THE CHAIR: Yes, Mr Stewart.

MR STEWART: As Your Honour pleases. The next witness is [BWF]. He is in a correctional facility and we will have an audio link to him, but before I call him I would like to indicate that yesterday officers of the Royal Commission were in contact with this witness, that's [BWF]'s ex-wife who's been assigned a pseudonym [BWM], and officers of the Royal Commission are presently in the process of taking a statement from her and it's anticipated that she will be a witness in this public hearing in due course, probably later this week. It's anticipated that her evidence will be just on the critical points which I'll come to in a moment, that she and [BWF], that's the witness, were married in around 1982 or 1983 and they separated in 1995.

She will say that, prior to their marriage, [BWF], the witness, told her about the abuse of his brother by Brother Dowlan, that's his brother, [BWG], and from that, [BWM] came to believe that [BWG] had been sexually abused while he was a student at St Patrick's. That's the first point.

The second point is that [BWF] told [BWM] that at that time [BWF] had spoken to George Pell, who told him to go back to school.

That aside then, I call the witness.

THE CHAIR: Mr [BWF], can you hear me?
A. I can.

Q. And can you see me?
A. Yes.

<MR [BWF], affirmed: [10.05am]

<EXAMINATION BY MR STEWART:

MR STEWART: Q. Mr [BWF], your names are known to the Royal Commission. Can I ask, do you have present with you in that room an officer of the Royal Commission?
A. I do.

Q. He has some documents that he will be able to assist you with to show you the documents should that become necessary; is that right?
A. Thank you, yes.

Q. If I could ask that you then take a look at the statement, apparently yours, dated 9 June 2015 taken by a police officer, it's at tab 23 of our bundles here. Do you have a copy of that statement?
A. I do.

Q. I take it, that is your statement?
A. It is.

Q. You refer in it to someone referred to as "Brother Dowling", D-O-W-L-I-N-G; is that indeed the person, or is the spelling of that person's name different?
A. The spelling may be wrong, I couldn't remember how to spell his name, but that is indeed that person.

Q. So that's a Brother who was teaching at the school?
A. Yes.

Q. We have it in documents elsewhere that it's "Brother Dowlan"; would that be the same person?
A. It is.

Q. Was there not another Brother at the school with a very similar name at that time?
A. No.

Q. Are there any corrections you wish to make to the statement?
A. There are a couple of corrections which I have made to the statement.

Q. You mean, the ones that are made in manuscript on the statement already? So for example, in paragraph 2 where you've crossed out the word "priest" and put in "Brother Ring"; is that what you're referring to?
A. Correct, yes.

Q. In addition to those that appear in manuscript already, are there any other corrections you wish to make?
A. No.

Q. Do you confirm the statement is true and correct?
A. I do.

MR STEWART: I tender the statement, Your Honour.
THE CHAIR: It will be exhibit 28-96.

EXHIBIT #28-96 STATEMENT OF MR [BWF] DATED 09/06/2015

MR STEWART: Q. Mr [BWF], I'll ask if you read the statement. Obviously there are parts of it that are redacted and I just ask that you skip over each of the redacted parts of it and don't reveal what's under the redaction.
A. Okay, I shall do.

"My name is [BWF] and I was born on the [REDACTED] 1959. Police are aware of my current address. I have [REDACTED] brothers. They are [REDACTED] who was [REDACTED] when he committed suicide in [REDACTED], and [REDACTED]. We have the same natural parents [REDACTED] and [REDACTED]. When I was about 10 years old, my parents separated because my mother was having an affair with [REDACTED]. My mother and [REDACTED] later married and some of my brothers took on [REDACTED]'s surname.

I have been following the recent events with the Royal Commission Inquiry into historical sex abuse by Catholic priests in Ballarat and saw [BWL] on TV. I recognised him to be my best friend when I went to the boarding school at St Patrick's College in Ballarat when I was about 14 years of age in 1973. [BWL] suddenly ran away from the boarding school when he was beaten up ... bad one day over a haircut by Brother Ring. So many horrible things occurred there and it is only after seeing [BWL] on TV that I felt motivated enough to report what happened to me and the others around me.

I have been following news events to do with the Catholic Church and in particular priests and Brothers that I knew. I would often get upset when there was a positive media attention on priests such as George Pell because I knew that they did not deserve the recognition, knowing what I knew about them. My then wife would always need to tell me to settle down when this happened.

When I was about 14 years old, mum put myself and my brothers, [BWG] and [BWI], into boarding school at St Patrick's College in Sturt Street, Ballarat. I started in Form 2, [BWG] started in Form 1 and [BWI] started in Form 3. I was only there for about one and a half years
before moving on.

There were numerous incidents of physical and sexual abuse there that I can still clearly remember that has affected me and those around me even to this day. I will always remember this one night in 1973 in a class when a day teacher by the name of Mr Peirce was taking a class and asked the class to choose a Brother to write about why they liked them or disliked them. Mr Peirce promised that no-one else would see what was written and that he would take the assignments home with him. Towards the end of the class, I heard the door behind me open and saw Brother Bar sneak in. He put his hand up to his lips, indicating for me to be quiet. He then looked over my shoulder and read what I was writing, then he moved to the next desk and he did the same. This kid's name was Fabiarny or similar to that. Brother Bar then suddenly sang out, 'Pens down, do not touch your work' - twice he did that. He asked everyone to move forward a desk and relieved Mr Peirce.

After Mr Peirce had left, Brother Bar went to Fabiarny, and punched him in the face so hard that Fabiarny fell to the ground and didn't move. It looked like he was unconscious. I felt physically sick and sorry for the kid.

I was often beaten by Brothers in the school within the 18 months I was there. When I was caught talking in class, Brother Dowling used to come up behind me and tell me to sit up straight. He would then smash me on both ears with open hands. This happened very often and on one occasion, he did it so hard that I could not hear anything for about two hours. I thought that I'd gone deaf. I now have a constant ringing sound in my ears which gets worse when it's quiet. I am not sure whether what Dowling did to me back then caused this or not.

Another punishment that myself and other students would often receive was that they would make us lean forward with our head under our desk, then they would strap our backs so that our heads would also hit the desk. Brother Bar and Brother Dowling would do this to us. Brother Ring, our science and music teacher, would strap our hands by jumping off the desk.

There were many sexual incidents that occurred within the school as well. I heard many stories of sexual abuse and have seen firsthand some incidents. Some of the more
unusual things that Brothers would do when they would always watch us in the shower and say smutty things about us and talking about our penises. During one incident, I came to the showers late and the Brother made me shower with another child who was late to class during the day. It was in the middle of winter and the shower room was very cold. We tried to keep warm in the shower by huddling up in the shower back-to-back. It was so cold that the other child was crying the whole time, not just because of the cold but also the embarrassment. The Brothers thought it was so funny because they were laughing at us.

Dowling would often check up on us while we were sleeping. On numerous occasions, I saw Dowling hover over [REDACTED] who used to sleep in the bed next to me. Dowling would sit on the edge of his bed in the middle of the night and put his hands either side of his head and would whisper to him. Sometimes Dowling would slightly pull the top of [REDACTED]'s bedding back and his left arm would reach down into the blankets. It looked like Dowling was fondling [REDACTED]'s genitals but I could not be sure. I would pretend to sleep and sometimes do something like cough or mumble and/or roll over, hoping that Dowling would leave [the kid] alone.

Another incident which I will never forget was when I had been at boarding school for about 12 months when my friend [BWL] told me that he ran into my parents within the school grounds because they were there for my brother, [BWG], who had been sent out to see the doctor. I later found out that [BWG] was seeing the doctor because he had severe bruising to his legs and buttocks and was molested by Brother Dowling. My parents were there to see Brother Nangles and Dowling.

That evening, I was still very, very upset with what had happened to [BWG], so I left my dormitory to look for him but saw my brother, [BWI], instead. [BWI] had just found out about [BWG] as well and was upset too. Two Brothers had caught up to us and we got into an argument and had some pushing and shoving with them about [BWG]. I complained to them about [BWG] and wanted to see Brother Nangles, who was the principal of the school, to make a complaint against Dowling and wanted something done about it. But they told us to go back to our dormitory and promised us that Nangles would come see us that night.
After about two hours of waiting, when I was talking with [BWL], and after we had changed into our PJs, Dowling came into the dormitory and approached me and asked to meet me in the change room which was at the back of the dormitory. He came into the change rooms soon after I got in there and shut the door. He then walked me over to the wall so that my back was against it and his hands were on the wall on either side of my head. He was leaning slightly forward into my face and told me not to worry about what was going on with [BWG], that it was all going to work out and that the story was not true.

He then ran his hands under my PJ top directly onto my chest and started rubbing. I looked at him in the eyes and said to him, 'Aren't you in enough trouble?' He then became very angry and he pushed me out and I landed on my stomach in the dormitory. He then yelled at everyone, 'Into bed, lights out'.

I was still very upset about what had happened to [BWG], so that same week during some free time I went to the presbytery on the corner of Sturt Street and Dawson Street to seek out Father George Pell, who was a well-known influential priest in the area. I wanted someone of authority outside of the school to know about what was happening there and someone who would be able to do something about it. I knocked on the door and someone answered the door, but I cannot remember who it was. I asked to see Father George Pell and that person went to get him.

I was angry about the situation and also frightened and nervous about approaching a high-ranking priest such as Pell. Because I was so nervous, I just blurted out to Pell that Dowling had beat and molested [BWG] and demanded to know what Pell was going to do about it. Pell became angry and yelled at me, 'Young man, how dare you knock on this door and make demands'. We argued for a bit and he finally told me to go away and shut the door on me.

Shortly after this incident, I was at home with my parents in country Victoria when Dowling and another Brother who I cannot remember who it was came out to our house. This house was a little miners cottage and the lounge room was very small. The Brothers had with them a briefcase, notebooks, pens and chequebook which they put on the coffee table. I specifically remember the chequebook.
because I remember that I would have loved a minibike and that one of those cheques would have been able to buy me one.

I had seen chequebooks before and my parents had one, so I recognised it to be a chequebook instantly. My mother knew they were coming because she asked me to heat up pies and pasties in which I had to serve for their dinner later on. This was the first time that a priest from any church had come to visit us at our home and I assumed it had to do with [BWG] being molested and assaulted.

My parents never told me what that meeting was about but I believe my parents were paid on that occasion, because within 12 months of this visit my parents bought a farm with two dams, a tractor, mower, bailer, livestock and other farm equipment. The farm was in [REDACTED] but I cannot remember the actual address. We were a poor family during that time and my parents could never have been able to afford the farm on just their income."

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

THE CHAIR: Does anyone else have any questions? Mr O'Brien; anyone else?

MR DUGGAN: Yes, I do, Your Honour.

THE CHAIR: Anyone else? Mr O'Brien, I think you should go first.

<EXAMINATION BY MR P. O'BRIEN:

MR P. O'BRIEN: Q. My name is O'Brien, Mr [BWF], and as you know, I appear for you. [BWG], he was your younger brother; is that right?
A. Correct, or one of them.

Q. He was one of your younger brothers, thank you.
A. Yes.

Q. During this time in 1973, then you were 14 years of age. Your brother, [BWG], was two years younger than you, making him 12 years of age; is that the case?
A. That's the case.
Q. In your statement, you have said that you came to
learn, in relation to your brother being abused by Dowling,
that he'd been beaten; is that the case?
A. Correct.

Q. You came to learn also that he'd been molested?
A. Correct.

Q. How was it that you came to learn that your brother had,
first of all, been beaten?
A. Correct.

Q. How was it that you came to learn that your brother
had been beaten?
A. I remember, when my parents came to the school - hang
on, I better find out where he is - [BWL] had spoken to
them and he told me. They had walked into the school
grounds and come through a doorway into a passage and ran
into [BWL].

Q. Ran into [BWL], you said?
A. Yes.

Q. How did you come to learn that [BWG], your younger
brother, had been molested by Dowlan?
A. Well, I knew he had been, it was just obvious. There
was a lot of talk in the school ground, I had witnessed
other people in the school being molested by Brother Dowlan
in our dormitory.

Q. Do I take it from that answer, that it wasn't the case
that you'd been told by your brother, or indeed [BWL], that
he'd been molested, but rather, that you assumed that
because of your knowledge and the common knowledge --
A. Correct.

Q. -- of Dowlan's behaviour?
A. Correct. It was very common knowledge.

Q. You came, as a result of this happening, as I
understand it, to complain to George Pell about what had
happened; is that right?
A. Correct.

Q. Can you remember what time of the day it was that you
had your discussion with George Pell?
A. It was after school.
Q. Can you be any more specific than that as to the time?
A. After half past 3, 4 o'clock.

Q. Why did you go to George Pell? What was it about him, as opposed to other people, that you felt you could complain to someone in relation to what had happened to your brother?
A. Well, the reason I went to him was because, I wasn't being heard at school, Nangles didn't come and see me on that particular day or evening when I asked him to, and we had days, a day, or an evening, when we could go down the street for buy up, we were allowed to go and buy certain things that we couldn't get at school, and on the way down there I got to, I think it's Lyons Street, which is the church that the block is in. Between Lyons Street and Dawson Street, which is at the other end of that block, I had decided then that that's what I would do.

Q. You decided that you were going to speak to George Pell?
A. Yes, I did.

Q. You say, in paragraph 12 of your statement you've just read to the Commission, that you wanted someone of authority outside of the school to know what was happening there --
A. That's correct.

Q. -- and someone who would be able to do something about it.
A. That's correct.

Q. Again, if I can ask you, why George Pell? Why not the school priest or someone other - or the Bishop indeed of Ballarat? Why George Pell, why did you go to him?
A. George Pell was well-known to the school and all the children at the school; he would often attend school functions such as a special mass, like a Christmas mass or something like that, or a school sports day or whatever, but he was well regarded as someone of a high stature in the church by the kids and by myself. We would often see him in the school grounds.

Q. Did you see him speaking to other teachers, other Brothers and other members of the school staff?
A. He walked through the school with other Brothers, yes.
Q. Did you notice the relationship that he had between the school staff members when you saw him in the school grounds?
A. It looked all right to me; he looked - they were always jolly and that, so yeah, he (indistinct) with them was fine.

Q. Did he appear to you to have some sort of influence, or was he in a position where they respected him or otherwise?
A. They definitely respected him. You know, whenever we seen him with the Brothers, you were even too scared to go near them or talk to them because of the amount of respect, I suppose you could say, for Pell.

Q. You speak about a meeting that you witnessed at your home shortly after this incident with George Pell in paragraph 13 of your statement. You were a boarding student at St Patrick's?
A. Yes, I was. I used to go home at the weekend though.

Q. So I take it, from what you've documented in paragraph 13, that that meeting where Brother Dowlan and another Brother who you can't remember was at your house, was likely to have happened on a weekend?
A. It definitely was on a weekend.

MR P. O'BRIEN: I have no further questions of you.

THE CHAIR: Yes, Mr Duggan.

MR DUGGAN: Firstly, can I say that I'm happy to start cross-examination now, but I do reserve my position in relation to the ex-wife's statement - that's the first I learnt of it this morning, I don't know what she's going to say and I hope I don't have to recall this witness, but I just raise that at the outset.

THE CHAIR: That won't cause a problem, Mr Stewart, will it?

MR STEWART: No, Your Honour, the witness is not going anywhere.
Examining by Mr Duggan:

MR DUGGAN: Q. [BWF], my name is Duggan and I represent Cardinal Pell in these proceedings.
A. Yes.

Q. I think you've already made it obvious, but Father Pell was not a teacher at your school, was he?
A. No. Not that I can recall, no.

Q. You saw him around the school grounds occasionally, and I think you said somewhere that you might have seen him as a spectator at the football?
A. Possibly. He attended some functions, not all of them.

Q. You did know him personally though, I assume?
A. No, I didn't.

Q. Prior to this alleged incident, you hadn't had any dealings with him or conversations with him; is that right?
A. No.

Q. No, that's right, or you hadn't had any conversation?
A. No, that's correct. No, I'd never had a conversation with him.

Q. Usually you would need permission to leave the school grounds as a boarder on a week day; that's right, isn't it?
A. That's correct, and we had to wear uniform.

Q. You say that on this particular day there was effectively permission to leave the grounds for a buy up; is that right?
A. That's correct.

Q. What that usually means is, you go down to the corner shop and buy some lollies and whatever else; is that what the situation was?
A. No, not quite. It was more if you wanted shoes, shirts, pants, lollies, toys or anything like that.

Q. You said you were usually in uniform; you were in uniform on this particular day that you were heading towards the church?
A. I was.
Q. You say you went down towards the church, and I think you said, if I'm correct, that you were heading towards Lyons Street; is that right?
A. Lyons Street?

Q. Yes.
A. I had to cross Lyons Street on the way, yes.

Q. You were heading towards the church and you crossed Lyons Street; is that right?
A. Well, yes.

Q. And walking up Sturt Street; is that where you were going?
A. Walking down Sturt Street.

Q. Thank you. I think you've described it in your statement as seeking out George Pell at the presbytery; is that right?
A. That's correct.

Q. You knew Father Pell lived there, did you?
A. No, I did not.

Q. Had you visited him there before?
A. No.

Q. When you arrived, you knocked on the door or rang the bell, did you?
A. I did, I knocked on the door.

Q. Do you recall who answered the door?
A. I can't. I can't recall who it was, I am fairly sure it was a lady, but I can't be positive.

Q. You say you asked to see Father Pell, did you?
A. Yes, I did.

Q. I want to take you to a document which is, I think, tab E to your statement. It has an identifier of IND.324.19, if that assists.

THE CHAIR: Do we know where that is, Mr Stewart?
MR STEWART: No, Your Honour, it's not something that Your Honour has immediately available to you. I'm just
trying to work out what it is myself.

THE CHAIR: Is this a document that was handed to us yesterday?

MR STEWART: It is, Your Honour, yes.

MR P. O'BRIEN: This document, Your Honour and Counsel Assisting, has overnight been redacted; I just want to be sure that the redacted version is the one that is either to be tendered or to be shown?

MR STEWART: I'm grateful to my learned friend for checking if that's right. Certainly the one I have in my hand is redacted, I believe the ones I have handed up are redacted, and the one on the screen appears to be redacted, so we should be there, yes.

THE CHAIR: Yes, Mr Duggan.

MR DUGGAN: Q. This appears to be a letter under your handwriting; is that right?
A. That's correct.

Q. I take you to page 3 of the letter. You appear to be setting out there the contents of this alleged conversation with Father Pell; is that right?
A. I'm trying to read through.

Q. I'll take you to it. Halfway down the page, you say:

In the following weeks I had made up my mind to go and see Pell himself.

