
about in line with one of the "Os" in the word "room" or
thereabouts.
A. Your Honour, I'll accept that the doors, where one is
closed and one is open, I will accept that that is the
double door to the sacristy, and the two doors that are
open is the outer door of the work room that joins up with
what we called "the God door".

Q. And that's the door to the outside, is it, the God
door?
A. Yes, Your Honour.
COMMISSIONER MURRAY: Q. Well, I'm even slower than the rest of you, so let's see where we go now. On the left-hand side of the photograph is a wooden structure, which has a white piece of paper on it; can you see that?
A. Yes, I can, Your Honour.

Q. Is that that walk-in wardrobe that you were talking about?
A. Quite possibly, although the timber does look newer.

Q. But is that where it would have been positioned?
A. Approximately, Your Honour, yes.

Q. Because, if you look on the plan, there's a return, so you've got what we can see, and then it should go round to the left there; is that right?
A. Yes, Your Honour.

THE CHAIR: In fact, you can see the person on the right-hand side of the photograph leaning on the top of some sort of cupboard, I think that's probably the cupboard represented by the triple lines on the other side of the plan.
A. That's a windowsill, Your Honour.

Q. It does put the photographer maybe opposite the "R" of "room" or thereabouts?
A. Yes, I would accept that, Your Honour.

MR DUGGAN: Q. You say you were standing in that room in which the photographer was in, getting changed, when you overheard this conversation?
A. Yes.

Q. In paragraph 26 of your statement, you say that Father Madden was already in the sacristy, being the furthest room in that photograph?
A. Yes.

Q. Do you accept that, at least if this photograph is correct, it would be very difficult to overhear any conversation going on in the sacristy?
A. I don't accept that at all. If the doors were closed shut, maybe I would, but the doors were not.

MR DUGGAN: I tender that photograph.
THE CHAIR: It will be exhibit 28-92.

EXHIBIT #28-92 PHOTOGRAPH OF SACRISTY DOORS

MR DUGGAN: Q. You refer to a conversation in paragraph 28 of your statement, if I can take you to that. That is the conversation that you say you overheard:

... Father Madden said, 'How's everything down your way?' or words to that effect. George Pell responded by saying, 'Ha, ha, I think Gerry's been rooting boys again'.

Is that your evidence?

A. Yes.

Q. I want to suggest to you that that is utterly false, what do you say?

A. I say that you are incorrect.

Q. This phrase that Father Pell is alleged to have used, "I think Gerry's been rooting boys again", I want to suggest to you that that has never been language that Father Pell has ever used; do you accept that?

A. No, I do not.

Q. It's simply something that he would have said?

A. I don't accept that at all, Mr Duggan.

Q. You say that this conversation took place in 1983; is that right?

A. That is correct.

Q. Were you aware that Gerald Ridsdale was in Maroubra in New South Wales in 1983?

A. I have no idea where Mr Gerald Ridsdale was in 1983.

Q. I want to suggest to you that, in November 1982, he started working at the Catholic Enquiry Centre in Maroubra in Sydney; can you assume that?

A. I'll assume that.

Q. And, assuming that, the statement, "How's everything down your way? Gerry's been rooting boys again" makes absolutely no sense whatsoever; do you accept that?

A. No, I do not accept that.
Q. In fact, Gerald Ridsdale had been out of Ballarat for the better part of a decade; is that your recollection?
A. I do not know where Gerald Ridsdale was, and quite frankly, at that time in my life I did not want to know.

Q. I want to suggest to you that Father Pell never said a requiem mass in September 1983; do you accept that?
A. No, I do not.

Q. I want to also suggest that you didn't stop being an altar boy because of some overheard conversation, and this conversation is pure fantasy; what do you say about that?
A. I say you're incorrect, Mr Duggan.

MR DUGGAN: Your Honour, Commissioners, I have no further questions.

THE CHAIR: Mr Stewart?

MR STEWART: Nothing further, Your Honour.

THE CHAIR: Thank you, [BWE], thank you for your evidence, you are excused.

<THE WITNESS WITHDREW>

MR STEWART: I call the next witness who's [BWA].

<MR [BWA], affirmed: [2.55pm]

<EXAMINATION BY MR STEWART:

MR STEWART: Q. Sir, if you have a look at the list of pseudonyms which is before you, in the right-hand column further than halfway down, next to the letters "[BWA]", there are some names; are those your names?
A. Yes, they are.

Q. Can I show you a statement dated 21 October 2015, it should come up on the screen. Is that your statement?
A. Yes, it is.

Q. Are there any corrections you would like to make to the statement?
A. No, there's not.
Q. Do you confirm that it is true and correct?
A. Yes, I do.

MR STEWART: I tender that statement, Your Honour.

THE CHAIR: Will be exhibit 28-93.

EXHIBIT #28-93 STATEMENT OF [BWA] DATED 21/10/2015

MR STEWART: Q. I ask you to read your statement.
A. "This statement made by me accurately sets out the evidence that I am prepared to give to the Royal Commission into Institutional Responses to Child Sexual Abuse. The statement is true and correct to the best of my knowledge and belief.

My full name is [BWA]. I was born in 1956. I am currently 59 years old.

I attended Catholic schools in Melbourne until Grade 3. In 1964, I moved to Warrnambool with my parents. I went to the Christian Brothers College in Warrnambool until Form 5. I was an altar boy at St Joseph's Church Warrnambool from the age of 10 until I was about 14.

I was brought up in a pretty strict Catholic environment. There was no-one higher in society than the local Catholic priest. He was the pinnacle of the Catholic family structure.

Father Gerald Ridsdale

I remember Father Gerald Ridsdale arriving in Warrnambool. He was introduced into our family where he was made welcome and would commonly be given meals and drinks at our home. Monsignor Fiscalini was the parish priest of Warrnambool at that time.

Ridsdale sexually abused me for a period of about two years when I was 14 and 15 years of age. The abuse would often occur in the garage area of St Joseph's Church and whilst on trips outside Warrnambool to attend remote parishes. I did not tell anybody what Ridsdale was doing to me during that period.

It would have been impossible to tell my parents what was going on. I don't know how I would have explained
sexual assault to them.

Ridsdale was the chaplain for Christian Brothers College, Warrnambool. Several times a week Ridsdale would come into the classroom and choose a boy to serve on the altar for masses or other ceremonies. Several boys in my class, including me, would cringe when we heard him knock because we knew who it was and what would occur.

Once the abuse had commenced, I went from being an A1 student to being someone that my dad wanted to kick out of the house.

I often would not go to school so I could avoid bumping into Ridsdale. I would always check that Ridsdale's car was not parked in front of my house when I went home. If it was, I would wait until he left.

Just before my 16th birthday, in April 1972, I ran away to Adelaide because I just couldn't stand going to school anymore. By this stage Ridsdale had been moved away from Warrnambool, but I was still in a really bad place. I wasn't the same person I was before meeting Ridsdale and I wasn't who I wanted to be.

I had become isolated and alone. I didn't want friends or relationships. I didn't want to be at home and I didn't want to be at school. I was blamed for everything that went wrong at home and school. The guilt I felt after being abused, I still feel to this day. This was made worse by the fact that no-one knew what had happened to me. I was so confused.

I was in Adelaide for four days then hitchhiked back to Warrnambool. In the meantime I had been reported to police as a missing person by my parents.

Father Tom Brophy

Father Tom Brophy was a priest in Warrnambool from 1972 until 1974. Broph was not there while Ridsdale was still in Warrnambool. He looked after wards of the state and tried to keep kids off the street and out of court. Although I was not a ward of the state, I became one of his charges to a degree. He was pretty good mates with my dad.

When I got back from Adelaide, I went down to the
presbytery because I wanted to see Broph, he was the only person that I trusted. The housekeeper told me that he was asleep and I couldn't talk to him so I went down to the St Paul's Youth Centre in Kepler street. Not long after, the police turned up because someone from the parish had rung them. They arrested me because I was listed as a missing person.

I ended up in the Children's Court and was then released back into my parents' custody. However, the relationship with my parents continued to deteriorate.

Some time later, Broph arrived at my house late one evening. My dad came and got me out of bed and Broph took me down to the presbytery. He asked me what was going on. As was my usual practice, I tried to push him away. I don't know what I said to him, but he didn't give up asking questions. I ended up snapping and I hit him because he was prying too hard.

He asked me why I hit him and I told him exactly what Ridsdale had been doing to me: oral sex, anal penetration with fingers, taking me out of school to serve at funerals and different church ceremonies. I told him that I always believed the Christian Brothers knew. Ridsdale was taking too many kids out of school too often for them not to notice.

I told Broph everything in pretty graphic detail and he basically sat slumped on the chair. He looked at me and said, 'It can't be true'. I said, 'I can give you a dozen names of other kids involved'. We talked for another couple of hours after that.

Broph assured me that he would put a stop to it. He was someone I believed in implicitly. He told me that he and Monsignor Fiscalini would go to Bishop Mulkearns in Ballarat.

After I had spoken to Broph I went back to school. I remained at the Christian Brothers College until the end of 1972 when I left at the age of 16.