Do you see that?
A. Yep, that's correct.

Q. You go on to say:

After school and in uniform I went down the street and called into the grounds of the church on the corner of Sturt and Dawson Street, in the grounds is a rather large heritage-type building or homestead. I went to this building and I can remember being that anxious and still very upset and at the door I asked for Father Pell and he
came to the door ...

Do you see that?

A. Right, yeah.

Q. Do I take it from that, that you entered the church grounds through the entry on Sturt and Dawson Street and not the entry on Lyons Street; is that right?

A. That's correct.

Q. So you walked through the grounds to the presbytery, which is adjacent to Lyons Street; is that right?

A. That's correct.

Q. I want to suggest that the problem with your story, [BWF], is that Father Pell was not living in the presbytery on Sturt and Dawson Street in 1983 and had no reason to be there; how do you respond to that?

A. I didn't know whether he lived there or not; for me, it was just a good place to start.

Q. I want to suggest to you that he was in fact living at St Alipius Presbytery a couple of kilometres down the road; were you aware of that?

A. No, I wasn't aware of that and, as I said, I only went in there at that time to seek him out; I didn't - I've never said he lived there.

Q. I just said 1983, I meant 1973, but you understood that, I assume?

A. Yes, I did.

Q. I also want to suggest to you that during the day he was working full days at Aquinas and would have been at Aquinas at 3.30 or 4pm; how do you respond to that?

A. You can suggest all you like but that's what happened.

Q. Let me put it directly to you: I want to suggest that you are making this story up about visiting Father Pell at the Cathedral presbytery and you never confronted him there; do you accept that?

A. That's your opinion.

Q. I assume from that, that you reject that proposition?

A. Correct.

Q. I think you said earlier in evidence from your
barrister that you had assumed that, in this incident where Brother Dowlan had physically assaulted your brother with a belt, that he had also been sexually assaulted; is that your evidence?
A. Correct.

Q. I want to take you to this same letter, at page 3 just above the passage I previously took you to, do you see there you say:

To cut this letter down a bit, turns out [REDACTED] was also played with sexually by Dowlan.

Do you see that?

MR DUGGAN: Sorry, if that can be --

THE CHAIR: It's been deleted from the transcript and from the audio broadcast.

MR DUGGAN: Q. Do you see there that it says:

... turns out ... was also played with sexually by Dowlan.

A. Correct.

Q. It doesn't say there that you "assumed", does it?

MR P. O'BRIEN: I object to that.

THE WITNESS: I assumed back then, and found out later that he had.

MR P. O'BRIEN: (Indistinct).

MR DUGGAN: Q. I also want to take you to your statement at paragraph 9, where you say:

I later found out that [BWG] was seeing a doctor because he had severe bruising to his legs and buttocks and was molested ...

I want to suggest to you that that's inconsistent with assuming that to be the case?
A. Can you repeat that, please?
Q. It says there that you later found out about the physical abuse and the molestation. What I'm putting, is that, later finding out is inconsistent with your assumption?

MR STEWART: I object. Don't answer this yet, Mr [BWF]. My learned friend will have to specify when, because he's talking about an incident in 1973, he doesn't say when later. It's really meaningless unless the proposition is tied down to some period of time.

MR DUGGAN: Q. Perhaps I can put it this way: when you made your alleged complaint to Father Pell, which is in paragraph 12 of your statement, you say:

... I just blurted out to Pell that Dowlan had beat and molested [BWG] ...

A. Correct.

Q. You're referring to a specific incident there, aren't you?
A. Correct.

Q. I want to suggest that you had no knowledge of the fact that [BWG] had been sexually assaulted at that time, when you made the complaint to Father Pell?
A. Correct, it was an assumption based on what I'd seen.

Q. I want to take you to another document?

THE CHAIR: Do you want to tender this letter?

MR DUGGAN: Yes, I tender that letter, the redacted version.

THE CHAIR: Are you happy with that, Mr Stewart?

MR STEWART: Yes, Your Honour.

THE CHAIR: The letter will be exhibit 28-97.

EXHIBIT #28-97 LETTER FROM MR [BWF]

MR DUGGAN: Q. I want to take you to a document, which I think is tab G to your statement. It's reference
THE CHAIR: Do we have this document? (Document handed to Commissioners).

MR DUGGAN: Q. Have you seen this document before, [BWF]?
A. No.

Q. Have you got a redacted copy or an unredacted copy?
A. Both.

Q. I want you to assume that this is a police statement of [BWG]'s. Can you assume that?
A. Okay. Yes, I can.

Q. Go to the last page of the unredacted copy, it may not have been in [BWG]'s handwriting, but he appears to have acknowledged the version of events; do you see that?
A. Yeah.

Q. I want to give you a chance to read - you've got a hard copy - a chance to read from page 4, where it says:

I believe that during mid year 1973 ...

Do you see that?
A. Yeah, got it here.

Q. That appears to be [BWG] describing this incident with Brother Dowlan, and he goes on over the page to describe it. At the very bottom of the page, 5, he says, "He then began to belt me", and it appears to be this incident that he's describing, that caused you to react and you've described in your own statement; do you accept that?
A. No.

Q. Is this the same event that you're talking about in your statement?
A. I'm unsure, because there was a lot of beatings.

Q. If you go to the bottom of page 6, he refers to going to the doctor and complaining about stomach problems after this incident; do you see that?
A. Yes.

Q. I want to suggest to you that that's the incident that
you describe in your statement?
A. I can't be sure about that, but it would be one of them.

Q. Go to the top of page 7, it says there:

I later told mum about the belting but not about the sexual abuse as I was too scared.

Do you see that?
A. Yes, I do.

Q. At the bottom of the page:

I have never told anyone about the sexual abuse until recently, when I told mum and [REDACTED]...

This statement was in 1993. I want to suggest that [BWG] never told you that he was sexually abused by Brother Dowlan; do you accept that?
A. No.

Q. Let me be more specific: I want to suggest that [BWG] never told you about sexual abuse at the hands of Brother Dowlan before 1993; do you accept that?
A. That is wrong. That is wrong. He'd been abused in the classroom, at the back of the classroom, on another occasion.

Q. He never told you that in this incident involving Brother Dowlan and a belt, he never told you that he was sexually abused in that incident, did he?
A. He didn't have to.

Q. In 1993?
A. He didn't have to.

MR DUGGAN: I tender that document, Your Honour.

THE CHAIR: That statement will become exhibit 28-98.

EXHIBIT #28-98 STATEMENT OF MR [BWG]

MR DUGGAN: Q. [BWF], I want to take you to one final document, they are "Reasons For Sentence". Do you have a copy of that document?
A. I do now.

Q. Are they the reasons for sentence in relation to your criminal convictions?

MR P. O’BRIEN: I object to that and the proposed tender through Counsel Assisting. The objection I'd like to - obviously, it's going to be Counsel Assisting who will tender this document, if it's to be tendered at all.

The tender of the document is objected to on reasons that I'd not like to publicly announce, nor have argued against me in proposed tendering of the document.

THE CHAIR: The problem, Mr O'Brien, is this is a public document.

MR P. O’BRIEN: It is a public document, but that doesn't mean it needs to be tendered in these proceedings in relation to this. I have a problem with the relevance of it.

THE CHAIR: It makes it hard to object, except if you can say that it's not at all relevant.

MR P. O’BRIEN: I say it's not at all relevant.

THE CHAIR: Mr Duggan, can you point me and the other Commissioners to the paragraph that you say is relevant?

MR DUGGAN: Yes, I can.

THE CHAIR: Don't bring it up on the screen.

MR DUGGAN: Paragraph 6 is relevant. Paragraph 7, particularly the first line. Paragraph 8 contains a short summary --

THE CHAIR: Is this going to character? Do you say it goes to character?

MR DUGGAN: Credibility and character, yes.

THE CHAIR: No, I'm afraid not.

MR DUGGAN: Your Honour, if I can be further heard on that --
MR P. O'BRIEN: You see, this is the problem.

THE CHAIR: You've got real difficulties saying it goes to credit, in this hearing.

MR DUGGAN: The reason, Your Honour, is the statement in paragraph 12, and I've got my hands tied behind my back in terms of being able to make a submission about this without raising the issue, but paragraph 12, the third line, the sentence starting there, and the concept - in my submission, this is an offence of dishonesty or deception and therefore it is relevant.

It may be a question of weight, but --

THE CHAIR: Well, it might also be an issue as to whether or not it's going to help us but unfairly embarrass the witness, Mr Duggan.

MR DUGGAN: I'm certainly not wanting to do the latter, but in my submission --

THE CHAIR: The first two paragraphs, I have to tell you, I can't see how they help at all.

MR P. O'BRIEN: Your Honour, Commissioners, if it assists and Counsel Assisting also, I'd be prepared to put my objection to the tender of this in writing within a short period of time. I don't understand counsel for Cardinal Pell to be --

THE CHAIR: What we might do is this: you can tender the document, but we'll say no more about it. We can read it and you can make whatever submission you wish to make about it, but I at the moment think it's going to carry very little weight.

MR DUGGAN: I understand that and that's all I want to achieve.

THE CHAIR: Are you happy with that, Mr Stewart?

MR STEWART: I'm hesitant not to be happy with what Your Honour suggested. I wouldn't, as Counsel Assisting, accept the document for tender; ultimately, it's obviously in Your Honour's hands. The difficulty with Your Honour's
proposal is that, with respect to any submissions that are made on it, those submissions will then themselves become public in due course.

THE CHAIR: Well, they may not, they may not. We can take the same course with the submissions, Mr Stewart. There's no reason why we can't manage the situation.

MR STEWART: As a separate submission or protected submission?

THE CHAIR: We can do it, there's no problem with that.

MR STEWART: On that basis, then I don't have any difficulty. Certainly as I see it --

THE CHAIR: That's another matter for another day.

MR STEWART: The prejudice outweighs the relevance by a very large margin.

THE CHAIR: The question is, what's the test in the Royal Commission.

MR P. O'BRIEN: Can I, with the greatest of respect, make an alternative suggestion, that will be that it will be provisionally tendered. I will provide written submissions as to why it oughtn't at all be tendered. The Commissioners and Your Honour can read the material in the meantime, be appraised of its contents.

THE CHAIR: We can read it anyway because it's a public document, it doesn't need to be tendered. Mr O'Brien, I think what you're really asking for is an opportunity to tell us at the end of the day it carries no weight.

MR P. O'BRIEN: I would say that, at the very least.

THE CHAIR: I think that's where we should leave it. I think we should take it into evidence so that we know where to find it, and you can then debate it at the end of the day whether or not it's going to assist at all, and we will, if we consider it appropriate, suppress any submissions in relation to it.

MR P. O'BRIEN: There is an additional concern that I have in relation to the potential that it might either reveal
the details of the person by the name of [BWG] or it has
the potential to be able to do that by the citation alone.
Can I leave that in the capable hands of Counsel Assisting?

THE CHAIR: What we'll do at this stage is we'll admit it
into evidence as exhibit 28-99, but we will order that it
not be published by the Commission or any other person,
identifying it as being a matter before the Commission.

EXHIBIT #28-99 "REASONS FOR SENTENCE"

MR P. O'BRIEN: Yes, I'm grateful, thank you.

MR DUGGAN: Your Honour, just to clarify. I assume from
that, that I can make submissions at some point as to
whether it should remain confidential.

THE CHAIR: Yes, you can. It's a confused situation
having regard to the original nature of the document.

MR DUGGAN: Yes.

THE CHAIR: Anyway, that's the best way I think of dealing
with it at this stage.

MR DUGGAN: I'm happy with that course.

[BWF], I have no further questions. Thank you,
Your Honour and Commissioners.

THE CHAIR: Mr O'Brien, is there anything you want to take
up?

MR P. O'BRIEN: No, there's nothing arising, thank you
very much.

THE CHAIR: Mr Stewart?

MR P. O'BRIEN: Sorry, there is one thing, I beg your
pardon.

<EXAMINATION BY MR P. O'BRIEN:

MR P. O'BRIEN: Q. Mr [BWG], you were asked by counsel
for Cardinal Pell why it was that you went to the
presbytery, and you said that you didn't know where it was
that then Father Pell was living or working. Why did you
go to the presbytery?
A. It was a really good place to start. I didn't know
where else to go.

MR P. O'BRIEN: Thank you, nothing further.

THE WITNESS: I couldn't trust the school to give me any
answers, because Nangles didn't even come and see me.

Q. In 1973, did you know whether or not George Pell was
connected with in any way the St Patrick's Cathedral?
A. I wouldn't have had a clue in 1973. I just knew that
he was the man in the town to go to and that's what I was
trying to do. I was looking for him.

MR P. O'BRIEN: Thank you.

THE CHAIR: Mr Stewart?

<EXAMINATION BY MR STEWART:>

MR STEWART: Q. Mr [BWF], if I could ask you to have a
look at exhibit 28-97, that's the letter dated 8 June 2015
which starts off, "To my mate David". Do you have that?
A. Yes, I do.

Q. That's, on the face of it, dated 8 June 2015; I take
it, that's the date that you wrote it, is it?
A. That's correct.

Q. Without revealing his surname, who is this person to
whom you addressed the letter to?
A. A friend within the gaol system.

Q. I take it then, this letter is not under oath of any
description to tell the truth, is it?
A. Sorry, I don't understand that question, I'm sorry.

Q. This is just a private letter from you to him; is that
right?
A. That's correct.

Q. Were you, in telling him about this story of what had
happened to your brother and then having confronted Father
Pell, did you have an expectation that your friend David
would be able to do anything about it?
A. Not at all. David was the only one in the system that
I could talk to and felt friendly with, but I was embarrassed to actually talk to him about it, because I cry a lot about it and get upset about it, so I wrote him a letter instead.

MR STEWART: Thank you.

THE CHAIR: Yes, thank you. Thank you, Mr [BWF], that concludes your evidence and you're excused.

THE WITNESS WITHDREW

MR STEWART: I call Denis James Henry Ryan. The witness's statement is at tab 2 of the statements.

DENIS JAMES HENRY RYAN, sworn: [11.05am]

EXAMINATION BY MR STEWART:

MR STEWART: Q. Mr Ryan, can you hear me well enough?
A. Yes, I can.

Q. Will you state your full names and occupation, please?
A. Denis James Henry Ryan and I am a full pensioner.

Q. I'll show you on the screen in front of you, Mr Ryan, a statement bearing your name dated 16 November 2015. Is that your statement?
A. Yes, that's my statement.

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

MR STEWART: I tender the statement, Your Honour.

THE CHAIR: Mr Ryan's statement will be exhibit 28-100

EXHIBIT #28-100 STATEMENT OF DENIS JAMES HENRY RYAN DATED 16/11/2015

MR STEWART: Q. Mr Ryan, I understand you were born in 1931 and that you are 84 years of age; is that right?
A. Yes.

Q. As I understand, your father was christened a Catholic but, after coming back from the 1914-1918 War he became agnostic, is that right?
A. Yes.

Q. Your mother was a Seventh Day Adventist but she leant towards the Catholic Church because "they supported us", as you put it, during the depression; is that right?
A. Yes.

Q. I take it, you're referring to, they supported your family?
A. Yes.

Q. And growing up, you regularly attended mass; is that right?
A. Yes.

Q. In 1952, you joined the Victoria Police?
A. Yes.

Q. I want you to understand, Mr Ryan, that your whole statement that you've made has been tendered and forms part of the evidence of the Royal Commission. I am going to take you to parts of it today orally and we won't canvass all of it today orally; do you understand that?
A. Yes.

Q. I want to take you back to an incident that you speak of in your statement in early 1956, when you witnessed a priest in a situation with a well-known prostitute; do you remember that?
A. Yes, I do.

Q. Will you just say briefly what that incident was?
A. Yes, I was stationed at St Kilda, and I was on divisional van duty on nightshift. There was a sergeant in charge, a driver, and I was an observer.

We were travelling along Wellington Street towards St Kilda Junction, which is a hybrid of many roads, seven intersections, and just prior to reaching that intersection we noticed a large American car being driven haphazardly along the road and bumping into the gutter, and it was driving at a very slow rate.

We decided to pull the car over and noticed that the driver was a well-known prostitute, Hazel Hanrahan. We all three got out of the divisional van and Hazel said, "It's all right, he allows us to drive the car when he's here".
We then went around to the other side of the car and there was another prostitute, and laying across, with his head on the driver and his feet on the other prostitute was a man with his pants down around his ankles, his genitals showing, he was wearing a Catholic priest's collar, and on the floor was an empty sherry bottle. Hazel again said to us, "He allows us to drive the car, he's a regular customer of ours".

Q. Mr Ryan, did you subsequently come to learn the identity of that person who appeared to be a Catholic priest?
A. Yes, I did. Tom Jenkins, the sergeant, drove the priest's car with the priest in it to the St Kilda Police Station and we followed in the divisional van. I helped Tom Jenkins assist carrying and dragging this drunken priest into the sergeant's office. Tom then requested that I go and make a cup of tea, for our meal break, and I came back later and Tom told me that the priest was a Father John Day from Apollo Bay.

Tom had rang the Cathedral and a short time later two priests came out from St Patrick's Cathedral and took the car and the priest away. The priest was completely inebriated to the extent that he had to be half-dragged out there.

Q. Mr Ryan, as I understand, the priest was not charged; is that right?
A. He was not charged, no.

Q. In paragraph 14 of your statement, you refer to something that had been said to you, and you say that this annoyed you, and about a fortnight later you were in the van with Tom Jenkins again, and "the driver was Doug Park, a friend of mine", and you said:

Doug left to go somewhere and I said to Tom, 'Well, why didn't we charge Day?' And he said something like, 'You don't charge a priest or you'd be like a bastard on fathers day' or words to that effect.

What are you meaning to convey by that, Mr Ryan? What did you understand being said to you and what are you conveying to us about that?
A. Well, No.1, just because he was a priest, the common
law probably of the police force was not to charge a priest, short of murder.

Q. What was your understanding of why that was the case?
A. Well, at that time I didn't know.

Q. Perhaps I can put it like this, Mr Ryan: what did you understand Tom Jenkins to be conveying to you about how priests should be handled in the event that they were found to be involved in criminal activity?
A. Tom explained that the Catholics looked after the Catholics and the Masons looked after the Masons, and short of murder you just didn't charge a priest.

Q. In the next part of your statement you go on to talk about sectarianism in the Victoria Police, and you say in paragraph 16 that you were a member of the Knights of the Southern Cross, which was a Catholic organisation, for a short time. Do you recall that?
A. Yes, I do.

Q. Then you say in paragraph 17:

In 1958 or 1959, members of the police - mostly Catholics - used to meet at O'Connor's Hotel in Spencer street.

On one occasion you were asked by Detective Sergeant Fred Russell, whom you had known for a while, who took you aside, and at paragraph 18:

Fred asked me whether I would be interested in joining their Catholic group to look after the interests of the Cathedral in relation to priests getting into some form of trouble.

What was your response to that?
A. Well, Fred and I were friends, we played cricket together for Russell Street Police side, and just because he was from Sydney and I was from Sydney, we had struck up a strong friendship, and Fred took me aside and asked me that, would I be interested in joining a group that had allegiance to the Cathedral and they took instructions from them, and the idea was to help any priests that got into trouble, to see whether we could have the cases withdrawn.
I told Fred that he'd have to give me some time to answer this; I wasn't very happy with what he'd told me, and I waited for a few days and then contacted him and told him I wasn't interested.

Q. So this group that he asked you if you wanted to join, I take it, was a group of policemen or group within the police force?
A. It was a group within the police force, they were from very high ranking police down to - they were mainly detectives.

Q. I want to move on, Mr Ryan, to when you were moved to Mildura, and that was in March 1962; is that right?
A. 1962, yes.

Q. In between times, so that was between 1956 when there'd been the incident with Father Day in the car, and you being sent to Mildura in 1962, in that intervening period had you had anything to do with Father Day?
A. No, nothing whatsoever.

Q. Why is it that you moved to Mildura?
A. My oldest boy, Michael - we lived in Aspendale in Melbourne and my oldest boy, Michael, had a severe asthma attack where we had to call the doctor; we didn't have a phone, so I had to run around to the - which was about a quarter of a mile away, and ring the doctor and by the time I got back home the doctor was there and Michael had gone all grey and he stopped breathing. My wife, Jean, and myself held Michael, and the doctor put an adrenaline needle down through his collar bone into his heart and he came alive and he told me - because little was known of asthma at the time - he would recommend that I go to a dry climate.

Q. And Mildura was such a climate, I take it?
A. Well, it was a decision I had to make. I'd previously performed an inquiry with a member of the Commonwealth Police that were just transferring over to the Federal Police, and the man in charge was a former Victorian detective chief inspector, Ernie Craig, and a man that I was working with said that they were after Victorian detectives because they had attended a detective training school which was the only one in the Southern Hemisphere at the time, and you'd be promoted to a sergeant, that's provided you'd pass the detective training school. I was
told that the job would be in Brisbane and I'd be a
sergeant, but I was convinced by the Superintendent in
charge of the CIB, Hughie Clugston, to stay in the Victoria
Police Force and that Mildura was vacant and it was my idea
irrespective, and I applied for and was sent to Mildura.

Q. Before you went to Mildura, you were given a warning
by Dinny Barritt, a Detective Sergeant and a friend of
yours about his brother who was stationed in Mildura as a
policeman; what was the warning that you were given?
A. Yes, Dinny again was a very good friend of mine and he
also played cricket. He rang me up and said, "I see you're
in the police orders to be transferred to Mildura. Don't
go there, my brother Jim is there". I said, "What's wrong
with that?"

He said, "There's something wrong with him in the
head, you won't get on with him". He said, "Come into the
Police Club and have a beer with me after work and we'll
talk about it". So I did, I went into McKenzie Street where
the club was, Police Club, and he told me not to go to
Mildura, Jim was there and he was very difficult to get on
with. I told him, I had no alternative, I had a son that
was critically ill with asthma, there was no known cure for
it, and that it was recommended to go to a dry climate. He
said, "Well, I've warned you". He left and I went home and
we did transfer to Mildura.

Q. Mr Ryan, when you had been in Mildura a short time,
you say in your statement that you became aware that Jim
Barritt and Father Day, that's the same Father Day you
referred to earlier, were close to Joe Kearney who was the
clerk of the courts in Mildura?
A. Yes.

Q. How did you come to learn of that?
A. Well, as soon as I arrived at Mildura, the first thing
Barritt did was to take me up to the presbytery and
introduce me to this Father Day whom I recognised as the
drunken priest that we'd taken to the police station back
in 1956. I didn't say anything at that time until we went
out and got into Jim's car and were driving back to the
police station, and I said to him, "You know, there's
something wrong with that priest, he has unusual habits?"
And Barritt then started to attack me and said, "You don't
know what you're talking about, get your facts right",
which I learnt to be a very common statement of his.
By the time we went back to the police station, he was still roaring at me, and I must admit, I was roaring at him. When we got back to the station, we continued on and then he went into his office and I went into mine.

The next morning I received a phone call from Father Day who invited me to the presbytery. In the presbytery, I knocked on the door and the door was opened immediately and immediately Day started to lambaste me to some extent. I retaliated with him and said that - he kept saying, "It wasn't me at Apollo Bay, it was another priest by that name". I said, "No, you're a liar, it was you". He told me to get out of the presbytery but I was already on my way. When I got back to the police station Barritt was waiting for me and he again attacked me and we had an argument. From that day on, we were not friends and he was a man that I could not trust.

Now, I was then introduced to Joe Kearney, and after a short conversation with him, I realised that he and Barritt and Day were very close friends. The detective that I worked with, Don Tripp, who is now deceased, told me about Kearney and Day and Barritt being very close.

Q. Kearney, as you've indicated, was clerk of the courts in Mildura and you say, when there wasn't a sitting magistrate in the district, Kearney was the most senior officer of the court in Mildura and he was a Catholic. You seem to be suggesting there that Kearney could exert some sort of influence in favour of the Catholic Church or of priests in the area. Could you just confirm, is that the case and, if so, how, as clerk of the court?
A. Oh, positively, Kearney was the secretary treasurer of the parish funds. Excuse me, I want to blow my nose. I apologise, Your Honour. Yes?

Q. What I'd asked you is, how was the clerk of the court in a position to exert influence to protect or assist people attached to the Catholic Church?
A. He would - see, at the time, minor offences, when there wasn't a visiting Magistrate a Justice of the Peace would sit on the bench, and because Kearney had influence with them, and also with Barritt, he also had a close association with - he and Day.

Q. You go on to detail an investigation that you were
involved in into John Day, and that was in 1971 and 1972. I understand at that time, 1971-1972, the Superintendent at Swan Hill was in charge of the whole district which included Mildura; is that right?

A. Yes.

Q. And Swan Hill is some couple of hours drive away; is that right?

A. Yes.

MR STEWART: Your Honour, would this be a convenient time?

THE CHAIR: Very well, we'll take the morning adjournment.

SHORT ADJOURNMENT

THE CHAIR: Yes, Mr Stewart.

MR STEWART: Q. Mr Ryan, can you hear me better now?

A. Yes.

Q. I'll hopefully not speak too loudly for you, we can turn it down again if there's a problem. Thank you. How's that now?

A. That's good.

Q. Mr Ryan, I want to take up in your statement where you got up to, which is, you were about to go into the investigations that you undertook into Father John Day. I'd like to refer you to your statement starting at paragraph 31. Do you have that in front of you?

A. Yes.

Q. Mr Ryan, what I propose to do is to ask you to read your statement commencing at that paragraph and from time to time I'll stop you and then we'll resume again. Will you do that?

A. Yes.

Q. Thank you.

A. "I said to him, 'You're taking Jim Barritt with you, he's Day's best friend'."

Q. I'm not sure we're on the same paragraph.

A. Fifty-one?

Paragraph 31. I'm sorry about that.

"Mildura had a Catholic Primary School, Sacred Heart School, and secondary school, St Joseph's College.

About seven years after I had been at Mildura, on or about the morning of 29 September 1971, I received a phone call from John Howden. At that stage I think he was the headmaster of St Joseph's College in Mildura. I had met John once before. He said, 'I need you to come up to the college, there is a matter I wish to discuss'. I told him I would be there within the hour. He then said to me, 'Don't let Jim Barritt know I've called. I'll let you know the reason why when you get here'.

The morning I got this phone call, I went alone to St Joseph's College. I didn't tell anyone at the station where I was going. When I got there, I went to John Howden's office. John was in there with an elderly nun, whom he introduced as Sister Pancratius, a teaching principal at the school.

John Howden said, 'The mother of one of our students has made a complaint that Monsignor John Day has indecently assaulted her daughter on a number of occasions'. Sister Pancratius said, 'I have known about Monsignor Day's behaviour for some time now. It runs contrary to my vows of silence to say this to you, and I will never repeat what I have said from this moment forward'. She walked out of the room, said 'Goodbye Detective Ryan' or something like that and closed the door.

After she had left, John Howden told me the name of the girl and said the allegation was that Day had touched her breasts while she was washing his car. He made an appointment for me to visit this girl, [BPI], and her mother, Mrs [BPY], the following day.

John Howden then said to me, 'I wanted to speak to you. Not Barritt. Barritt has a very close association with John Day. I fear the complaint would have gone nowhere. I told John I would conduct the investigation myself.'

The next day, on 30 September 1971, I met first with Mrs [BPY]. She gave a statement which she signed in my presence, stating that her daughter had informed her that...
she had been indecently assaulted by Day on a number of occasions. She also stated that she had told Sister Euphemia, a nun and teacher at the school, about these events shortly after her daughter had told her about them.

I then interviewed [BPI] who was 17 years old. She gave a statement, which she signed in my presence. She also told me about a story she had heard from one of her classmates, [BPZ], that Day had molested her on a drive home from Melbourne.

Later that afternoon, I interviewed [BPZ] and obtained a statement from her. She was in her leaving year at school.

There was one detective at Mildura, who I thought I could rely on and trust - Harry Herbert. He was neither Mason nor Catholic. I told him about the statements I had from the two girls. I told him I thought it was the tip of the iceberg and he agreed. Within three or four days after this conversation, Harry sought and obtained a transfer back to Melbourne. I didn’t tell anyone else that I had collected these three statements at the time.

Some time after this, I spoke to a young bloke in Mildura who attended Sacred Heart school. I told him I had an inquiry going into Monsignor Day. He gave me the name of a man, [BUA], who had been at the school at Sacred Heart.

On 21 October 1971, at about 6pm, I rang [BUA] and told him I needed his help. He agreed to come into the office. I interviewed [BUA] alone in my office with my door closed. [BUA] provided a statement which he signed in my presence. In that statement he alleged that Day had molested him when he was in Grade 6 at Sacred Heart Primary School.

Over the next week, I took statements from [BUU] and [BUE], both of whom alleged that Day had sexually assaulted them while they were at St Joseph's Catholic College.

It wasn't a difficult inquiry. Each victim gave me another name, so it was just like stepping stones.”

Q. Mr Ryan, sorry to interrupt. In the next section of your statement you go on to deal with reporting to
Superintendent Jack McPartland and I'll ask you to carry on reading that. Can I ask you, when you get to the pseudonyms, the initials of people, it's fine to read those out, that will be helpful to us because we can track who those people are. So, if you get to, for example, what you read there, "I rang [BUA]", it says; if you say that out, that will be fine. Do you understand me?

A. Their initials or their full name?

Q. No, just the initials. Do you have it on that copy? On the top of that page, the very first page does it say:

On 21 October 1971 at around 6pm I rang [BUA]?

A. Yes.

Q. If you read those initials when you get to them, that will be fine. If you go to paragraph 45.

A. "On or around 25 October 1971, after I had collected these six statements, I decided to approach the most senior officer in the district - Superintendent Jack McPartland, who was based at Swan Hill. I had worked with Jack in the past and got on well with him. I know he was a devout Catholic, but I expected him to support me through the investigation as he was so far from Mildura.

I rang Superintendent McPartland and said, 'I've got five statements from victims alleging that Monsignor Day has committed numerous acts of sexual assault, gross indecency and attempted buggery'. He replied without hesitation, 'I want you to give these statements to Inspector Irwin straight away and cease any further inquiries'. He said, 'You are no longer involved in this investigation'.

Inspector Alby Irwin was the senior uniform officer at Mildura. He was a Catholic and I knew he was close to Jim Barritt.

I said to him, 'You're asking me to deliver these statements to Inspector Irwin, a man who is a bosom friend of Jim Barritt, and Barritt is in turn the best friend of Monsignor Day. This will be the end of this inquiry'. He said, 'I have given you an instruction. I expect you to obey it'. I said, 'What you're asking me to do will effectively destroy this investigation'. He replied, 'I'm
going to tell you something now, Detective Ryan, and you're not going to like it. I'm a Superintendent and you're a nobody. Do as you're fucking told'. He hung up.

I gave the five statements to Inspector Irwin. He took the statements without a word. He looked at me for a moment before returning to his paperwork. By the time I had left Irwin's office, I decided I was not going to drop this investigation.

On or around 10 November 1971, Inspector Irwin told me that he and Jim Barritt were going to interview Monsignor Day at the presbytery. He handed me a blank record of interview, with the questions he was going to ask Day already typed in. I read a few of these questions.

I said to him, 'You're taking Barritt with you? He's Day's best friend! That is contrary to everything you were taught as a detective. You are totally and completely compromising the investigation. Your record of interview is a disgrace. I'd expect better from a first year constable fresh out of the academy'.

He replied, 'What are you talking about? How dare you say that to me?' He more or less jumped out of his seat and got into a fighting stance, then he turned his back on me and walked away. This was the first time anyone in the force had spoken to me about Day since I had given Inspector Irwin the five statements.

I was not given a copy of the transcript of the interview at that time, nor was I told about the outcome of the interview.

I was not told about the report from Inspector Irwin to Superintendent McPartland dated 19 November 1971 at the time, nor did I see a copy of it. I was not told about the report from Superintendent McPartland to the Chief Commissioner, Reg Jackson, dated 30 November 1971, nor did I see a copy of it.

In early December 1971, I was in the watch house, which is part of the police station where prisoners are brought and charged, talking to the watch house keeper. Laurie McGrath, a senior constable, came in and told me that someone in the car outside wanted to talk to me. I went outside.
Father Peter Taffe was sitting in his car in the street outside the police station. Father Taffe had been a priest in Mildura for about three years. I knew him and on one occasion I'd had a beer with him.

I said to him, 'Did you want to see me Peter?' He leant over the passenger seat and said, 'Drop the inquiry into Monsignor Day or you'll be out of a job'. I replied, 'You can go and get fucked, pal'. He drove off. On 29 April 2013, I swore an affidavit in relation to this conversation."

Q. Mr Ryan, I'll just interrupt you there for a moment. Was it your understanding that Father Peter Taffe was at that time the assistant parish priest to Monsignor John Day?
A. Yes.

Q. Then you go on in your statement about the continuing investigation into Day. Because you then interviewed a boy, who's given the initials [BUI]; is that right?
A. Yes.

Q. Then you also took a statement from [BUH]; is that right?
A. Yes.

Q. I am now at paragraph 61, and on 9 December 1971 you wrote a report to Inspector Irwin, providing the statements of [BUI] and [BUH] to Inspector Irwin; is that right?
A. Yes.

Q. Perhaps if you would carry on from paragraph 62, where you deal with writing to Bishop Mulkearns.
A. "I had not spoken to John Howden since he alerted me to the first allegation against Day in September 1971. I met him at the school on 8 December 1971 and told him that I had taken statements from eight current or former students of St Joseph's College, all of whom alleged that Day had sexually assaulted them.

I also told him that Superintendent McPartland had ordered me off the case and that Barritt and Inspector Irwin had interviewed Day.

I suggested to John Howden that we write to the Bishop
of Ballarat. He agreed. We wrote a letter together at the
school that evening which we both signed and sent to
Bishop Mulkearns the following day. I had never met Bishop
Mulkearns before this time.

We agreed that Bishop Mulkearns had to be given as
much information as possible, so in that letter we listed
the names and addresses of the victims and set out the
nature of the allegations and the locations where those
allegations were said to have occurred. We asked for Day's
removal from the Parish of Mildura and for a meeting with
the Bishop.

During that meeting, John Howden told me that some
time earlier the principal of Sacred Heart Primary School,
who was also a nun, had come to him and said that the
government had been paying the salary of a teacher who did
not exist. Day had signed off on all the accounts. I knew
that Day was the chairman of the Mildura Catholic Church
Parish Financial Committee, which handled funds from all
sources including the money that came from the government
for the school and that Joe Kearney was the treasurer and
secretary.

John Howden had told me that he and a group of senior
parishioners had confronted Day about this at the
presbytery. He said Day had denied the accusations and
that some of the parishioners were furious about the state
of the parish's accounts and one, or perhaps more, may have
taken the matter to the police. I had not heard of this
before.

Bishop Mulkearns responded to John Howden and I by
letter dated 10 December 1971. In that letter,
Bishop Mulkearns wrote that the police investigation had
'evidently cleared Monsignor Day of the charges which have
been made against him'.

I did not know at that time that Monsignor Day had
been cleared by the police of charges against him.

Bishop Mulkearns' letter also referred to a complaint
made earlier to the police to the effect that Monsignor Day
was misappropriating parish funds. He wrote, 'One cannot
help wondering whether a concerted effort is being made to
discredit the parish priest'.
Q. Mr Ryan, I'll just interrupt you again for a second. Then in the next section you carry on and you detail your own continuing investigations into Day; is that right?
A. Yes.

Q. You took statements from a number of other people relevant to the investigation?
A. Yes.

Q. And that's all set out in those paragraphs 71-74?
A. Yes.

Q. Perhaps, if you can take it up again at paragraph 75 on the top of the next page.
A. "Some time in December 1971, Superintendent Jack McPartland was transferred from Swan Hill back to Melbourne. His replacement was Superintendent Harry Duffy. I hadn't worked with Duffy previously. I knew him by name, and knew that he was a staunch Catholic.

On 28 December 1971, Superintendent Duffy visited Mildura Police Station. He spoke to me for about five minutes. I told Duffy that Barritt was extorting money from persons alleged to have committed offences and that the money was paid to the Catholic Church. I gave him a list of names.

I have been shown a report from Superintendent Duffy of that visit to Mildura, dated 10 January 1972. That report states that during his interview with me, I gave Duffy the statements of [BUO], [BUJ], [BUH], [BUI] and Conroy. That report also states that I gave Duffy a copy of the letter John Howden and I had sent to Bishop Mulkearns and a copy of the Bishop's reply.

On 30 December 1971, I sent the statement of [BUQ] and a short report to Superintendent Duffy at Swan Hill.