Broph never raised this topic with me again. He died suddenly in 1974.

I would see Ridsdale around occasionally over the next
few years, as he was stationed in different parishes in the
district. From about 1977 until 1982, I worked at the
Warrnambool co-op. Ridsdale was parish priest at Mortlake
at the time and he used to come in with young kids from
St Colman's. When he would come in, I used to go and hide.
I was petrified of him. I couldn't handle it at all
because I knew what was going on with the kids.

Father Brian Finnigan

In 1989, my wife was pregnant with our first child.
At that stage, I did not know if I wanted to be a father as
I wasn't sure that I could protect that child. It was
easier to be an isolationist rather than part of a family.
If you weren't too close to someone, you couldn't get hurt.

My wife insisted that I tell her what happened in my
past to cause me to behave the way I did. She sat on the
bed and I sat on the floor and she listened to me for two
hours. I didn't tell her everything, but told her enough
so that she could understand what was going on.

After this conversation, I sought assistance from Bill
Bradley who was a psychologist in Warrnambool.

Some time later, I contacted Father Brian Finnigan in
Ballarat [REDACTED]. I told him I wanted to talk to
someone about forgiveness. He put me in touch with a
clinical psychologist priest named Father Dan Torpy.

A few weeks later I visited Father Torpy in the
Ballarat area. I met him in the presbytery but I cannot
remember the church it was attached to. All the way there
I wanted to stop and turn around.

I explained to him that Ridsdale had sexually abused
me when he was in Warrnambool. Father Torpy told me that
Ridsdale was now in New South Wales in an administrative
non-community contact area and the church were monitoring
his behaviour.

I wanted to speak to Father Torpy about getting back
into the Catholic Church community. He said that the first
thing I had to do was learn to forgive as that was what the
church was built on. He also said there was no need to
report Ridsdale's offences to the police.

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There was no way I was going to be able to forgive Ridsdale. We were supposed to care enough to forgive him, but he didn't care enough to apologise to us.

After this conversation, I basically got up and walked out. Father Torpy's words made me feel like it was still my fault. I didn't achieve anything that day, other than to move further away from the church.

In April 1993, I made a police statement. Ridsdale ended up pleading guilty to charges relating to his sexual abuse of me and a number of other children.

In July 1993, I wrote a letter to the Pope."

Do I need to read out the reference?

Q. No.
A. "I just had to let it out of my system because of this theory of forgiveness. I gave Brian Finnigan a copy of that letter.

I continued to have conversations with Brian Finnigan on and off over the years. During one of those conversations I told Brian 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.

Since the commencement of the Royal Commission, Brian Finnigan told me that all priests were to hand over whatever information they had relating to any victims of sexual assault by clergy. He emailed me a copy of my 1993 letter to the Pope. I had completely forgotten that I gave this to him.

What I would like to see in the future is for people to listen to kids. If you think that something is wrong, then something probably is wrong. In my case, my personality totally changed. What I was like before I met Ridsdale was the polar opposite to what I was like after.
There were many hints and clues that something wrong was taking place but no-one apart from Broph ever asked me what was happening to make me behave the way I was.

I would like Bishop Mulkearns to stand up and say, 'Yes, I knew and I am sorry', rather than giving a politician's response and avoiding the questions."

MR STEWART: Thank you, Mr [BWA]. I have no further questions for the witness.

THE CHAIR: Does anyone else have any questions? No. Thank you, [BWA], thank you for your evidence, you are excused.

<THE WITNESS WITHDREW


<EXAMINATION BY MR STEWART:

MR STEWART: Q. Mr Levey, will you state your full names and occupation?
A. Paul Geoffrey Levey, and I'm a publican.

Q. Mr Levey, I'll show you a statement of yours dated 29 September 2015, it should come onto the screen. Do you confirm that is your statement?
A. Yes, that's my statement.

Q. Are there any corrections or changes you wish to make to the statement?
A. No, there isn't.

Q. Do you confirm that it is true and correct?
A. Yes, I do.

MR STEWART: I tender the statement, Your Honour.

THE CHAIR: It will be exhibit 28-94.

EXHIBIT #28-94 STATEMENT OF PAUL GEOFFREY LEVEY DATED 29/09/2015

Q. I ask you to read your statement?
A. "This statement made by me accurately sets out the evidence that I am prepared to give to the Royal Commission into Institutional Responses to Child Sexual Abuse. This statement is true and correct to the best of my knowledge and belief.

My full name is Paul Geoffrey Levey. I was born in 1968. I am now 47 years old.