By that time, I felt very alone in the police force. I could not talk to Jim Barritt or Inspector Irwin. Bill Brodie, the police reservist in Mildura, had barely said a word to me since I began investigating Day. Harry Herbert's replacement at CIB was Graham McAllister who had come up from Melbourne. On his second day in Mildura, I asked him if he wanted to join me for a drink. He said, 'I've been told by senior officers in Melbourne not to discuss anything with you. Keep out of my way'.
I rang Chief Superintendent Frank Holland who was based at Russell Street CIB in Melbourne. He had been my old mate and mentor and had helped me on a number of occasions. He was a staunch Catholic and close friend of Fred Russell. I told Frank that I had been conducting an inquiry into a local Monsignor who is raping little kids, that it had come to a standstill and that I had been ordered off the inquiry. He said, 'Yes, I know all about it. Don't worry, help is on the way'.

On 15 January 1972, after I finished work, I returned home and saw a car in the driveway of my house. I walked into my house and saw Superintendent John (Jack) O'Connor and Detective Chief Inspector Harvey Child standing in my lounge room with my wife.

I knew Jack O'Connor. He had been in the Special Branch of the police force, which was almost totally comprised of Catholics. I knew that he was a Catholic. I had worked with Harvey Child's brother, Ray. He had once been a Mason. I knew Harvey Child was still a Mason.

Jack O'Connor said to me, 'Can I have a word with you out the back?' I followed into the backyard. Harvey Child remained inside. Once we were outside, Jack said to me, 'This is a nice old mess, Dinny. What I intend to do is have Barritt moved on and you will be made Detective Sergeant here'.

I replied:

'I've done my sergeant's exam but I'd have to go back to Russell Street in uniform to be made a sergeant. Plus, I've got my family settled here. My two oldest boys have asthma. They've improved up here, but still until I get a medical clearance from their doctors, we have stay. This position was given to me specifically for that reason by Superintendent Clugson. The doctor says it might take a couple of years. I'd like to go back to Melbourne but I can't do it until the boys get the OK from the doc.'

Jack O'Connor said, 'Don't worry about that, Dinny. You won't be forced back to Melbourne until you want to go. Where there's a will, there's a way. I can make it all happen for you'.

.08/12/2015 (C135) C14306 D J H RYAN (Mr Stewart)

Transcript produced by DTI
I replied, 'With due respect, sir, it is not my intention to take Jim's position. I was asking for some assistance regarding the investigation into the crimes of Monsignor Day. Jim Barritt is too close to Day'. Jack O'Connor said, 'Dinny, we can smooth all this over'.

I said:

'This goes back to my first day up here nine years ago. The first thing Jim did was take me up to the presbytery to meet Day. It was then that I realised I had met Day before. I was in the divisional van with Tommy Jenkins and Clarrie Bell in St Kilda back in 1956. We stopped Day with two prostitutes in his car. He was pissed to the eyeballs with his strides around his ankles. I didn't let on when I met Day, but I told Jim after we left. He blew up, told me I was wrong and next thing I know, Day has called me up to the presbytery where he shit-cans me and issued orders like he ran the town. It was a serious breach of trust by Jim. Jim tried to tell me I had the wrong priest. He tried to tell me there was another Father Day in Apollo Bay. Day tried that one on too. Jim completely lost me then. Sir, there is something sinister about their association.'

O'Connor said, 'Dinny, Barritt's gone. You'll be my man up here. But you have to play ball with me on this one'. I said, 'I don't want Jim's job, sir. I want Day thoroughly investigated. He's an absolute disgrace to the priesthood and he should be defrocked'. O'Connor said, 'All right then' and walked back inside. I stayed where I was. Soon after, O'Connor and Child came out of the house and walked past me. O'Connor said, 'I'll see you in the morning'.

The next day, 16 January 1972, Jack O'Connor came over to my desk and told me he would be dealing with some business with the uniform boys and wouldn't get back to me about the Day investigation for another week.

A week later, Jack O'Connor came back to Mildura from Melbourne. He spent a lot of time in Barritt's office, but I don't know if Barritt was there or not as he always closed the door behind him.

One afternoon, Jack O'Connor walked past my desk. I said to him, 'Mr O'Connor, I would like to be part of the
inquiry into Monsignor Day. As you know, sir, this was reported to me by the senior master at St Joseph's College as an official complaint from the principal of the school, Sister Pancratius. I've taken many statements. I can get a hundred more, sir'. He replied, 'No, you have been instructed that you're no longer part of this inquiry'.

The following day, I said to O'Connor, 'I would like you to reconsider this. I have the local knowledge. I have the trust of the community. I can guarantee that I can find a hundred more of Day's victims in this district alone. God only knows how many more we could find in his other parishes'. O'Connor replied, 'You've been told once and so I'll tell you one more time, you are not involved in this investigation. You have been issued a direct order and, if you don't obey it, you will be subject to disciplinary action'.

On or about 20 January 1972, Harvey Child interviewed me about the allegations I had made to Superintendent Duffy about Jim Barritt extorting money. He took two statements from me.

The first set out the information I had been told, that Barritt had told two men to pay money to the Catholic Church to avoid prosecution for criminal offences. That information had come to me from another policeman, Jack Thomas. The second statement set out information about Barritt's handling of a matter involving stolen tools from a workshop.

During this interview, Harvey Child did not ask me any questions about Day's sexual abuse of children. I did not say anything to him about it either. That subject had become taboo.

On 24 January 1972, I took a statement from [BUR], a former policeman, who said that he had been sexually assaulted by Day when he was 11 years old and a student at Sacred Heart School in Mildura.

Also in January 1972, Inspector Irwin told me he had received an order from the Chief Commissioner of Police, Reg Jackson, that I was forbidden to leave the Mildura district without Irwin's permission. In my experience in the police, such an order was unheard of.
Some time after the end of January 1972, I read in the papers that at mass on Sunday, 30 January 1972, Monsignor John Day informed the congregation that he had offered his resignation to Bishop Mulkearns, that it had been accepted and that he would be leaving the parish within days."

Q. Mr Ryan, if I can interrupt you again there. Then you go on in the statement to detail how you were introduced to Alan Lind, the member for Dandenong, and that he then asked a question without notice in question time in the Legislative Assembly; is that right?
A. Yes.

Q. And that was about the result of the investigation conducted quite recently by two senior police officers into the police administration in Mildura?
A. Yes.

Q. Am I right that, out of that question having been asked in the Legislative Assembly, there was a press report, or perhaps more than one, drawing attention to this issue in the public; is that right?
A. Yes.

Q. You then say that many years later - at paragraph 102 - you obtained various documents from the police, including a report dated 9 March 1972, which you hadn't previously seen, and that that report states that Detective Chief Inspector Child and you had interviewed a number of persons, including [BUI]. Then it said:

... but no corroborative evidence was obtained. We particularly enquired without success as to any alleged indecent assault in recent times, exclusive of [BUI].

That's contrary to your evidence of what actually happened, isn't it?
A. Yes.

Q. What's stated in that report. Perhaps, if you wouldn't mind continuing to read then from paragraph 104.
A. Yes.

"In my experience as a police officer, when a senior officer takes over an investigation from you, they re-interview the people that the original investigator..."
interviewed to make sure that the investigator hadn't missed anything. I would therefore have expected Detective Chief Inspector Child and Superintendent O'Connor to have interviewed those who had made a statement in relation to Day and to have continued the inquiry.

Many years later, in or around 2006, I went and spoke to seven of the people who had made statements. [BUO] had died. Other victims had left Mildura. Of the victims I spoke to, only [BUQ] told me he had been interviewed by Detective Chief Inspector Child and Superintendent O'Connor in 1972. He said he had confirmed the allegations made in his original statement. The other six - [BUI], [BPI], [BPZ], [BUU], [BUH], and [BUR] told me that they not been approached by the police at all."

Q. You then go on in the next couple of paragraphs to detail a meeting that you had with Jack O'Connor, Superintendent O'Connor, in Melbourne; is that right?
A. Yes.

Q. Perhaps, if you can pick matters up again at paragraph 109.
A. "On 29 March 1972, Jim Barritt and I were called to Russell Street headquarters to meet with Chief Commissioner Reg Jackson and Deputy Commissioner Jack Carmichael. Barritt and I waited outside the Chief Commissioner's office. Barritt went in first and was in there for about half an hour.

When it was my turn, Chief Commissioner Jackson said to me, 'All right, why can't you get on with Jim Barritt? What are the problems you've got with him?'. I spoke for about 10 minutes. I told him about Barritt's relationship with Day and his inadequacies as a detective.

After I had finished, Jackson said, 'That will be all, detective'. They didn't ask me any questions about the investigation into Day and I didn't mention it.

On 12 April 1972, Inspector Irwin came into my office and said, 'I have received notification from the Commissioner's office that you are to be transferred out of Mildura. You can apply for any station that is available by the 15th of May, but if you have made no application, then you will be transferred to Russell Street CIB."
I had initially moved to Mildura due to the health concerns of my two eldest boys. These concerns continued and their doctor believed that a return to Melbourne could trigger further asthma attacks. I also was aware that, if I left Mildura, the investigation into Day would end.

I decided to appeal my transfer. I contacted the Police Association - the trade union of the police force, and made an appointment to see an official, Kevin Hatt, at the association office in McKenzie Street in Melbourne. As I was confined to the district order, I told Inspector Irwin that I was going to Melbourne to appeal my decision.

When I met Kevin Hatt, I told him I wanted to appeal my transfer from Mildura CIB to Russell Street, and told him about my investigations into Day. I was about to tell him about O'Connor's visit to my house, when he suddenly jumped up from his chair, ran out of the office waving his arms, and said, 'This is too much for me, I can't handle this'. I waited for half an hour, then I asked the receptionist, who said he won't be coming back. I tried to call him five or six times after this visit, but he never answered or returned my calls.

On 24 April 1972, I received a formal order to transfer from the new Superintendent, Bill McBride.

On 16 May 1972, I submitted a formal resignation to Superintendent McBride, in which I stated that I had no alternative other than to resign 'owing to the pressure which has been brought to bear on me by Inspector Irwin and Detective Sergeant Barritt of Mildura, since the commencement of my enquiries into the criminal activities of Monsignor Day in late September 1971 and the untruths told by Detective Sergeant Barritt'.

In that resignation, I also wrote, 'I can only hope that any member of the police force who in the future performs a similar type of inquiry that I performed in relation to Monsignor Day does not suffer the same fate that I have suffered'.

I knew that, if I resigned from the force, I would lose my police and emergency services pension, which was significant, and all my benefits. I would also lose a job that had previously been my life. However, I knew that, if I resigned and stayed in Mildura, my voice would still be
heard.

After I submitted my resignation, I went on sick leave. I was depressed and bitter ..."

Excuse me.

Q. Mr Ryan, you were just at paragraph 120, and you said you were depressed and bitter and that carries on, and you say there you were worried about the financial situation of your family.
A. Yes.

Q. Then, paragraph 121, you then say what happened is that Superintendent McBride had come to see you and you rang him; is that right?
A. Yes.

Q. And he demanded that you withdraw your resignation?
A. Yes.

Q. And you refused to do that?
A. Yes.

Q. In the next section of your statement you go on to deal with the question of the citrus orchard. In brief, the position is this, isn't it, that in subsequent years you got to see some internal documents from the police in which it was said that you had said that you wanted to stay in Mildura because you had commercial interests that you wanted to pursue there; is that right?
A. Yes.

Q. And that wasn't actually the case at all?
A. No, not at all.

Q. We have all that documentation and your response in relation to that is set out. You also go on in your statement and you detail your life after leaving Victoria Police. You stayed in Mildura, is that right, you and your family?
A. Yes.

Q. Perhaps if I can ask you to go to the concluding section of your statement on the last page at paragraph 139, you may wish to read those last few paragraphs.
A. "In the early days, I had nightmares of ..."
Q. Mr Ryan, there's no need for you to read them, it's only if you'd like to do so, otherwise I can read them?
A. Yes.

Q. What you say in your statement is:

In the early days, I had nightmares of Monsignor Day raping kids and the way the police force had condoned these offences.

Hardly a day goes by that I don't think of the police force and what they did to the kids who were the victims of Monsignor Day. Those children were being mentally and physically destroyed by Day and the police protected him. Bishop Mulkearns also protected him.

I wonder how many kids would have been saved if Victoria Police had gone on with the inquiry into Day.
A. Yes.

Q. Mr Ryan, much of what is in your statement is the subject of a book co-authored by you; is that right?
A. Yes.

Q. A book titled, "Unholy Trinity"; is that right?
A. Yes.

Q. Where you were able to provide particular dates and times and so on that events occurred, I take it you were able to do that from the research that you did for that book?
A. Yes. I had to go to court.

Q. Was that to VCAT?
A. VCAT, I had to go to VCAT. I had the assistance of a barrister and it went for two days and I won it.

Q. That was to get access to documents in the hands of Victoria Police; is that right?
A. Yes.

Q. And, from those documents, you were able to reconstruct aspects of the events that had taken place; is
Q. I'd like to take you to a few of the documents that the Royal Commission has in its possession, they may or may not be documents you've previously seen, I'm not sure. If I can refer you to - and it will come up on your screen - tab 82 of the Monsignor John Day tender bundle, that's a bundle I'll tender shortly, Your Honour.

Mr Stewart: I might just as well tender it now, if that's convenient to Your Honour.

The Chair: The bundle will become 28-101.

Mr Stewart: Q. You have on the screen before you a letter from Victoria Police, in particular Christine Nixon, Chief Commissioner of Police, directed to Mr Russell Savage in Mildura.

A. Yes.

Q. If I can refer you to the second page of the letter, you will see that the Chief Commissioner of Police - and I understand, although the letter's not dated, I understand this to have been, subject to being corrected, in 2006. In her second-last paragraph she says:

Following examination of this extensive statement by former Assistant Commissioner O'Connor [and I'll take you to the statement in a moment] I am completely satisfied with the conduct of the investigation into the Day matter and that Denis Ryan resigned from Victoria Police of his own accord.

What is your response to that, Mr Ryan?

A. It's completely wrong. I was forced out of the police force. I had submitted a resignation, that was true, in order, but after being advised, I entered a normal resignation; but at no stage was it my intention ever to leave the Victoria Police force. It was my life, I liked
the job and I would not have left it other than having been
forced out of it.

Q. Mr Ryan, the Chief Commissioner's letter, as she says,
is based on a statement of former Assistant Commissioner
O'Connor; that statement is at tab 83. I'll ask that you
be shown that statement. This statement, I can tell you,
is dated 9 October 2006. Mr O'Connor says at that time
that he was 90 years of age and a retired member of the
Victoria Police.
A. Yes.

Q. Then he goes on and details various aspects dealing
with this matter. If I might draw your attention firstly
to, near the bottom of the second page, Ringtail 0414. You
will see that there's a paragraph there, he says:

At 9.00am on 20th January, we met with
Detective Sergeant James Barritt and Senior
Detective Denis Ryan at the Mildura CIB
offices.

That's an occasion that you dealt with in your
statement; is that right?
A. Yes.

Q. Then, on the next page, at the top of the page, you
see it says, "Later that morning", so, in other words,
later on the morning of 20 January, when he had met with
you, he said that:

... Ryan arranged for nine youths to attend
the CIB offices. He advised us that he had
interviewed all nine youths and that three
of the group had complained of being
sexually assaulted by Monsignor Day.
Childs and I then interviewed the nine
youths separately and specifically spoke
with the three youths that Ryan had
identified. These nine boys intimated that
they avoided being alone with Monsignor
Day, but none of them knew of anyone who
had made any allegations against Day and
none made any allegations of Day committing
assaults on them. I asked Ryan if he had
any statements from those three particular
persons whom he had identified as they had
denied making any statements.

A. That's totally fabricated. That's a lie.

Q. Yes, because what actually happened, Mr Ryan?
A. Well, I went around and interviewed, and I can name them now, seven of the boys; one had been interviewed by them, and he's now deceased, [REDACTED], and they'd never been near them at all. Now, some of the people they said they interviewed, I knew personally; some had left the district to places unknown, which I doubt whether O'Connor and Child would know, but the seven that I know that I interviewed, other than that one who said he'd been interviewed in Melbourne and had stated that what he had written were actual facts and did happen, but the other six absolutely denied, and I can name them off for you, said that O'Connor and Child did not go anywhere near them.

Q. You will see it continues in that paragraph, Mr O'Connor said:

Ryan said he did not have any statements nor did he have statements from any other person who had made allegations against Monsignor Day. In subsequent trips back to Mildura or phone calls made, Ryan, nor any other police member, was able to produce any statements which contained allegations against Monsignor Day. Ryan never produced a single statement of complaint to me, nor did he ever intimate that he had such a statement, nor did he identify any complainant at all.

A. That's a dead - that's a lie.

Q. If we have a look over the page, so that's on page 4 of the statement, you will see that he deals with further inquiries and also speaking to John Howden.

Starting in the fifth line towards the right-hand side, it says:

On 23rd January, we spoke with Mr [REDACTED] and his son, [BUI], who made a statement which recorded that he had been sexually assaulted by Monsignor Day. This
witness impressed as an intelligent and
truthful person.

Barritt, Ryan and senior uniform members
were told of the complainant and we urged
them to provide further assistance. We
legally required further corroboration to
ensure a successful prosecution.
Unfortunately we did not receive any other
complaint subsequently or during our two
visits to Mildura.

What is your response to that?
A. That's ridiculous - wrong. They're total lies.

Q. I take it, in the respects in which Mr O'Connor's
statement conflicts with yours, you stand by your
statement, do you?
A. Yes, I do. I have proof that I can produce, seven
witnesses that will say that O'Connor and Child didn't -
other than one of them - go near them.

Q. Yes, we have extensive documentation in that regard,
thank you, Mr Ryan.

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

THE CHAIR: Does anyone else have any questions? No? Very
well. Thank you, Mr Ryan, that concludes your evidence.
You are excused

THE WITNESS WITHDREW

MR STEWART: Your Honour, I call Sinclair Imrie Miller.
Mr Miller's statement is at tab 4.

<SINCLAIR IMRIE MILLER, sworn: [12.50pm]

<EXAMINATION BY MR STEWART:

MR STEWART: Q. Mr Miller, can you hear me well enough,
or do you need some assistance?
A. No, I'm all right, thank you.

Q. Mr Miller, would you state your full names?
A. Sinclair Imrie Miller.
Q. I take it, Mr Miller, that you are retired, are you?
A. I am retired, yes.

Q. When did you retire from Victoria Police?
A. In 1987.

Q. What position did you hold at the time of your retirement?
A. I had been the Chief Commissioner, the 16th Chief Commissioner of the force from 1977-1987.

Q. I wish to show you a statement of yours dated 17 November 2015, which will come up on your screen. Do you see that statement on the screen?
A. I do.

Q. I take it, that's your statement, is it?
A. Yes, it appears to be.

Q. On the last page it appears to be signed by you and dated 17 November 2015. Do you confirm that statement to be true and correct?
A. To the best of my knowledge, yes.

MR STEWART: I tender the statement, Your Honour.

THE CHAIR: It will be exhibit 28-102

EXHIBIT #28-102 STATEMENT OF MR MILLER DATED 17/11/2015

MR STEWART: Q. Mr Miller, if I might impose on you to read the statement, it's relatively short. If you run into difficulties with it at all, I can assist you. Would it be easier to have a hard copy of the statement rather than on the screen?
A. Yes. I think the hard copy would be preferable, thank you.

Q. I understand it's on it's way. Would you mind seeing if you can start on the screen --

THE CHAIR: No, no, he can have my hard copy.

MR STEWART: Q. Thank you, Mr Miller.
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 Sinclair Imrie Miller. I am known as Mick Miller. I was born in 1926. I am 89 years old - so far.

I joined Victoria Police in November 1947, after two and a half years in the Army. My curriculum vitae is with the Commission.

I served in various capacities in Victoria Police, including uniform duties in Richmond, detective at Brunswick CIB and the Homicide Squad. I was also the officer-in-charge of the Gaming (Special Duties) Branch, officer-in-charge of the Vice Squad, and until 1970, officer-in-charge of the Detective Training School.

On 12 October 1971, Reg Jackson, who was an acting Chief Commissioner, was appointed the 15th Chief Commissioner of Victoria Police. Angus Carmichael, who was an Assistant Commissioner, was appointed Deputy Commissioner. I was appointed Assistant Commissioner.

I was Assistant Commissioner (Operations) from October 1971 until 1976. From 1976 until 1977 I was Assistant Commissioner (Crime). From 13 June 1977 until 28 October 1987, I was Chief Commissioner of Victoria Police, having retired on 28 November 1987.

In 1971, there was a Chief Commissioner, and one Deputy Commissioner, whose title really should have been Deputy Chief Commissioner [it's an historical aberration]. Under the Deputy Commissioner, there were five Assistant Commissioners as follows: crime, traffic, operations, personnel and services.

While I was Assistant Commissioner (Operations), William Crowley was Assistant Commissioner (Crime).

There were around 12 country districts in Victoria at this time. Within each district, there was a Superintendent, who sat under the Assistant Commissioners. The Superintendent of Swan Hill oversaw the North Western district of Victoria, including Mildura.
There were also District Inspectors who reported to the Superintendent.

In 1971, the Assistant Commissioner (Operations) was accountable for the day-to-day operational activities of all uniformed police in both metropolitan and country districts of Victoria.

The Assistant Commissioner (Operations) was also responsible for the day-to-day performance of both the mobile traffic members and the crime department detectives stationed in country districts. Detectives and traffic police stationed in country districts were accountable to the Superintendent in charge of that district.

Detectives stationed in the metropolitan area were accountable to the Assistant Commissioner (Crime). Mobile traffic police in the metropolitan area were accountable to the Assistant Commissioner (traffic).

When I became Assistant Commissioner (Operations), the Operations Department in the Victoria Police was in a state of flux. That department comprised 75 per cent of the total assets of the force. The Sir Eric Johnston report had recommended that it be assessed, reviewed and re-organised.

This was an inspection of the force which had been requested by the government and which commissioned Eric St Johnstone, a former chief inspector of the constabulary, to undertake.

"In 1972, I read newspaper reports in one or more of the major daily newspapers of discord between the Detective Sergeant in charge of Mildura and one of his detectives. As I recall it, the newspaper reports gave no details of the nature of the dispute between them. I can't recall which newspaper I read this in, or whether I read it in more than one newspaper.

I did not know at the time that the Detective Sergeant of Mildura was James Patrick Barritt, or that the subordinate detective in question was Senior Detective Denis Ryan. I knew of Barritt but had never met him personally. I don't recall having met Senior Detective Ryan before either.
I do not recall the details of the newspaper reports that I read. At the time I thought the dispute was unusual, because subordinates don't usually dispute things with their superior officers.

I approached Deputy Commissioner Angus Carmichael, who was my immediate superior, and asked what was happening at the Mildura CIB. He replied, 'None of your business'. I was taken aback by this response and stated that the detectives at Mildura came under my jurisdiction and, therefore, if there was an issue adversely affecting operational harmony, it was up to me to resolve it.

Deputy Commissioner Carmichael replied, 'You keep out of it. Reg is going to fix this in his own way'. The 'Reg' to whom he referred was the incumbent 15th Chief Commissioner of Victoria Police, Reginald Jackson. I thought this response was peculiar, an unexpected rebuff. However, I could see no point in appealing to the Chief Commissioner against his Deputy's decision. Because I was new to the position as Assistant Commissioner, I thought perhaps that was the way that the senior command operated.

After this conversation, I went to see Assistant Commissioner (Crime), Bill Crowley. Organisationally, given his position, he would have had an influence on the resolution of whatever the problem was. I thought he would have been consulted on whatever the outcome would be.

MR STEWART: Sorry to interrupt you for a moment, Mr Miller. I'm in Your Honour's hands as to when would be a convenient time.

THE CHAIR: How many paragraphs are there?

MR STEWART: There are a couple of pages.

THE CHAIR: I think we might finish the statement.

THE WITNESS: "I knew Mr Crowley well, as we had been partners in the Homicide Squad in the 1950s. I asked him about the situation in Mildura and he replied, 'Just a clash of personalities by two blokes with different points of view. If it doesn't sort itself out, we'll transfer one or the other to another station'. I accepted this response because I regarded him as a trustworthy friend. Based on what he said, I assumed it was simply a case of
incompatibility between the two detectives.

I later learned that Detective Sergeant Barritt had been transferred from Mildura to Echuca CIB. I may have read this in the Police Gazette but I can't recall exactly how I found out. I regarded that as odd, because I thought they would have transferred the junior man. I don't recall ever hearing that Denis Ryan had resigned.

I don't recall hearing about police disciplinary proceedings being taken against Detective Sergeant Barritt in 1972. I would have expected that I would have been advised of this as a courtesy because country detectives fell under my jurisdiction as Assistant Commissioner (Operations).

I don't recall ever hearing about Monsignor John Day while I was Assistant Commissioner (Operations).

In the ensuing 42 years, including 10 years as [Chief] Commissioner, I heard nothing further about the problem in Mildura, nor did I make any attempt to ascertain details of the matter.

In late 2014, I read the book "Unholy Trinity" by Denis Ryan and Peter Hoysted. I was horrified by what I had read. The book documents events which, if true, provide evidence of serial sexual offences against children, supposedly under the care and protection of Monsignor Day. It also provides evidence of misconduct by senior Victoria Police officers, including dereliction of duty, conspiracy to pervert the course of justice and inciting other members of the police force to join the conspiracy against Denis Ryan in order to conceal the crimes committed by Day.

I knew most of the members of the police force mentioned in the book, and had worked closely with some of them. Most, if not all, of those senior officers are now deceased.

There is also mention in the Unholy Trinity of Denis Ryan's meeting with a representative from the Police Association of Victoria in 1972. I subsequently learned from a conversation with Denis Ryan that Kevin Hatt was the association representative that he spoke to. Kevin Hatt had been the assistant secretary to Bill Crowley when Bill
was the secretary of the Police Association of Victoria.

He held that office for 10 years.

While I was in the Victoria Police, I had heard stories about Catholic clergy being let off by Victoria Police in investigations not related to child sexual abuse. I had no personal knowledge of this, however, and I did not know of the existence of a 'Catholic Mafia', or a group of Catholic police officers who protected priests in Victoria Police while I was there.

I knew and had worked with Fred Russell who, according to Unholy Trinity, was the head of the Catholic Mafia in Victoria Police. I also knew of O'Connor's Hotel in West Melbourne where Jack O'Connor, Frank Holland and a group of Catholic police officers used to go. I never went there, nor was I ever invited to go there.

I don't recall any allegations of child sexual abuse by members of the Catholic clergy arising while I was Assistant Commissioner (Operations) or Chief Commissioner of Victoria Police.

When I was appointed Assistant Commissioner (Operations), Superintendent Jack O'Connor was Chief Commissioner Reg Jackson's special investigator. This meant that, if a matter came up that Chief Commissioner Jackson thought needed some special attention, he used to give it to his special investigator, Jack O'Connor.

Some time after I became Assistant Commissioner (Operations), I appointed Frank Holland as my Metropolitan Coordinator and Jack O'Connor as Country Commander. Jack O'Connor was my country deputy for about three years. He was the sort of person everybody spoke well of. Throughout that time I regarded him as being honest and reliable. I thought he was a top performer.

Based on what I have read in Unholy Trinity, Jack O'Connor seems to have been the principal actor in Victoria Police's response to Denis Ryan's investigations into Monsignor Day. Organisationally, Jack O'Connor did not need to tell me about what was going on in Mildura at that time. Operationally, however, I think I should have been told because of the implications it had for everyone in Mildura.
Based on what I read in Unholy Trinity, as well as my conversation with Deputy Commissioner Carmichael in 1972, and my knowledge of the structure of Victoria Police at the time, it is my opinion that Chief Commissioner Reg Jackson [the 15th Chief Commissioner and my immediate predecessor], was the architect of the Victoria Police's response to Denis Ryan's investigation into Monsignor Day. It couldn't have operated in the manner it did without his knowledge and consent.

Everybody down the chain of command, including Superintendent McPartland, Inspector Irwin, Superintendent Duffy and Assistant Commissioner Crowley appears to have fallen into line. They must have, because none of these people told me about it. I find it odd that none of these people asked me what I knew about the people involved.

The function of all of these people was to counsel Denis Ryan and to assist him in the performance of his duty. Motivating subordinates to achieve organisational aims is the role of leadership. Not one of them did this. In my opinion, this points to Reg Jackson as the only one who could have produced and achieved [that particular] outcome.

I do not know whether Reg Jackson [this is past tense] I did not know whether Reg Jackson was Catholic.

Later, I did the eulogy at his funeral and it was not a Catholic service.

In my experience, the epitome of a Police Commissioner's administration is that it doesn't bring a Royal Commission down on the Commissioner's head. And as a matter of record, from our foundation in 1853 until the mid-1970s, Victoria Police has had more Royal Commissions than the rest of the police forces in Australia put together. We average one every nine years. If I had to speculate as to why Chief Commissioner Jackson reacted as alleged in Unholy Trinity, it would be that he wanted to avoid another Royal Commission into Victoria Police that investigated his administration.

Having re-read Unholy Trinity more critically a second time, I was satisfied that amongst the principal casualties was former Senior Detective Denis Ryan Himself. It is
difficult to imagine the emotional turmoil he must have
suffered as this incredible tragedy continued to flourish,
despite his persistent efforts to discharge his sworn
duty to uphold the right, pursuant to his oath of office.

After having read his book, I decided I should try and
contact Denis Ryan. I rang him and introduced myself.
During our conversation, I asked what he hoped to achieve
for himself, having written the book. He replied that he
had never been spoken to by a senior officer since he left
the police force and that he would like an apology, from
any senior officer, for the way he had been treated. I
said, 'While I'm not a serving member, I am a former Chief
Commissioner of Police, and I will give you a sincere,
abject and humble apology for the ordeal you suffered at
the hands of hypocritical senior officers in the past'.

Since that conversation, I have kept in contact with
Denis Ryan. My admiration for his relentless pursuit of
justice for the victims of Monsignor Day's paedophilia
against overwhelming odds is boundless.

Denis Ryan's life has been traumatically affected by
this matter and I believe he should be compensated by
Victoria Police for what he has gone through and for his
premature resignation. The driving force behind his
crusade was the desire to achieve justice for the victims
of a hypocritical paedophile priest.

This entire episode was a shameful event in the
history of Victoria Police. It might well be remembered as
a definite disincentive to others, confronted by a similar
set of circumstances, to emulate former Senior Detective
Ryan's peerless, principled performance of his sworn duty."

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

THE CHAIR: Does anyone else have any questions of
Mr Miller? No, very well. Thank you, Mr Miller, thank
you for your evidence, you are excused. We'll take the
luncheon adjournment.

LUNCHEON ADJOURNMENT

THE CHAIR: Mr Stewart
MR STEWART: Your Honour, I call Father William Melican.

<FATHER WILLIAM MELICAN, sworn:>

<EXAMINATION BY MR STEWART:

MR STEWART: Q. Father Melican, can you hear me well enough?
A. Not quite well enough.

Q. How are you hearing me now?
A. Very well.

Q. Thank you. Father Melican, will you state your full names please?
A. William Gerard Melican.

Q. I understand that you are a retired Catholic priest; is that right?
A. That is correct, yes.

Q. Are you still attached to the Diocese of Ballarat?
A. Yes.

Q. I intend to cover, firstly, a little bit of biographical detail in relation to you. As I understand it, you attended seminary at Corpus Christi, Werribee, from March 1948 until December 1955; is that right?
A. That is right.

Q. I understand also that Gerald Ridsdale started at Corpus Christi, Werribee, in 1954; are you aware of that?
A. Yes.

Q. So, you knew Gerald Ridsdale when you were at Corpus Christi together; is that right?
A. Yes.

Q. You were a few years, or some years ahead of him; is that right?
A. Yes.

Q. I understand that you were at seminary with Bishop Mulkearns for seven years; is that right?
A. Yes.

Q. You, of course, worked in the Diocese with
Bishop Mulkearns for the whole of your professional career; is that right?
A. No, that's not accurate.

Q. Perhaps you could qualify the statement I put to you so that it can be made accurate?
A. I began my career in the Diocese in 1955, and Bishop Mulkearns came as Bishop, I think, in 1968, so there was a previous Bishop before Bishop Mulkearns for about 13 years.

Q. Did Bishop Mulkearns come from another Diocese?
A. He came from the Melbourne Archdiocese.

Q. Nevertheless, in the span of your career, excluding the 13 years that you referred to, I suppose you came to know Bishop Mulkearns well?
A. Yes, I did.

Q. Would you have considered him amongst one of your friends?
A. Yes.

Q. As I understand it, you were an assistant priest in various parishes from 1956-1970; is that right?
A. Yes.

Q. You were then appointed as a parish priest in 1971?
A. Yes.

Q. And you served in various parishes through until 2003; is that right?

Q. You were appointed parish priest in Robinvale in January 2003; is that right?
A. Yeah. I thought it was 2002.

Q. I have it on a document that says "Robinvale ADM", I presume that's administrator, 15 June 2002, and parish priest, Robinvale, 18 January 2003. Could that be right?
A. It was just - it was irrelevant. I was parish priest from 2002, even though some document might have said administrator, it meant parish priest, and I was there for 10 years, retiring in 2012. Sorry, it was Christmas Day 2011, I retired.
Q. So, the date I've given you is 2003, but you've corrected me; 2002 was in fact your last appointment as parish priest but you saw that through until the end of 2012?
A. Yes.

Q. You were also a member of the College of Consultors, as I understand it, in the Diocese of Ballarat from June 1971; is that right?
A. Possibly, or January - yeah, that could be right. I was going to say, maybe January 1972, but could be that, 1971.

Q. I'm going to correct what I put to you. In fact, the document that I have available to me, being your curriculum vitae from the Diocese of Ballarat, says that you served on the Diocesan Committee from June 1973. That's more in accordance with your memory, is it?
A. I thought it may have been, maybe the middle of 1972, or late 1971.

Q. Did you serve in that capacity through to 1982?
A. Perhaps; a number of years, I can't be quite accurate with how many years it was. It was either six or seven years, I would have thought.

Q. We'll see from the minutes shortly when you were part of that. What's referred to back then as the "Diocesan Committee", is that a different structure or the same structure as the Consultors or the College of Consultors?
A. I'm not familiar with that title, "The Diocesan Committee".

THE CHAIR: Q. Did you think, in 1972 or 1973, whenever it was, you became a Consultor?
A. Yes.

MR STEWART: Q. I'm just going to put the document on the screen so you can see it, Father. Perhaps if we scroll to the top so the Father can see that that is his. You see, it has your name and so on there?
A. Yes.

Q. Scrolling down, it's the standard form, it has various - record all schools you attended, degrees, ordination and so on. Then offices held, various assistant priest appointments that you had over the years. Scrolling down
further, then the various parish priests, and you will see
in handwriting is what I referred to earlier, Robinvale,
and we clarified that.

Immediately below that, you see it says "Special
Offices (Details)", and then it's typed in, "Diocesan
Committee June 1973-July 1982". Do you see that?
A. No, I can't see that.

THE CHAIR: It looks quite small, it's below the
handwriting?
A. "Diocesan Committee", I see that.

Q. Did you think of that as being the Committee of
Consultors, is that what you say?
A. "Diocesan Committee", that's what it would mean, I
think.

MR STEWART: Q. The documents would seem to bear that
out. Then you were appointed again, it would seem to
indicate there, to the College of Consultors, April 1998;
is that right?
A. Yes.

Q. If I understand it correctly, you were appointed a
Consultor shortly after Bishop Mulkearns became the Bishop
of Ballarat; is that right?
A. Yes.

Q. The College of Consultors is provided for in canon
law, is it not, Father?
A. I'm sure it is.

Q. Are you a canonist yourself?
A. No, I'm not.

Q. Bishop Hart's given evidence in the last week or so,
talking obviously about Melbourne. He said that every
Diocese has a College of Consultors; that's obviously
right, isn't it?
A. Yes, it is.

Q. Beg your pardon, Archbishop Hart. He described it as
the principal consultative organism in that Diocese, or in
that case the Archdiocese. Would you agree with that
description for the Ballarat Consultors?
A. Yes.
Q. Can you explain in more detail, when you served as a 
Consultor, what your understanding was as to what the 
College of Consultors' role was?
A. I think I would have said, to advise the Bishop on 
questions that he asked for advice on.

THE CHAIR: Q. Our understanding, Father, is that the 
Consultors had two fundamental roles: one was in relation 
to the movement or appointment and transfer of priests in 
parishes, where the Bishop or Archbishop would seek their 
advice, and the second was in relation to property matters, 
the buying and selling of property, and that seems to be 
borne out by the minutes of Consultors meetings that we've 
seen now quite a lot of. Is that your recollection, as to 
the role of the Consultor?
A. Yes, it is.

MR STEWART: Q. It goes further than giving advice, does 
it not; the Consultors from time to time actually took 
decisions as a committee on matters; is that not right?
A. In collaboration with the Bishop?

Q. Well, yes, the Bishop is obviously a member or 
presides over or is the chair of the meeting, but what I'm 
suggesting is, the minutes suggest in places that the 
Consultors actually take decisions, they don't merely offer 
advice to the Bishop to then take a decision?
A. I would have thought that that would be when the 
Bishop asked them to make a decision.