I am an only child. My mother was a very staunch Catholic. From 1968 to 1970 I lived with my parents in Singapore as my father was a soldier in the Australian Army.

We moved to Melbourne in 1970 and we lived there until 1973 in army housing. In 1973, we moved to Keysborough, a suburb of Melbourne, where I went to Chandler Park Primary School, and in 1980 I started secondary school at St Bede's Mentone.

Ridsdale

I met Gerald Ridsdale in 1980 when I was 12 years old. Ridsdale was studying at the National Pastoral Institute in Elsternwick at the time. He was introduced to us through a friend of my mother's who was a nun, Sister Genevieve.

The nun suggested my mother and I go on a camping trip to White Cliffs with Ridsdale and some other boys. My mother and I went to White Cliffs and camped there for about two weeks. This was in early 1980. I remember that some of Ridsdale's relatives, including nephews, were also there. This was the first time I'd ever spent any time with Ridsdale.

Ridsdale sexually abused me on this trip by masturbating me and forcing me to touch him.

When we came back, Ridsdale then became more of a family friend. He used to come to the family home or St Bede's and take me to the beach at Mentone and Black Rock.

During 1980, I stayed with Ridsdale at the National Pastoral Institute for the weekend about six times. He had a little self-contained unit there. Each time, Ridsdale asked my parents if I could stay with him, and he picked me.
up from school on Friday afternoons. He would abuse me there by way of oral sex and masturbation.

Mum and dad separated in 1980. Mum and I stayed in Keysborough. Ridsdale would often come and stay at our house for the weekend. He got more involved in trying to help the family. I went back to White Cliffs with Ridsdale at one stage in 1981 and the same sexual abuse took place.

After Ridsdale finished his course, he left the institute. As part of his studies he published a book that included photos and stories about me and my family. I no longer have a copy of this book.

I don't know where he went then, but he still used to visit and send cards and things like that.

I left St Bede's after completing Year 8 in 1981 because mum could not afford the school fees. I then went to Chandler High School for a time. I started playing up at school and was moved to Keysborough Tech School. I didn't attend school much.

Around this time, Ridsdale stayed at our house overnight. I had taken some of his keys by mistake. Ridsdale came to Keysborough Tech to look for me but was told I hadn't been there for weeks. Ridsdale told mum that I hadn't been attending school and I was sent to live with dad for a short time.

Around Easter 1982, when I was 14, Ridsdale and dad decided to send me to live at the presbytery at Mortlake, where Ridsdale was serving as a parish priest. I had no real say in that. I went to school at the Catholic Regional College at Noorat.

I lived with Ridsdale from Easter to about October 1982. I was sexually abused all the time, just about every day. I had my own bedroom at the presbytery, but that was a front. I always slept in Ridsdale's room where there was two beds. No-one else lived in the presbytery.

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. My friends used to come and visit me at the presbytery, although I tried to stay at

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their houses as much as I could. 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.

I remember on one occasion Bishop Mulkearns came to
visit. I remember having to clean up the church and the
presbytery for the visit, and I remember the housekeeper
was busy making cakes. I recall being present and being
nervous about the Bishop's visit.

In October 1982, I was suddenly moved from the
presbytery out to a farm with a local family, the Smiths.
Ridsdale told me I had to live with the Smith family
because the Bishop no longer wanted me living with him. I
was happy to be moving as I was good friends with one of
the Smiths' son and it got me out of the presbytery and
away from Ridsdale.

Shortly after, I moved in with the Smith family,
Ridsdale left Mortlake, and then moved to New South Wales.
I rarely saw him after this.

I lived with the Smith family for a while, I can't
remember how long. After that, I went back to live with my
dad in Sunbury and Ridsdale used to visit me there. I
remember one day I had an accident on a trampoline and was
admitted to the Austin Hospital. Ridsdale came to visit me
there and I can remember telling mum I didn't want him near
me, and I didn't like him touching me.

The last time I spoke to Ridsdale was when I was
preparing to get married in 1990. My fiance contacted
Ridsdale to see if he could conduct the ceremony. I
received a phone call from Ridsdale who was in New Mexico
at the time and he told me he couldn't do the ceremony.

It was not until the early 1990s when Derryn Hinch
named and shamed Ridsdale as the worst paedophile in
Australia that I told my dad about the abuse. That was the
first time I ever told anybody. Dad rang and said, 'What
happened? I just watched the program on Hinch'. I told
him what Ridsdale had done.

At the time, my dad also told me that, whilst I was
living with Ridsdale in Mortlake, a nun in charge of the
Catholic Regional College Noorat Campus had rang him and
told him to get me out of that environment. She said it wasn't good and I wasn't doing my school work, and strongly suggested I be moved from Mortlake. My dad has now passed away and I don't know the name of the nun who called him.

My dad and I went to the Sunbury Police Station and I made a statement there originally, and then I think it went to Warrnambool. The police at Warrnambool were very good and supportive and I felt they were on our side. Court was pretty hectic and hard, but it was good to see that he was being punished. Ridsdale pleaded guilty to a number of charges relating to me.

The criminal proceedings brought up a lot of memories and there was no real support. I blocked a lot of it out.

In recent years, mum told me that whilst I was at Mortlake she'd rang Bishop Mulkearns several times because she wanted me to come home. She told me that it took her a while to get through to the Bishop and, when she did, he virtually told her, 'Bad luck, it's an arrangement between Ridsdale and Paul's dad'.

Prior to meeting Ridsdale I was doing really well, and when he came along, the situation in my life changed dramatically. I bottled it up for years afterwards.

I ended up finishing school halfway through Year 10 and struggled with drugs and alcohol when I was in the army and quit in the end. I have drunk alcohol in order to sleep most of my life. I have only recently stopped because I am taking sleeping medication instead.

The abuse has impacted my relationships. My kids have had a hard time. They have seen me at my best and my worst. I have made multiple suicide attempts.

Work has kept me going. If I keep busy, I was all right, and I managed to keep busy, except for a few times when I had to go to hospital. I have been diagnosed with depression, anxiety, post-traumatic stress disorder, and have had psychiatric admissions and psychological help over the years.

A recent car accident meant I had to give up work. This has triggered more trauma and it has been hard not having work to keep me busy.
To this day, Ridsdale still haunts me. I am also angry that others have not stood up to their actions in helping cover all this up."

MR STEWART: Thank you, Mr Levey. I have no further questions, Your Honour.

THE CHAIR: Does anyone else have any questions? No, thank you -

DR FITZGERALD: Your Honours, I do have questions, I was just seeing if there were other parties.

Q. Mr Levey, my name is Fitzgerald, as you know. I act for you. You say in your statement that it was a matter of common knowledge within Mortlake that you were living at the presbytery. Were you introduced by Father Ridsdale to visitors to the presbytery?
A. To everybody that was there. We'd go out to different families around the place and I'd be introduced there and I'd be introduced at the school and the presbytery.

Q. Did those visitors, to your knowledge, include officials of the church?
A. Yeah, it did, because they had meetings at the presbytery.

Q. You do refer to those meetings; were you present with Father Ridsdale when those meetings took place?
A. No, I'd be in the house normally watching telly or things like that.

Q. The layout of the presbytery, I take it that there were a number of entrances to the presbytery?
A. Yeah, there was a main entrance that most of the official visitors used and then there was a side entrance that we would use and the housekeeper would use.

Q. There was evidence before this Commission that Father Ridsdale's room had to be accessed via a corridor that went past the meeting room - sorry, the bedroom had to be passed in order to reach the meeting room; is that your recollection of the --
A. Yeah, it is; it was his room and a room that I was supposedly staying in, and the meeting room was opposite them.
Q. So, in order to arrive at the meeting room, visitors to the presbytery would have to walk past the bedroom which was occupied by Father Ridsdale?
A. Yeah, that's right.

Q. You spent most of your time at the presbytery in that room?
A. Yeah.

Q. Again, there's evidence before the Commission that there was a stretcher bed which was yours which was in that room; is that your recollection?
A. Yeah, that's right.

Q. That was seen by some members of the school staff. Was it visible from the corridor, as one walked towards the meeting room?
A. Yeah, if the doors were open, it was.

Q. You've given evidence about being removed to the care of a family that was living in the Mortlake area. Were you ever asked, before being removed to that family's care, whether anything had occurred to you in the presbytery?
A. No.

Q. You weren't asked by Father Nolan whether there had been anything untoward?
A. No.

Q. After being removed to the care of that family, did you ever return to the grounds of the school?
A. No. I attended school in Noorat, so we just caught the bus straight from outside the farm to Mortlake and they'd drop off some of the kids and then we'd go on to Noorat.

Q. If I could put one matter to you: if I could refer the E-court technicians to the statement of Sister Anne McGrath, in particular paragraph 53 of that statement?

MR STEWART: Tab 14, I believe.

DR FITZGERALD: Q. It is tab 14 of the statements bundle. Paragraph 53 of that statement reads:

In relation to the boy who had had been
living at the presbytery with Ridsdale, I remember in the days following Ridsdale's departure from Mortlake that on one occasion the boy stood in the school grounds and yelled abuse at me. He said that I had been telling lies about Ridsdale and that it was my fault that Ridsdale had left.