Q. I think again, Father, the understanding that we've 
had from elsewhere is that, always what the Consultors are 
doing is giving advice, although many of their decisions 
are reflected in a formal minute as being the decision of 
the Consultors, but it's understood to be advice to the 
Bishop; is that right?
A. I thought so, yes.

MR STEWART: Q. Perhaps I can give you one example and 
we'll come back to the details of the minutes in due 
course. If I can refer you, in the Gerald Ridsdale tender 
bundle, tab 15 - it will be shown on the screen for you. 
You will see, that's the minutes of the Consultors' meeting 
held, and there's an address given, on 25 September 1979, 
then it lists who was present: Bishop Mulkearns, Monsignor
Fiscalini, McKenzie, Fathers Pell, Arundell, Keating and Melican; do you see that?
A. Yes, I do.

Q. So, you accept, of course, you were at that meeting?
Father Melican, the minutes record you to have been at that meeting; I take it, you were at that meeting?
A. If the minutes say so, I must have been; I can't remember it.

Q. Perhaps if we now look at the second page, Ringtail 0136, down to where it's been underlined. You will see, it says:

[Father] G Ridsdale Edenhope has applied for study leave in 1980. He wishes to resign as parish priest of Edenhope and on his return, desires a central parish from which to operate as spiritual director of the Catholic Women's League. If permission is granted, the year will probably be spent at NPI.

Then it says:

Moved by Monsignor Fiscalini, seconded by Reverend K Arundell that permission be granted.

That suggests an actual resolution by the Consultors to grant permission, as opposed to merely advise the Bishop to enable the Bishop to grant permission; do you accept that?

THE CHAIR: Mr Stewart, that's not our understanding. It's always understood that, although they might make a decision, it's still by way of advice; the Bishop doesn't have to accept it.

Q. That's right, isn't Father, the Bishop does not have to accept?
A. That's right, Your Honour.

MR STEWART: Q. So, advice is given, it may be reflected in the decision in the sense of, this is the decision of the advice, but then the Bishop can accept it or otherwise;
is that the position?
A. Yes.

Q. You'd accept that, for the advice to be of value, those who are giving it should have access to the relevant information; would that be right?
A. Yes.

Q. I take it that your expectation was that Bishop Mulkearns trusted the advice that he was given?
A. Pardon? I missed that.

Q. I take it, your expectation as a Consultor, was that Bishop Mulkearns trusted and valued the advice that he was given by his Consultors?
A. Yes.

Q. Was it the case that the advice was also to be drawn from the Consultors, the individual Consultors' knowledge of what was going on in the Diocese from the parishes, and what information they had available to them individually?
A. Yes.

Q. Was it then a mechanism by which the Bishop could get feedback, not only of the individual views of Consultors, but in a sense feedback through the Consultors of what other people, perhaps other priests and other people in the parishes, were saying on a particular issue?
A. Yes.

Q. In your time as a Consultor, were the parish records or documents ever consulted for the purposes of giving the advice?
A. What records do you mean?

Q. By way of example, as I understand it, there's a personnel file or equivalent for each priest in the Diocese; was there reference to the records in a personnel file in order to give advice to the Bishop as to whether that particular priest should be placed or not placed or whatever the decision might have been?
A. I never saw that happen, no.

Q. Would there be those amongst the Consultors who would have had access to such documents?
A. I have no knowledge of that at all; it never occurred to me.
Q. So the Bishop, of course, would have had access to such documents. To your knowledge, did for example the Vicar-General have access to such documents?
A. I don't know that.

Q. And the Vicar-General was generally a member of the College of Consultors; is that right?
A. Yes.

Q. As I understand it, the Bishop's secretary was always a priest; is that right?
A. Yes.

Q. That priest, who served the role as the Bishop's secretary from time to time, was not a member of the College of Consultors. Is that right?
A. I can't remember that being the case.

Q. My understanding --

THE CHAIR: Your question may not have been correctly understood. Just try it again.

MR STEWART: Yes, I'll straighten it out, Your Honour.

Q. My understanding is that the Bishop's secretary would attend the meetings and take the minutes, but was not formally a member of the committee with any voting power; would that be right?
A. I can't ever remember that happening.

Q. Which part of it can you not remember. Perhaps I'll break it down further. In your experience, was the Bishop's secretary present at Consultors' meetings?
A. I would have thought that the Bishop's secretary was a member of the Consultors and attended the meetings.

Q. And took the minutes?
A. I've never wondered; I presume so.

Q. The minutes that is still before you then - and there are some former secretaries we'll get to talk to in the next few days and they can clarify it in their time, but I'm seeking to establish your understanding.

The minutes by way of example before you there, your
expectation is those would be taken by the Bishop's
secretary who attended the meeting?
A. Are you asking, are the members of the Consultors who
are present there, amongst them was the Bishop's secretary?
Q. Yes.
A. I can't see the names.
Q. Perhaps if we go to the top of the first page. I think
you will find, Father, that the Bishop's secretary's name
was not recorded as present over time.
A. Yes, I agree with that. There's none of those members
of the Consultors was Bishop's secretary, I don't think.
Q. Yes, that is right. Was it the practice during your
time that at the following meeting the minutes would be
read out, the minutes of the previous meeting would be read
out to the members assembled for the following meeting;
would that be right?
A. I can't remember that.
Q. Do you remember how it was that the minutes of one
meeting were confirmed as being correct?
A. No, I can't remember that.
THE CHAIR: It's common that the minutes do record that
they were confirmed at the next meeting of the Consultors.
Mr Stewart can show you that, I think.
MR STEWART: Q. We can show you on that example that's
there. If we scroll down, below the apology and a bit
further you will see on the left-hand margin there's a
heading, "Minutes" and it says:

Minutes of the meeting held on 19 June 1979
were read and confirmed on the motion of
Father K Arundell. Seconded by Monsignor
McKenzie.

A. Yes, I see that.
Q. Does that help you to remember that the minutes on
each occasion were read and confirmed?
A. In that case, yes.
Q. Was it the case that the minutes would be circulated
in hard copy, or written form, in advance of the meeting?
A. No. I don't think we ever saw the minutes.

Q. And then, it's not apparent on that example, you may or may not know, but it would appear from many minutes that we've looked at, that when they were confirmed, then the Bishop would sign them as being confirmed; are you aware of that?
A. No.

Q. I want to move on and address in particular some issues that arise in relation to Monsignor John Day. You know who it is I'm referring to?
A. Yes.

Q. You were appointed as assistant priest in Mildura from 1968-1971; is that right?
A. Yes.

Q. Monsignor Day was the parish priest covering that period; is that right?
A. Yes.

Q. You served for some three years or so as assistant priest to Monsignor Day as the parish priest in Mildura?
A. Yes.

Q. Your immediate predecessor, as assistant priest in that parish, was Father Dan Arundell; is that right?
A. Yes.

Q. And Father Peter Taffe was also an assistant priest in 1968-1972; is that right?
A. Yes.

Q. Are you aware of who Day's friends were in the parish?
A. Some, not all, obviously.

Q. He was friends, wasn't he, with a businessman by the name of Angelo Virgona; is that right?
A. Yes.

Q. And also with Detective Jim Barritt, is that right?
A. Yes.

Q. And with Joe Kearney who was the clerk of the court?
A. Yes.
Q. At the time that you were assistant priest in Mildura, did you hear of any concern about the conduct of Barritt, that's Detective Jim Barritt, or Joe Kearney?
A. No, never.

Q. I'd like to show you a document, it's in the Monsignor Day tender bundle which was tendered earlier, 28-101, at tab 17. This letter is dated in December 1971. I'll tell you about it in a moment, but just to clarify: you left that parish, that's Mildura, in 1971 from being assistant priest?
A. Yes.

Q. Was that in January 1971?
A. Yes.

Q. This is a letter, obviously much later that year, towards the end of the year in 1971, in which a Detective Ryan in Mildura and the headmaster of St Joseph's College in Mildura, Mr Howden, wrote to Bishop Mulkearns about complaints that had been received of Monsignor Day abusing children in the parish; were you aware of this letter at that time?
A. No, I wasn't.

Q. At the time that you left that parish in early 1971, had you heard any rumours or anything more concrete than rumours about the conduct of Monsignor Day in relation to children in the parish?
A. Never.

Q. After you'd left the parish, are you able to recall now when it was that you first heard that there were complaints against Monsignor Day for having sexually abused children?
A. Well, it was after I left the parish, but I can't remember what time it was.

THE CHAIR: Q. How did you learn?
A. I can't remember that.

Q. Well, did someone tell you?
A. I can't remember. I'm just presuming I did learn obviously, but I can't remember how, or when, or why.

MR STEWART: Q. Perhaps in that tender bundle, if I can take you to tab 35. This is a report from Superintendent
Jack O'Connor of the Victoria Police in the Chief Commissioner's Office addressed to the Deputy Commissioner, concerning Monsignor John Michael Joseph Day.

I refer you to the top of the third page, Ringtail 0013. You will see that Superintendent O'Connor says that:

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

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

Taking that at face value, that in January 1972 there were further complaints made to the Bishop, immediately following which Monsignor Day resigned from the parish; now, do you remember when Monsignor Day resigned from the parish?

A. No.

Q. You by then, as we've established, had moved on?
A. I obviously knew early in 72 he'd resigned because a new parish priest had been appointed.

Q. At that time, as I have it, you were parish priest at Swan Hill; would that be right?
A. Yes.

Q. From July 1971, you were parish priest there?
A. Yes.

Q. And you were there until January 1979, when you were appointed parish priest in Camperdown?
A. Yes.

Q. Swan Hill is the adjacent parish, is it, to Mildura?
A. Not adjacent; Robinvale comes between them.

Q. But it's certainly in the same region of Victoria?
A. Yes.

Q. And of the Diocese, yes. Casting your mind back now, and I know it's obviously a long time ago, are you saying you don't remember anything about the circumstances of Monsignor Day resigning in January 1972?
A. I came to know of them later, but I can't remember knowing anything about them at the time. I certainly came to know of them later obviously.

THE CHAIR: Q. Father, the fact that you'd been assistant priest to Father Day would normally have given someone like you an interest in why Father Day was moving on; do you agree?
A. I don't think I do, Your Honour, because he'd been there a long time and senior parish priests were moving on all the time.

Q. May be, but here's Father Day going overseas within nine months of you having moved to a nearby parish; are you telling us that you weren't interested to know why he was going and where he was going?
A. Well, priests were going overseas all the time, for holidays or for other purposes; it was quite common. The fact that he went overseas wasn't significant.

Q. Well, the fact that he was leaving at all, did that not interest you to know what was happening?
A. No, because as I say, priests were moving all the time. It wasn't uncommon for priests to move from parish to parish.

Q. But you didn't ask any of your colleagues about the circumstances of Mildura and what was happening?
A. Not that I can remember.

Q. It would be normal curiosity to do that if you'd been working there, wouldn't it?
A. I don't think so. If it were unusual, yes, but it wasn't unusual for a senior parish priest to move from one parish to another, or to move into retirement or to move to a parish which was, work-wise, easier.

Q. Did you have any contact with him when you found out he was moving, to say bon voyage?
A. I can't think of any, no.

MR STEWART: Q. You had served as Monsignor Day's assistant, or one of his assistant priests in the immediately preceding period, in fact one year prior.
A. Yes.

Q. I take it, when you were serving with him, you didn't get any sense from him that he was wanting to move on?
A. I don't think he would have discussed it with me anyway. And I also had served with half a dozen other senior priests before I went to Mildura that were still active.

Q. But between you having been in Mildura as assistant to Day, and you being parish priest in Swan Hill, you had not served with many other senior priests?
A. Oh, I had served with quite a few other senior priests.

Q. You'd been in Hopetoun for about six months?
A. Yes.

Q. From there, you then went to Swan Hill?
A. Yes.

Q. So, are you referring to that six month period in Hopetoun?
A. Oh, no, before that I'd been in perhaps 10 other parishes.

Q. Yes, that I appreciate. What I'm suggesting is this: you were assistant to Day in Mildura for about three years, right?
A. Yes.
Q. And then you left and one year later he resigned.
A. Yes.

Q. That resignation came unexpectedly to you, did it?
A. I can't remember that it did.

Q. When you were based in Mildura, where did you live?
A. Where did I live?

Q. Yes.
A. In the presbytery, the three of us lived in the one presbytery, the one house.

Q. So that's Monsignor Day and yourself and the other assistant priest?
A. Yes.

Q. During your time then of living with and working with Monsignor Day, what was your impression of him as a priest and as a person?
A. He was always kind to us, he was generous to us, he was very hard working, he was always involved in building, in organising, in travelling and in new ideas. He was a ball of energy. Very enthusiastic about his work.

Q. We know now, of course, that during that period - let me put it like this: we know now of many complaints that have been made of him during that period, particularly complaints of child sexual abuse. Even looking back now, is there nothing that you can think of that might have indicated that there was some difficulty with him back then?
A. Nothing. Nothing at all.

Q. When you were at Swan Hill, you were of course still in regular contact with Bishop Mulkearns, I take it?
A. Oh, no. Only at official meetings such as Consultors meetings, otherwise I wouldn't see him in 12 months.

Q. But of course if it became necessary at any time for you to talk to him or him to talk to you, that was very easy, by telephone?
A. Yes.

Q. Did Bishop Mulkearns not contact you at all to ask you anything about your experiences of Day when you'd been at Mildura with him just a short time previously?
A. No, he didn't.

Q. If I can show you tab 36 in the Monsignor Day bundle of documents. If you can read that, it says:

Diocesan Council meeting held at the Bishop's residence 14/3/1972.

His Lordship the Bishop presided. "Present", and there are a number of names listed there. I take it, that's you second from the end; would that say Deakin Melican?

A. Dean.

Q. Dean Melican. Then you will see immediately below that, if we can scroll up slightly, can you read that, it says:

His Lordship outlined the circumstances which have led to the resignation of Monsignor Day from the Parish of Mildura. The council decided that Monsignor Day be granted 12 months leave of absence from the Diocese on the guaranteed minimum per day.

Do you see that?

A. Yes.

Q. You might see at the foot of the page, that those minutes were signed as being confirmed by Bishop Mulkearns on 25 March 1972; do you see that?

A. Yes.

Q. Scrolling back to where we were, I take it that you accept that the Bishop outlined the circumstances which had led to the resignation of Monsignor Day --

A. Yes.

Q. -- to the meeting. Do you recall what it is that the Bishop outlined the circumstances to be?

A. I can't recall it. I have no memory of that at all.

Q. Not at all?

A. None whatsoever.

Q. I think you said earlier that Monsignor Day had been in that parish a long time, that's in Mildura as the parish
priest; in fact, he'd been there, if I'm not mistaken, since 1955, some 17 years; is that right?
A. Day in Mildura?

Q. Yes.
A. Could be right; I wouldn't - I'm not quite - I can't quite remember when he went there.

Q. But you knew he'd been there a long time?
A. Yes.

Q. I'm suggesting his resignation was unexpected and there were special circumstances attached; do you say you don't have any recollection of that?
A. I'm not sure that I'd agree that it was unexpected because, having been there so long, it wouldn't have been unusual for him to say, "I'd like a quieter parish now that I'm getting on in years, a quieter parish, less hard work to be done", that wasn't uncommon.

THE CHAIR: Q. Father, as we understand it, it was usual to move priests at the end of a year. Is that right?
A. There was a meeting of the Consultors, I think in January, and at that time if there were moves to be made, that's when they would have been made. But they were sometimes made at any other time too during the year.

Q. Maybe, but the usual pattern was to make the movements at the end or make the decision at the end of the year to take place early in the New Year; is that right?
A. That's not so, Your Honour. I can't remember that being the case.

Q. What do you remember to be the usual pattern?
A. That they could be made at any time.

Q. Isn't it the case, Father Melican, that you heard of Day's misconduct in 1972 and that he'd been interfering with children?
A. I didn't hear it in 1972. Perhaps I did, but I can't remember. It was common knowledge by that time, was it?

Q. I'm asking you, Father Melican; the allegations that he made to the Bishop in 1971, there was a resignation in January 1972 and I'm suggesting that it was a sudden and unexpected resignation. Was it not known to you that it was because of misconduct?
A. I have no memory of that at all.

THE CHAIR: Q. You know now that that was the case, don't you?
A. Yes, I do.

Q. So, when the minutes speak of the Bishop outlining the circumstances, then it follows that he's told you what had gone wrong, doesn't it?
A. Yes.

MR STEWART: Q. Scrolling down on that page a little bit further, you will see again adjacent to where there's some crosses, it says:

The following appointments were made.
Parish priest Mildura: Monsignor McKenzie.

He was appointed there, that's Monsignor McKenzie - firstly, he was also a Consultor at that time, we've seen that, haven't we; that's right, isn't it?
A. Yes.

Q. He was appointed to Mildura because there was turmoil in the parish following the activities and departure of Day; isn't that right?
A. Yes.

Q. He was sent there to sort it out?
A. I don't know that. It would appear so. It would seem so.

Q. Because a senior priest, a member of the Consultors being appointed there immediately to take over from Day, that would indicate to you that he was being sent there to sort things out?
A. That he'd be a senior priest anyway because Mildura was one of the senior parishes.

Q. But you accept that it would seem that that's why Monsignor McKenzie was appointed parish priest of Mildura?
A. I'm not sure I agree with that because, as I say, whoever went there would be a senior priest because it was a senior parish. You wouldn't send a junior priest as parish priest there.

Q. Is it not the case that it was at that time, so the
time of this meeting in March 1972, that it was common knowledge amongst the priests that Day had been involved in - and I'll put it broadly at this stage - misconduct?
A. I have no memory of it, but I'd agree with that, that's probably true - that would certainly be true, yes.

Q. Because amongst your group of friends in the priesthood, that included Father Peter Taffe and Father Dan Arundell at that time, did it not?
A. Yes.

Q. Did you not hear from them, rumours from them about what Day had been involved in and why he had resigned?
A. I probably heard something from Peter Taffe, because Peter Taffe stayed - after I left Mildura, Peter Taffe stayed, and after John Day left I think Peter Taffe was in charge temporarily for a month or two before McKenzie came to take over the parish, so Peter Taffe probably would have told me details.

Q. When you were parish priest in Swan Hill, for some of that time Father George Pell was assistant parish priest to you; is that right?
A. He was assistant priest, yes.

Q. Assistant priest.
A. Yes.

Q. In fact, that was July 1971 through 1972; is that right?
A. It was probably about a year and two months or three months.