Assuming the identification of that boy was yourself, do you have any recollection of that incident?

A. No, I don't. I left the Smith family at Mortlake before Ridsdale left Mortlake.

Q. I'll ask again, did you ever return to the school grounds?

A. No.

Q. You referred to having made a statement to the police and giving evidence in court. Did you at any point in time engage a firm of solicitors to sue the church on your behalf?

A. After the criminal charges were laid.

Q. By that time, that you engaged solicitors to bring that action, you'd made a statement to the police?

A. Yeah, made a statement to the police and he was charged.

Q. Had you given evidence in court before engaging that firm of solicitors?

A. Yes, in Warrnambool.

Q. To your recollection, that was at a committal proceeding in Warrnambool?

A. I believe so.

Q. Did you approach the legal firm, or did they approach you?

A. No, they approached me.

Q. If I could refer the witness to another document which is at tab 104B of the bundle referable to Father Ridsdale. That is a document that bears the heading, "Paul Levey Writ". That document records that:

This Levey is out of the blue. Unknown
prior to this writ.

On your evidence, you'd made a statement to the police and given evidence in court before you initiated any legal action?
A. Yeah, that's right.

Q. There is reference in that document to the firm of solicitors that was representing you at that time; is that correct?
A. Yep.

Q. The document records that the author, who I should say is not clear from the face of the document:

... told Monsignor Cudmore to simply hand the writ over to Melbourne Diocese solicitors who will probably send it back to Blackburn, making them chase around a bit more!!

Does that sentence resemble in any way your experience of bringing civil proceedings against the church?
A. It does. We went back and forth with Maurice Blackburn about writing writs against the Melbourne Diocese, and then got told that was not right; so then it was against Victoria, then the church, the Roman Catholic Church of Australia, and that went back and forth so many times till they decided it was too hard, there was no-one really that was putting their hand up to say that --

Q. Were you informed at any point during that process that they had been assisted and that the relevant Diocese or defendant had been identified by the church?
A. No.

Q. As I understand, you ultimately settled that civil action; how long did it take for the action to settle?
A. Around two years or more.

Q. During that time, whether before or at the time of the settlement, did you ever receive an apology from the church?
A. No.

Q. You did not?
A. No.
Q. Did you ever meet with diocesan officials?
A. No.

Q. Were you offered any such meeting?
A. No.

Q. Were you ever offered counselling by the church?
A. No, there was only very clinical psychologists and psychiatrists through the lawyers, that was it.

DR FITZGERALD: Thank you, Your Honour, I have no further questions.

THE CHAIR: Mr Stewart?

MR STEWART: I have nothing further, Your Honour.

THE CHAIR: Thank you, Mr Levey. That concludes your evidence, you are excused.

THE WITNESS WITHDREW

MR STEWART: Your Honour, I call Beverley Anne Levey. The witness's statement should be at tab 8.

BEVERLEY ANNE LEVEY, affirmed: [3.29pm]

<EXAMINATION BY MR STEWART:

MR STEWART: Q. Thank you, Mrs Levey, would you state your full names please?
A. Beverley Anne Levey.

Q. I'll show you a statement, it should come up on the screen, dated 2 October 2015. Is that your statement?
A. Yes.

Q. Are there any changes you wish to make to the statement?
A. No.

Q. Do you confirm that it is true and correct?
A. Yes.

MR STEWART: I tender the statement, Your Honour.
THE CHAIR: Ms Levey's statement will be exhibit 28-95.

EXHIBIT #28-95 STATEMENT OF BEVERLEY ANNE LEVEY DATED
21/10/2015

MR STEWART: Ms Levey I ask you to read your statement?
A. "This statement made by me accurately sets out the
evidence that I am prepared to give to the Royal Commission
into Institutional Responses to Child Sexual Abuse. The
statement is true and correct to the best of my knowledge
and my belief."

Q. Sorry, Mrs Levey, to interrupt you. Would you find it
easier to read from a hard copy?
A. No, that's all right. Thank you.

"My full name is Beverley Anne Levey. I was born in
1942 in Ormond, Victoria. I am now 73 years old.

I was born into a very strict Irish Catholic family. My
mother was a housekeeper for many priests in the Parish
of Ormond in southeastern Victoria. She was a very strict
Catholic and growing up we were taught to respect the
church. Priests and clergy were placed in extremely high
esteem. I have been a practising Catholic all my life and
attended church every Sunday from the day I was born until
recently.

I met my ex-husband, Geoffrey, in about 1965, and we
were married in 1967. We had one child, Paul, who was born
in 1968. We raised Paul as a Catholic and we taught him to
respect the clergy throughout his childhood.

In 1980, Paul started attending St Bede's College,
Mentone, which was run by the De La Salle Brothers. We
lived in Keysborough at the time.

Ridsdale

In 1980, during Paul's first year at St Bede's, a
family friend, Sister Genevieve from the Presentation Order
in Dandenong, introduced us to Father Gerry Ridsdale.
Gerry was studying at the National Pastoral Institute in
Elsternwick at the time.

Some time in 1980, Sister Genevieve gave me a ring and
asked if Paul and I would like to go on a trip to the opal
fields at White Cliffs.

Paul and I went to White Cliffs for two weeks. My husband did not come. We went with a group of kids and adults, some of whom were members of Gerry’s family. There was a nun from the National Pastoral Institute, Rosemary Crumlin, and a couple of Gerry’s brothers and their kids. We all stayed in tents.

Gerry spent a lot of time with Paul on the trip but I never thought anything sinister was happening.

After returning to Melbourne from this trip, Gerry became a family friend - he often visited the family home, usually on a weekly basis and picked Paul up from school every now and then. Gerry would take him on different outings, including to the pictures and the zoo. Paul also occasionally stayed overnight with Gerry at the National Pastoral Institute on weekends.

My husband and I separated in March 1980. At this time, Paul was misbehaving and not attending school. I pulled Paul out of St Bede’s in 1981, as I could not afford the school fees by myself.

Paul then attended Chandler High School for a short period of time. While he was there, he continued to misbehave and did not attend school.

I then moved Paul to a local technical school to try and settle him. I thought he was misbehaving because my husband and I had separated.

Throughout this time, Gerry continued to see Paul and used to take him away on weekends, including another trip to White Cliffs. I thought it was great that Paul was spending time with Gerry since his father was not around.

One day in early 1982, Gerry phoned me and said he had just been to the technical school to get some keys from Paul, but the principal had told him that Paul had not been at school for two weeks. I was never informed about his truancy.

I remember, my ex-husband rang me and said that Gerry Ridsdale was coming to pick up Paul. Gerry had offered to take Paul up to Mortlake to live with him. He said he
would put Paul into Catholic Regional College.

Soon after Paul left to go to Mortlake, I rang Rosemary Crumlin who taught Gerry at the National Pastoral Institute. She was still working there. I rang her and said, 'They've taken Paul off me and he's going to Mortlake'. She said, 'You want to get a solicitor', but it did not register at the time that I needed to.

I spoke to Paul on the phone when he was in Mortlake, but I am not sure how often.

I remember visiting the presbytery in Mortlake once with my mother. I called Gerry to tell him I was coming, and then when we arrived Gerry told me Paul was at football. I asked Gerry to go and get him, which he did. When Paul arrived, we all went into the presbytery. Me, my mother, Paul and Gerry sat around and chatted for a couple of hours. This was the only time that I visited Paul in Mortlake.

During the time Paul was in Mortlake, my ex-husband called and said that Gerry wanted the family allowance that I was receiving from the government and I said no.

I did not like the situation at all. I was devastated because they had taken my son away. Paul's father kept saying that it was a good idea for Paul to be at Mortlake. He had no right to take Paul as I had custody of him. At the time I was still reeling from the marriage break-up and I didn't think to call the police.

Not long after Paul had been in Mortlake, I decided to call the Bishop's office to speak with the Bishop of Ballarat, Bishop Mulkearns. When I called the Bishop's office, the man who answered told me the Bishop was not coming to the phone. I don't think I told him why I was calling. I kept trying to speak to the Bishop. I think I called three or four times. Finally I said I would not stop calling until Bishop Mulkearns spoke to me.

When I eventually spoke to Bishop Mulkearns, I 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'. Bishop Mulkearns said there was nothing he could do as Ridsdale had Paul's father's approval. He hung up on me. I don't recall anything else that was said during this
conversation. I had at least another two similar conversations with Mulkearns but each time I was ignored.

While Paul was still living at Mortlake, I received a call from my brother, Edmund Kenny, who lived in Terang. He said, 'Gerry Ridsdale came here and said he was having trouble with you'. I had not spoken directly to Gerry about Paul. I can only assume that Bishop Mulkearns told him I was calling.

A few weeks later I called the Bishop's office. Again, it took several attempts to reach the Bishop. I called three or four times.