Q. I have it from now Cardinal Pell's CV, that he was assistant parish priest at Swan Hill from 1971-1972, and Episcopal Vicar for Education, Ballarat Diocese, 25 March 1973, but also assistant parish priest, Ballarat East, resident, 1973-1980; that suggests that at least through to the end of 1972 he was assistant priest in Swan Hill.
A. Yes, he was.

Q. And that's the time you were the parish priest there?
A. Yes.

Q. And that's during the time that Day resigned?
A. Yes.
Q. January 1972 Day resigned?
A. Yes, and we were in Swan Hill at that time.

Q. And now, what you refer to is what you may have heard from Father Taffe, and indeed the circumstances reported by the Bishop in the meeting in March 1972, is that something you discussed with your assistant priests in Swan Hill?
A. Not that I can remember.

Q. Is that not something that it's likely you would have discussed?
A. Perhaps; perhaps not.

Q. Were you and Father Pell living in the same accommodation?
A. Yes.

Q. Was there anyone else living there also at that time?
A. Yes, there was a third person, yes.

Q. Another assistant priest?
A. Yes.

Q. Do you recall who that was?
A. Do I recall who that was?

Q. Yes.
A. His name was Peter Brennan.

Q. The three of you had meals together regularly, I take it?
A. Yes.

THE CHAIR: Q. Is Peter Brennan still alive?
A. He's - I don't know that, Your Honour, but he left the priesthood; whether he's still alive or not, I don't know.

MR STEWART: Q. And so, the rumours you'd heard or other information you'd heard is something you may have discussed during the ordinary course of talk with your assistant priest; that's your evidence?
A. I don't think I would have discussed it in terms of gossip or salacious rumours. I'd like to think I didn't. I have no memory of having discussions about it.

Q. Perhaps, in some other way, you might have discussed it out of a mutual concern you and your assistant priests
had for the Diocese and its parishioners --
A. Yes.

Q. -- and for your colleague priests?
A. Yes.

THE CHAIR: Q. A number of priests have told us that
priests do gossip amongst each other; do you agree with
that?
A. It's pretty hard not to agree, isn't it?

Q. It's matter for you, Father, but a number of priests
have said "of course priests gossip".
A. Yes. Yes, I agree with that, yeah.

Q. You're living with each other, you're friends with
each other, you're serving the same purpose.
A. Yes.

Q. It's inevitable that you talk about the things that
you know and concern you, isn't it?
A. Yes, it is.

MR STEWART: Q. Can I refer you in the same bundle to
tab 61. This is a newspaper article from the Melbourne
Observer, 13 August 1972. It sets out a scandal in
relation to the allegation, or rather, the investigation of
complaints against a cleric in Mildura in August 1972. The
actual priest's name doesn't appear. I take it, this came
to your attention then, in or about August 1972?
A. No.

Q. Are you suggesting that an article of this nature in
the Melbourne Observer about misconduct of a Catholic
priest in Mildura wouldn't have come to your attention?
A. I know for a fact it didn't, because I was overseas
in August 1972.

THE CHAIR: Q. How long were you overseas for?
A. About three months, Your Honour.

Q. This is front page news, you realise, this story?
A. I was at the Munich Olympics.

Q. Maybe, but this was a front page story; do you realise
that?
A. Well, on the size of the print I can see that it was.
Q. But you can actually work it out.
A. But I wasn't in the country, I was overseas.

Q. I understand that, but it actually is a front page story. Although you were out of the country, you would expect every priest in Ballarat certainly, and probably in Victoria, to have become aware of this front page story, wouldn't you?
A. Yes.

Q. And to talk about it with each other?
A. Yes.

Q. I mean, it would have been a scandalous story to appear on the front page of a widely circulated newspaper?
A. What paper was it? It's not The Age or The Sun or The Argus.

MR STEWART: Q. The Melbourne Observer?
A. I don't know that paper.

THE CHAIR: Q. Whether it's a widely circulated paper or not, a front page story on any newspaper in Victoria talking about the misdeeds of a priest, if you read the article it talks about sexual misdeeds of a priest at Mildura, would have been the subject of discussion amongst the priests, wouldn't it?
A. It would have been, but I wasn't amongst them, Your Honour.

Q. I understand, you were overseas at the time?

MR STEWART: Q. When you returned, did you hear about this?
A. I can't remember. I suppose I did, if I can say that.

Q. It's likely, isn't it?
A. Yes.

Q. Were you present earlier in the day when Denis Ryan, the former detective in Mildura, gave evidence?
A. When I came in, he was giving evidence.

Q. Some of the evidence that he gave is covered in the story, because it says, down the left-hand column towards the foot of the page:
The detective said he was introduced to the priest soon after the arrival in Mildura. He recognised him as a clergyman he had once seen with two known prostitutes in Melbourne. He said the priest was in a car with the prostitutes, he was drunk and his fly buttons were undone. The priest was sprawled across the lap of one of the women. There was a part bottle of wine on the car floor. The Detective said he told the high ranking officer ...

And so it goes on in the next column, details allegations of a whole number of children or adolescents about sexual misconduct by the priest against them. I mean, that's scandalous, isn't it?

A. I didn't see the text when you read it, I didn't catch up with it.

Q. Yes, but you heard what I said?
A. Is it unfair for me to ask you to read it again?

Q. No, not at all. Perhaps, if we scroll up so one can see towards the foot of the page. On the left-hand column, four paragraphs from the bottom, you see where it says "the detective said"?
A. Yes.

Q. ... he was introduced to the priest soon after his arrival in Mildura. He recognised him as a clergyman he had once seen with two known prostitutes in Melbourne.

Do you see the next two paragraphs set out what this priest was seen to be doing with the prostitutes?
A. Yes.

Q. I'll let you read that. Scrolling back up so that we can see where it continues in the second column, and you will see then, see where it says, "In September last year"?
A. Yes.

Q. ... a Mildura College headmaster contacted
him about allegations involving the priest. As a result, he interviewed a 17-year-old girl, who claimed the priest had indecently assaulted her when she was 12. His investigations led him to interview a number of other people. Another Mildura girl, aged 18, said the priest had indecently assaulted her six years before in Melbourne and Mildura. Eight young men, some in their 20s and married, also alleged ...

So it goes on, "One 15-year-old boy", do you see all of that?
A. Yes.

Q. I'm suggesting, that was a big scandal to hit the Diocese, wasn't it?
A. Yes.

Q. And it was the subject of talk amongst priests, certainly when you returned from the Montreal Olympics?
A. I have got no memory of talking about it.

Q. Given that you had served in Mildura just a short while before, and you were on the Consultors, you would accept that you must have spoken about it with others?
A. Yes, I accept that, yes.

Q. And so, by that time at least it was well-known amongst the Consultors at least that the priest concerned was Day; is that right?
A. Yes.

Q. And it was known also more broadly amongst priests that the priest concerned was Monsignor Day?
A. Yes.

Q. And he was overseas basically to get away from the heat?
A. I can't remember forming any opinion about the reason, even I can't remember whether I knew he's gone overseas.

Q. He had been granted, according to the minute we were looking at earlier, in March he had been granted 12 months leave of absence from the Diocese on the guaranteed minimum per day, so he was granted leave of absence --
A. Yes.

Q. -- and it was well-known to you that that was because of the trouble that he was in?
A. I can't remember him being granted leave of absence.

THE CHAIR: Q. Well, you were at the meeting where that happened; that's what the minute tell us; we've been through that.
A. So I would have known, but I can't remember. I obviously knew because I was at the meeting.

MR STEWART: Q. When you were away for three months, was someone appointed acting parish priest in your place, or how did it work?
A. I had some priest fill in for me, and my two assistants were still there; so there were still three priests there, one was filling in for me temporarily.

Q. I'll take you to tab 65, you will see this is Diocesan Council meeting held at the Bishop's residence, 12 January 1973. It says:

His Lordship the Bishop presided.

Present ...

And a number of names appear there, including last amongst them are your own, "Melican"; do you see that?
A. Yes.

Q. Looking down to the third paragraph - just where it is, do you see at the top of the screen, it says what looks like:

A preliminary meeting held on Monday [that could be] 8th January brought forward matters relating to proposed transfers.

Do you see that?
A. Yes.

Q. Then there's something else that's dealt with, and then below that, it says:

Do you see that?
A. Yes.
Q. This was one year after Day had resigned from Mildura and taken 12 months leave of absence and some five months after that newspaper article we looked at. Do you recall what was reported or discussed at that meeting with regard to the appointment of Monsignor Day as parish priest?
A. No.
Q. Is it fair to say that Monsignors Fiscalini and McInerney were long-established priests who were friends of Day?
A. They were long-established priests, but I don't know that they were friends of Day.
Q. As at that time, you of course, from what you told us, you knew of the problems with Day, at least of what was being said.
A. Yes.
Q. Did you speak up and oppose this appointment or give the Bishop advice against making this appointment?
A. No.
Q. Did anyone at the meeting?
A. I can't remember anybody doing it.
Q. Would you remember, do you think, if someone spoke up and opposed a proposed appointment, gave contrary advice to the Bishop?
A. Do I - I don't remember anybody doing that.
Q. So you don't remember what discussion there was or what advice was given?
A. No.
Q. Looking at tab 70, you will see this is now at the end of that same year, this is a letter from Bishop Mulkearns on 9 December 1993, and he's writing to someone referred to as "[BPI]".

Next to you, Father, where the water bottle is, there's a list of pseudonyms. Without you saying the name, if you look about halfway down the list on the left-hand side, there's a name and then there's the pseudonym [BPI];
do you see that?
A. Yes.

Q. Does that name there, in fact it's given as more than one surname, do those names ring any bells for you, is that someone you know?
A. Yes.

Q. I'm just drawing your attention to that so you can identify who this letter is written do. It's written by the Bishop. Referring to the second page, in the second paragraph, you see the paragraph that starts, "You asked why Monsignor Day"?
A. Yes.

Q. This letter that the Bishop is writing is in response to this person having raised certain matters with the Bishop, and one of them was this that's dealt with here:

You asked [BPP] why Monsignor Day was given another appointment.

That was the appointment in January of this year, 1973, but this is now years later, writing back about it:

... was given another appointment. When the Parish of Timboon became vacant in 1973, he applied for it and insisted on his right to a pastoral appointment and pointed to the fact that the police had not taken action against him despite the complaints which had been made. The Diocesan Consultors of the time who were advising me felt that there was no alternative but to give him the appointment which he sought. Accordingly, I appointed him to Timboon in January 1973.

Is that right? Is that the advice that the Diocesan Consultors gave to the Bishop, that the Bishop had no alternative but to give Day the appointment which he sought?
A. I've got no memory of it at all.

Q. Is that advice you're likely to have given in the light of your knowledge of what had occurred in 1972?
A. Well, if the Bishop says we gave that advice,
presumably we did.

Q. That's only if what he said to a complaining parishioner 20 years later is correct. I'm asking you whether it is correct since you were at that meeting.
A. I can't say it was correct or not because I have no memory of it.

Q. If we can move on and address some matters in relation to Gerald Ridsdale. In the Ridsdale tender bundle, volume 2, tab 107, you will see that this was a transcript of an interview with Gerald Francis Ridsdale at the Pastoral Centre, St Francis' Church, Lonsdale Street Melbourne on 6 June 1994.

It's a long document, I'll take you to page 25 of that document, Ringtail 0049. This is recording what then Father Ridsdale explained to Catholic Church Insurances. If you see that on the screen, he said:

... I left Apollo Bay because a fellow came to see me and he was drunk and brought a lot of grog and wanted to have a drink and I got rid of him as quickly as I could, and in the course of the conversation he said 'They are saying things down at the pub about you and kids ', and I thought it was time to get out. So I put in for a transfer.

Then he was asked:

Talk about you interfering with kids?

And then he says:

Yes, there must have been talk about the town, so I put in for a move when the chance came.

We know that Ridsdale left Apollo Bay early in 1975. Did you come to hear about what was being said about Ridsdale at that time?
A. I can't remember.

Q. In that period, you were still parish priest at Swan Hill; is that right?
A. What year was that?

Q. 1975.

A. Yes, I was.

Q. And Apollo Bay, of course, is a long way away?

A. Yes.

THE CHAIR: Q. Were you a Consultor in 1975?

A. Yes.

Q. So, if he was going to move, the Consultors had to know about it?

A. Yes.

Q. And presumably, know the circumstances of the move?

A. Yes.

Q. Correct?

A. Yes.

Q. So, you would have been told what was going on?

A. I can't remember.

Q. No, but, in the normal course of things that's what would have happened, I assume?

A. Yes.

MR STEWART: Q. I'll come to the Consultors meeting that deals with that in a moment. Going back to your trip to the Munich Olympics, Father. Do you recall when you went to the Olympics, did you go directly to the Olympics or had they already started, did you go elsewhere first, do you recall?

A. No, went elsewhere first, yes.

Q. For how long?

A. I think we were about three months.

Q. Yes, but for how long before the Olympics were you elsewhere?

A. Perhaps two and a half months; maybe less. Maybe two months altogether. Maybe two months and a half, few days or something like that.

Q. So then, after the Olympics you pretty much returned directly to Swan Hill?
A. Probably two weeks after the Olympics finished, I was home, I'm guessing.

Q. Going back to the question we were addressing in relation to Gerald Ridsdale and Apollo Bay. I'll show you the minutes of a Consultors meeting in early 1975, tab 10 of the Ridsdale bundle.

It's not that easy to read, we'll do what we can, "Meeting held at", and it's got an address, "Present Bishop Mulkearns", then you will see a number of names there, they're all familiar to you, including the second-last one, "W Melican", I take it that's you?

A. Yes.

Q. You see that?
A. Yes.

Q. Looking on the second page, towards the foot of the page, you will see there's the heading, "Appointments", then it says "parish priests" and it says "Apollo Bay" and there's a priest, I think it says "Claridge", was appointed to Apollo Bay; do you see that?
A. Yes.

Q. That obviously was to replace Ridsdale?
A. Yes.

Q. Do you recall the circumstances of Ridsdale moving on from Apollo Bay?
A. No, I can't.

Q. Do you recall anything that was explained to the Consultors about why Ridsdale was moving on from Apollo Bay?
A. No, I can't.

THE CHAIR: Q. But I think you told me, you accept it would have been explained to you?
A. Yes.

MR STEWART: Q. Because you will see at the foot of the page, it says, also the appointments, "Inglewood, G Ridsdale", so Ridsdale was then in the same position, appointed to Inglewood?
A. Yes.
Q. And the Bishop sought the Consultors' advice on those appointments?
A. Yes.

Q. Yes, that's why it's in the minutes, because he sought the advice and the advice was given and the appointments made; is that right?
A. Yes.

Q. And so, in order to take advice from the Consultors, I take it that Bishop Mulkearns would have explained to the Consultors what the circumstances were that gave rise to Ridsdale moving from Apollo Bay to, in this case, Inglewood?
A. I don't know that I could agree with that totally. He would have told us what he thought was in Ridsdale's best interests and the best interests of the parishioners; how much that was, I can't remember.

THE CHAIR: Q. It's also plain, isn't it, that at this stage the need to move him came up very quickly?
A. He's just having left one place, yes.

Q. Unexpectedly, it were necessary for him to get out of town, as it were?
A. Yes.

Q. And that would have needed explanation, wouldn't it?
A. Yes.

MR STEWART: Q. Going back to the document at tab 107, to the following page, page 26, you will see then Ridsdale explains why he then left Inglewood. You see, it's being said to him:

Well in 1957 you went to Inglewood. Did you have any other churches to go to from Inglewood, any masses to say?

And he says:

Yes, different other churches.

And so on. Then it says:

Inglewood 1975, the local policeman went to the Bishop, didn't he?
Then Ridsdale says what happened in 1957:

... what happened was, a lady came to me one morning after the morning mass and she said, 'There is talk around the town that you have been interfering with the boys' and she said, 'The police have been around making enquiries'. So I panicked, packed up a few things and then probably about midnight I called in to stay with a priest friend at Maryborough and slept the rest of the night there and went straight down to the Bishop.

And then it was put to him:

But the policeman had been to the Bishop, hadn't he?

And he said:

No, the policeman then came to the Bishop. The Bishop arranged straight away for me to come down to Melbourne for counselling. He wasn't a local copper, he was from Bendigo. That was the situation and they said I had gone for counselling and that was the end of the matter.

That's the back story. Did you know about that at that time?

A. No.

Q. About why, or the trouble that Ridsdale was getting into at Inglewood?

A. No.

Q. If we look at the minutes of the Consultors meeting at tab 11, in Ridsdale volume 1, you will see it says there was a meeting held 16 January 1976, present the Bishop obviously, various other people, and including yourself; do you see that, "Melican"?

A. Yes.

Q. Scrolling down, you will see it says:
After stressing again the confidentiality of all matters dealt with in Consultors meetings, Bishop Mulkearns announced that some matters had arisen in the Diocese which might make it advisable to delay making many appointments. At this stage, moves should be kept to a minimum.

Do you see that?

A. Yes.

Q. That was unusual, wasn't it, that matters had arisen which meant that it would be best to delay making appointments?

A. Yes.

Q. To your recollection, did that happen at any other time?

A. Not that I can remember.

Q. So this was exceptional, isn't it?

A. Maybe not, but I can't remember it happening before, which doesn't say it didn't happen before.

Q. Do you remember what these matters were that the Bishop referred to, when he says that some matters have arisen in the Diocese that make it necessary; what is it that the Bishop reported?

A. I can't remember anything.

THE CHAIR: Q. Well, we can work it out in some respects, can't we, from the movements that were required to occur? If we go further down the minute, you get to "parish priest appointments, Inglewood", followed by "Bungaree, Ridsdale temporary appointment till end of February", and then "Robinvale". We can see what's happening, can't we?

MR STEWART: We can show you that on the next page, Father.

THE CHAIR: Can we bring that up?

Q. You see there, "Appointments, Inglewood". That's McMullen, I think, is it?

A. Yes.
Q. "On loan. Bungaree - Ridsdale. Temporary appointment ... Robinvale", and so on. It's not hard to work out what's happened, is it?
A. That they haven't decided where permanently to put Ridsdale.

Q. That's right; that's what's happened, isn't it?
A. Yes.

Q. So the Ridsdale problem, if we go back then to stressing confidentiality matters having arisen, which don't actually tell you what's going on, but it's plainly Ridsdale, isn't it?
A. Yes.

COMMISSIONER MURRAY: Q. Father, I notice that Bishop Mulkearns again stressed confidentiality. At that time you were bound by a vow of obedience to him?
A. No.

Q. Is there any constraint in your mind now in breaking that confidentiality?
A. As stated by Bishop Mulkearns there?
Q. Yes.
A. I don't think so. It's past history, I'd say.