When I finally spoke to Bishop Mulkearns, I was angry and upset. Again, I said, 'Do you think it's appropriate that a boy is living at a presbytery with a priest?' He didn't answer and I said, 'I will get the police involved if you don't do something about Paul and Ridsdale'. He hung up again on me.

Paul is moved out of the Mortlake presbytery

Soon after my last phone call with the Bishop, Paul was moved from the presbytery to a local farm in Mortlake with a good family.

Towards the end of 1982, Paul went to live with his father in Sunbury for a short time.

There is one incident in particular I have always remembered. This occurred after Paul moved out of the presbytery and was living in Sunbury. Paul was in hospital after a trampoline accident and Gerry came to visit him. Paul said to me, 'Mum, I don't like him touching me'. I had seen Gerry touch Paul on the hand. I went to the nurse's station and said that Gerry wasn't allowed to visit Paul again. I didn't think much of it, although I noticed Paul was clearly uncomfortable.

In or about 1983, Paul suggested we move to Albury as we had friends up there. We moved from Keysborough to Albury and I hoped it would give Paul a fresh start. Unfortunately, Paul continued to go off the rails with school, discipline and authority. Eventually, he left and joined the army.
Gerry visited us once more when we were in Albury. He had driven up with his patients who waited in the car. He only stayed 15 minutes. This was the last time I saw Gerry Ridsdale.

Ridsdale arrested

It was not until the 1990s when I saw vision of Gerry on television and an interview with Paul on 7.30 Report saying he was pressing charges against Gerry that everything came together.

I was devastated, angry and upset and still could not believe this was done to Paul by someone who everybody respected.

Paul and I didn't speak for about three years after this. Our family was broken because of what had happened.

I haven't come forward with this information before now because someone told me a few years ago that Bishop Mulkearns was dead. I now know that he is alive and well.

It has been hell to live with the knowledge that Paul was abused by Gerry. 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 of the abuse."

Q. Thank you, Mrs Levey.
A. That's it?

Q. That's the end of the statement. Thank you. I have no --

THE CHAIR: Does anyone have any questions of Mrs Levey?

DR FITZGERALD: I do.

THE CHAIR: You do.

<EXAMINATION BY DR FITZGERALD:

.Transcript produced by DTI
DR FITZGERALD: Q. Mrs Levey, my name is Fitzgerald and I appear on your behalf, as you know. You said in your statement that, shortly after your last phone call to Bishop Mulkearns, that Paul was removed from the presbytery at Mortlake?
A. Yes.

Q. Were you ever contacted by anyone within the Diocese of Ballarat to say that Gerald Ridsdale had been removed as the parish priest at Mortlake?
A. No.

Q. It follows from that, that you were never told of the circumstances in which he was removed?
A. No.

DR FITZGERALD: Thank you. I have no further questions, Your Honour.

THE CHAIR: Mr Stewart?

MR STEWART: No, Your Honour, I have no further questions.

THE CHAIR: Thank you, Mrs Levey, thank you for your evidence. You are excused.

<THE WITNESS WITHDREW

MR STEWART: Your Honour, the next witness is [BWF]. He is in custody and the plan is to do a remote link up in order to take that evidence, and that's been lined up for 10 o'clock in the morning. I wonder if we might adjourn until then in those circumstances.

THE CHAIR: Very well. Thank you, we'll adjourn until 10 in the morning.

AT 3.44PM THE COMMISSION WAS ADJOURNED TO TUESDAY, 8 DECEMBER 2015
vigorously [1] - 14201:41
village [7] - 14224:34
Virginia [1] - 14182:28
generally [1] - 14255:21
visible [1] - 14257:17
vision [1] - 14265:8
visitors [8] - 14256:19, 14256:24, 14256:37, 14257:2
Vittorito [1] - 14224:35
Vivian [1] - 14165:5
volumes [1] - 14199:47
volunteers [1] - 14168:44

waited [1] - 14265:2
waiting [1] - 14201:21
WALSHE [1] - 14192:8
War [1] - 14224:36
ward [2] - 14247:44
wards [1] - 14247:42
warned [1] - 14230:2
warranted [1] - 14185:34
WAS [1] - 14266:39
watch [1] - 14225:27
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Weekly [1] - 14198:3
welcome [1] - 14246:35
welfare [1] - 14176:18
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whichever [1] - 14226:18
whiskey [1] - 14233:11
white [1] - 14243:5
who'd [1] - 14172:23
wide [1] - 14165:28
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windowsill [1] - 14243:25
wine [1] - 14226:33
wing [1] - 14204:5
wishes [1] - 14202:6
WITH [1] - 14197:45
WITHDRAW [2] - 14208:19, 14223:18, 14245:26, 14251:16,