Q. So you'd feel able to speak freely to us?
A. Yes.

MR STEWART: Q. If I can take you to tab 12. This is another minute, 18 March 1976, "present" lists various people including yourself, do you see that?
A. Yes.

Q. "W Melican". If we have a look on the next page, adjacent to the heading, "Moves", it says, "Edenhope: G Ridsdale - pro tem", so now Ridsdale's been appointed at Edenhope pro tem; meaning, I take it, for the time being or on a temporary basis; would that be right?
A. Yes.

Q. What was awaited? Why was it temporary?
A. I can't remember why it was temporary.

Q. You don't remember what was discussed or revealed?
A. No, I can't.
Q. But looking back, it's pretty obvious, isn't it, that Ridsdale was in a lot of trouble and there were difficulties in where to place him?
A. But the pro tem thing is not uncommon; people are sometimes put temporarily in parishes, so it's not uncommon for that temporary appointment.

Q. In this particular case, with Ridsdale and what we know about him having to leave Apollo Bay one year later, having to leave Inglewood, and then appointed, as it was put in the previous one, "Bungaree - temporary appointment" until the end of February, and now we have Ridsdale pro tem.
A. Yes.

Q. This is a problem peculiar to Ridsdale, isn't it?
A. Yes, it is.

Q. And that was well-known to the Consultors?
A. Yes.

Q. If you could look at tab 16, you will see these are the minutes on 18 January 1980; do you see that?
A. Yes.

Q. Amongst the others, listed present are Mulkearns, Fiscalini, McKenzie, Madden, Pell, Melican, Arundell, Downes and Keating; do you see that?
A. Yes.

Q. At the foot of that page, scrolling down, it says:

Father Gerry Ridsdale will be attending NPI in 1980.

National Pastoral Institute, as I understand it?
A. Yes.

Q. Do you recall the reasons for that appointment?
A. No, I don't.

Q. It stands to reason, doesn't it, from what we do know, that that was to get him out of parish work?
A. Yes.

Q. Essentially, to keep him away from children?
A. Yes.

Q. And that was known to the Consultors at that time?
A. Yes.

Q. 16 January 1981 is the next one, the next tab, tab 17. You will see that, once again, you are listed as present; do you see that?
A. Yes.

Q. Looking over the page, under "Staffing" it records:

It was agreed that the following appointments be made: parish priests [various of them], Reverend G Ridsdale to Mortlake.

Clearly Ridsdale's time at the NPI had come to an end, right?
A. Yes.

Q. Now he was being re-appointed to a parish, and in fact as a parish priest, not as an assistant priest?
A. Yes.

Q. Do you recall what the circumstances were that were outlined or discussed in that meeting?
A. No, I can't.

Q. As to that appointment?
A. No, I can't.

Q. Given what was known by the Consultors in sending Ridsdale off to the National Pastoral Institute a year previously, you would accept that he shouldn't have been sent back to a parish?
A. Yes.

Q. You don't recall if that was discussed?
A. I can't recall.

Q. We know, of course, that Ridsdale abused a number of children when he was parish priest in Mortlake. Do you recall when you first heard about problems of Ridsdale in Mortlake?
A. No, I can't recall that.
Q. Were you not told of an informal meeting of priests around Mortlake that discussed the problems of Ridsdale in Mortlake?
A. No, never heard that.

Q. So you didn't hear of any meeting like that?
A. No.

Q. From Mortlake, Ridsdale was moved on to Horsham, if I'm not mistaken, 1986-1988. In January --

THE CHAIR: No, I think he's moved from Mortlake in 1982, isn't he?

MR STEWART: Yes, he was.

THE CHAIR: By this stage Father was not a member of the Consultors, but he came to grief again and he was moved again in 1982, but you ceased to be a Consultor by then?
A. Yes.

MR STEWART: Q. That's when he went to the Catholic Enquiry Centre in Sydney.
A. That's right.

Q. But he was then appointed in Horsham, 1986-1988; are you aware of that?
A. I can't remember it.

Q. In January 1987, you were appointed parish priest in Stawell; is that correct?
A. Stawell, if I understand it correctly, is the neighbouring parish to Horsham?
A. Yes.

Q. Is it not the case that you were the parish priest in Stawell whilst Ridsdale was parish priest in Horsham, at least for some period overlapping?
A. 1987, and he was in Horsham 1988, yes, that would be so; for a year or so, maybe a year.

Q. In that time, did you hear of any problems in relation to Ridsdale in Horsham?
A. No. He wasn't parish priest.

Q. Assistant priest?
A. Yes.
Q. And the parish priest was, I'm not sure, Father or Monsignor Madden?
A. Yes.

Q. And you didn't hear anything in that period in the neighbouring parish?
A. No.

Q. Ridsdale went to New Mexico in the United States in 1989 for treatment. Did you hear about that, that he'd been sent to the USA?
A. Yes.

Q. Did you know the reason why he'd been sent?
A. Yes.

Q. And that was?
A. The paedophilia charges.

Q. And you knew it then, at the time?
A. Yes.

Q. Was that the first time you had heard of a priest being sent to a treatment centre in the US?
A. For paedophilia?

Q. Yes.
A. Yes.

Q. I'll now address some issues arising in relation to Paul David Ryan. You know who I'm referring to?
A. Yes.

MR STEWART: Your Honour, there is a bundle, if I might tender it now; that's the Paul David Ryan bundle.

THE CHAIR: We'll make the Ryan bundle exhibit 28-103

EXHIBIT #28-103 RYAN TENDER BUNDLE

MR STEWART: Q. Father, do you remember know when you first came to know of or hear of Paul David Ryan?
A. No, I can't remember.

Q. In the Ryan bundle, at tab 7 there's a minute of the Consultors meeting on 31 May 1977. You see there, it

.08/12/2015 (C135) C14363 W G Melican (Mr Stewart)

Transcript produced by DTI
records you as having been present, amongst others?
A. Yes.

Q. A little further down, next to "Bishop's report", it says:

Reverend P Ryan is at present in Washington DC and will be for at least two years.

Do you recall knowing why Ryan was in Washington DC?
A. No.

Q. Do you recall having had any thoughts or understanding as to why he was in Washington?
A. No.

Q. At that stage, in May 1977, did you have any knowledge of Ryan's problems?
A. No.

Q. I take you to tab 32, this is a document recording a note, or it's a note of Bishop Mulkearns. Perhaps if we scroll down a little bit, you will see his initials at the foot of the page; do you see that? Do you recognise that as the Bishop's initials?
A. Yes.

Q. Going back to the top of the page, you will see it says:

John Keane called on 18/6/78 to talk about Paul Ryan.

Do you know who John Keane is? Is he a priest?
A. Yes.

Q. So he called the Bishop on 18 June 1978, and he said that:

A week after Paul's ordination, John was confronted by a woman in distress -- a Mrs Mary [REDACTED], who was formerly [REDACTED] [there's a name there that should be redacted]. Her son [BPM] had allegedly been involved with Paul. He had subsequently had a breakdown and his mother blamed Paul for this. He had been forced
to leave university and subsequently to leave Teachers College.

And so on. I want you to take from that, that by 18 June 1978, at least then, Bishop Mulkearns knew of an allegation against David Paul Ryan in relation to an adolescent; do you see that?

A. Yes.

Q. Taking you to tab 37, which is the Consultors meeting in April 1979, so less than a year later, you will see 18 April 1979, and you will see that you are one of the people listed as present?

A. Yes.

Q. Taking you to page 4, which is Ringtail 0150, scrolling down to point (2), you see it says - I should have shown you that that was under the heading, "Staffing". It says:

Father Paul Ryan has returned to Australia but has requested to be released from the Ballarat Diocese for pastoral work in the USA. It was agreed that he be released but should not cut himself off completely from the Diocese at this stage. He could go to the USA on loan for a period ad experimentum.

Firstly, one would expect that the Bishop would have reported to the Consultors the information he had received from Father Keane the previous year; would that be right?

A. I have no memory of that.

Q. But, accepting you have no memory of it, is that something one would expect would have happened; in other words, that in order for the Bishop to take proper advice and be open with his Consultors, he would have to share important information with them?

A. Not everything he - in his judgment, he would share what he needed to share with us in his judgment, and that didn't necessarily mean everything.

Q. Do you have any recollection of what was reported at this meeting as to why Ryan wanted to spend additional time in the USA?

A. No, I don't.
Q. Do you recall whether there was any mention at that
time of Ryan being treated in the USA?
A. No, I don't.

Q. How are we to understand the reference there to "a
period ad experimentum"?
A. I think it would mean, in ordinary language, to see
how it works, if it's for his benefit and our benefit, our
benefit.

Q. Well, to see whether it was to his benefit to continue
spending time in the USA?
A. Yes.

Q. That suggests perhaps that it was known to the meeting
that he was to spend time in the USA for some form of
treatment?
A. I thought it said that at the beginning that he went
for treatment.

Q. No, it doesn't say that.
A. Doesn't it?

Q. No.

THE CHAIR: Q. Father, it's plain that by this stage
Father Ryan had been out of the Diocese for some period of
time; correct?
A. Yes.

Q. And longer than would have been expected; you would
have expected him to have come back, wouldn't you?
A. Does it say he was two years away?

Q. He was two years away.
A. Yes.

Q. But when you're told here that he wants to stay longer
and be on loan for a period ad experimentum, as you put it,
to see how it goes, it doesn't take much to join the dots,
does it; ie, there's a problem and the ad experimentum is
to see whether or not that problem has resolved or gone
away?
A. Well, it suggests to me that he begun to like America
and preferred to be there than to be home.
Q. So he's experimenting with working in America, you say?
A. Yes.

Q. You of course now know the true reason, don't you?
A. Yes.

Q. Are you saying that Bishop Mulkearns didn't take you at least into his confidence to the extent of explaining something of the true reason?
A. I have no memory of it, Your Honour.

Q. No, but do you think it would have been fair to you if he hadn't told you, when relying upon your advice?
A. I don't know about fair; I respect his judgment if he decided that he didn't necessarily need to tell us more.

Q. If he hadn't told you, then you wouldn't have been able to give proper advice, would you?
A. I'm not sure we were ever asked for advice about the question.

MR STEWART: Q. I'll take you to tab 40. This is now 19 June 1979, just two months later; do you see that?
A. Yes.

Q. And that you are reported as one of the people present?
A. Yes.

Q. Going to the second page, Ringtail 0155, you will see adjacent to the heading a bit further down, "Father Paul Ryan", do you see that?
A. Yes.

Q. The Bishop has written to Father Paul Ryan granting his request to return to America but pointing out that he remains a priest of this Diocese and stating that his situation be reviewed after a couple of years of pastoral work in the United States.

Do you recall what explanation was given in relation to that?
A. No, I don't.
Q. At tab 43, 31 March 1980, scrolling down, you will see you are listed as being present at that meeting; do you see that?
A. Yes.

Q. Much of the minute is redacted, but if we look at the second page, Ringtail 0171, you will see in relation to Reverend Paul Ryan, it says:

*Bishop Mulkearns reported Father Ryan's return to Australia from USA after Easter. The Bishop will discuss his future with him on his return.*

Do you recall anything being discussed about that?
A. No, I don't.

Q. Or any sort of report about how he had gone in the USA or why he was returning early?
A. No, I don't.

THE CHAIR: Q. You would have been curious about it though, wouldn't you?
A. Pardon?

Q. You would have been curious to know about those things, wouldn't you?
A. I don't think so, Your Honour.

Q. You wouldn't have wanted to know what he was doing in the United States, why he'd been there, why he was coming back? You didn't want to know those things?
A. I don't think I wanted to know, I had no interest in the man.

Q. Although you were a Consultor helping the Bishop?
A. Yes, and my interest finished there.

Q. Isn't that enough? Doesn't that make you interested in knowing about the man, if you're one of the Consultors talking with the Bishop about him?
A. No, I don't agree with that.

Q. So you don't see it --
A. The decision was made, of which I was part perhaps, and having made it, that was my interest finished there.
MR STEWART: Q. Isn't your interest, Father, broader than that, because you also had an interest in the welfare of the priests in the Diocese more broadly?
A. Yes.

Q. Part of your role as Consultor, you said earlier, was to feed back the views and feelings of the priests more broadly to the Bishop?
A. Yes, one did as much as one could, and in this case I would presume, I thought I'd done as much as I was required to do, as much as I could, and my interest finished there.

Q. But to do as much as you could, you would have had to have been interested in why Ryan was in the US and why he was returning early?
A. No, in this case, no.

Q. Finally, if I can take you to tab --

THE CHAIR: Q. Why is this case one that wouldn't interest you?
A. I find that hard to answer, Your Honour, except, I hardly knew Paul David Ryan, I hardly ever met him, I hardly ever spoke to him, and I'm not sure I liked him, and whatever my duty was towards him, I did it as best I could and then, that was it, that was the finish of my interest. If I'd been asked or obliged by the Bishop, or by my own conscience to do more, I would have perhaps done it, but my conscience told me at this stage that's where your involvement with him finishes.

MR STEWART: Your Honour, I note the time, but I just have one more of these minutes to go to and I'm in your hands.

THE CHAIR: You've got five minutes. We have to adjourn after five minutes.

MR STEWART: Q. Can I take you to tab 45, which is the minute of 13 May 1980; do you see that?
A. Yes.

Q. You see that you are listed as one of the people present?
A. Yes.

Q. Looking towards the foot of that page, it says:
The Bishop stated: 1. Father Paul Ryan is available for an appointment.

Looking at page 3, which is Ringtail 0175, near the foot of the page adjacent to, "Staffing", then you will see adjacent to where it says "Assistants", "Warrnambool" and there is the Reverend O'Toole and the Reverend P Ryan; do you see that?
A. Yes.

Q. At that meeting it was reported that Ryan's available, and then he was appointed assistant priest in Warrnambool. Do you recall what was discussed in relation to that?
A. No, I don't.

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

THE CHAIR: You have no further questions. Does anyone else have any questions?

MR GREY: I will have a few questions.

THE CHAIR: You have a few? All right, we better come back in the morning. We'll adjourn until 10 o'clock.

AT 4.05PM THE COMMISSION WAS ADJOURNED TO WEDNESDAY, 9 DECEMBER 2015

Transcript produced by DTI
Transcript produced by DTI
absolutely [1] - 14316:16
Abuse [1] - 14319:1
accepted [2] - 14309:4, 14321:45
accepting [1] - 14365:35
accommodation [1] - 1445:15
accompanied [1] - 14337:19
accord [1] - 14314:40
accordance [1] - 14328:18
according [1] - 14323:13, 14349:44
accurately [1] - 14319:46
accusations [1] - 14304:27
achievement [1] - 14324:24
acknowledged [1] - 14268:19
acquainted [1] - 14337:22
action [1] - 14352:31
action* [1] - 14308:17
active [1] - 14339:24
activities [1] - 14311:3, 14320:5, 14432:25
activity* [1] - 14294:10
actor [1] - 14323:41
acts [1] - 14301:30
addition [1] - 14269:40
additional [2] - 14288:46, 14365:45
addresses [1] - 14304:8
addressing [1] - 14355:4
ADM [1] - 14327:39
admiration [1] - 14325:19
adolescent [1] - 14365:7
adolescents [1] - 14348:15
adrenalin[e] [1] - 14295:31
advance [1] - 14343:47
Adventist [1] - 14292:3
adversely [1] - 14321:11
allegedly [1] - 14364:45
allegiance [1] - 14294:44
alleging [1] - 14301:29
allowed [1] - 14276:13
allows [1] - 14332:22
already [1] - 14263:10
almost [1] - 14306:19
altogether [1] - 14354:43
AM [1] - 14267:32
America [1] - 14370:10, 14338:17
ahead [1] - 14326:39
aims [1] - 14324:22
Alan [1] - 14309:9
Alby [1] - 14301:37
alerted [1] - 14303:36
all [1] - 14274:20
packed [1] - 14357:9
paedophile [1] - 14325:28
pages [1] - 14321:36
pal' [1] - 14303:10
panicked [1] - 14357:9
papers [1] - 14309:2
paperwork [1] - 14302:7
parishioner [1] - 14534:3
Park [1] - 14293:35
partners [1] - 14321:41
pass [1] - 14295:47
passage [1] - 14275:18, 14282:8
passenger [1] - 14300:8
past' [1] - 14325:16
pasties [1] - 14274:8
Pastoral [1] - 14353:13, 14360:37, 14361:34
Patrick [1] - 14320:42
pay [1] - 14308:25
paying [1] - 14304:17
Peace [1] - 14297:42
peculiar [1] - 14321:18, 14360:17
peerless [1] - 14325:34
Pell's [1] - 14344:34
penises [1] - 14272:3
pens [1] - 14273:46
pension [1] - 14311:44
pensioner [1] - 14291:24
performance [1] - 14320:10, 14324:20,
sergeant [q] - 14292:34, 14293:13, 14295:46, 14296:2, 14306:34
sergeant's [c] - 14293:17, 14306:33
serial [q1] - 14322:28
serious [t] - 14307:19
serve [q] - 14274:8, 14328:22
served [t] [1] - 14311:44, 14193:17
serving [c] - 14325:13, 14339:19, 14346:17
service [t] [1] - 14324:31
services [c] - 14311:44, 14193:17
SENTENCE [t] - 14289:10
sentence [t] - 14286:3, 14287:11
Sexual* [t] - 14285:46
separate [c] - 14288:9
separated [c] - 14268:16, 14270:19
Separately [t] - 14315:38
September [t] - 14295:7, 14299:45, 14303:37, 14311:34, 14330:46, 14348:43
significance [z] - 14311:45, 14338:38
silence [t] - 14299:28
similar [c] - 14269:26, 14271:16, 14311:39, 14325:32
simply [c] - 14321:47
sincere [t] - 14325:14
SINCLAIR [c] - 14317:38
single [c] - 14316:30
sister [t] - 14307:23
sit [t] - 14308:5
Sister [c] - 14299:20, 14299:25, 14300:2, 14308:4
sit [t] - 14271:29, 14272:16, 14297:43
sitting [c] - 14297:27, 14303:2
size [t] - 14346:47
skip [t] - 14270:8
sleep [t] - 14272:15, 14272:22
sleeping [t] - 14272:14
slept [t] - 14357:12
slightly [t] - 14272:18, 14273:9, 14341:16
slow [t] - 14292:42
small [t] - 14273:45, 14293:10
smash [t] - 14271:29
smooth [t] - 14307:5
smutty [t] - 14272:2
sneak [t] - 14271:13
sometimes [t] - 14268:25, 14275:16, 14342:26, 14346:5, 14346:7,
Transcript produced by DTI