

Royal Commission Case Study 28

Ballarat Diocese

TJHC update



Tuesday 8 December 2015 – Day 11

The Royal Commission's public hearing into allegations of child sex abuse by clergy and religious in Victoria's Ballarat Diocese continued today in the Melbourne County Court.

The Commission's first witness for the day, BWF, gave evidence via video from a correctional facility about physical and sexual abuse at St Patrick's College in Ballarat as a 14 year old boarder in 1973.

He told the Commission Br Dowlan appeared to be sexually abusing other boys in the dormitory at night and that Dowlan had molested his brother (BWG). BWF also told the Commission Dowlan abused him in the shower room.

BWF said that sometime during that same week he went to the presbytery seeking the then Fr Pell who he described as a 'well-known and influential priest in the area'.

BWF told the commission:

Because I was so nervous I just blurted out to Pell that Dowlan had beaten 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'.

BWF said that shortly after this Br Dowlan and another brother came to his parents' home and he believed they gave his parents a cheque. He said that within a year his parents had purchased a farm that, as a poor family, they would never have been able to afford.

Sam Duggan, lawyer for Cardinal Pell, showed BWF a letter in which BWF set out details of the alleged conversation with George Pell including the location of the presbytery where he claimed to have spoken with George Pell.

It was put to BWF that Fr Pell wasn't living at the presbytery BWF identified and that the confrontation never took place. BWF rejected this.

Mr Duggan showed BWF a police statement regarding the abuse of his brother, BWG, in which BWG described the incident in 1973 that caused BWF to confront George Pell.

In the statement BWG said he never told anyone about the sexual abuse by Dowlan prior to 1993. Mr Duggan put to BWF that he could therefore not have known about the abuse when he said he went to confront Fr Pell. BWF said 'He didn't have to'.

The Commission heard from Mr Denis Ryan, a former police detective, stationed in Mildura about a 1971 investigation he undertook into Day involving up to eight victims.

Mr Ryan gave evidence to the commission about:

- The close relationship between Mildura detectives and Fr John Day;
- an investigation he initiated into Fr Day that involved the abuse of up to eight Mildura students which went nowhere and Mr Ryan was ordered off by senior police detectives;
- Day, as financial manager of the local primary school, receiving the pay of a teacher at the school who did not exist;
- a Mildura police officer extorting money from alleged offenders that was paid to the Church;
- a letter written by him and a school principal to Bishop Mulkearns detailing the investigation into Day. Bishop Mulkearns responded to the letter saying the police had cleared Day of any charges.

In 1972, after unsuccessfully trying to pursue Day, Mr Ryan resigned from the police force. In his resignation letter he 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.

In his statement to the Commission, Mr Ryan said:

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.

After Day's death 15 people made claims of child sexual abuse against him. Nine received payments from the Church.

In a letter written in 2006, Christine Nixon former Victorian chief commissioner of police said 'I am completely satisfied with the investigation into Day'.

Mr Mick Miller, former chief commissioner, Victorian Police gave evidence about his knowledge of the Day investigation when he was assistant commissioner (Operations) from 1971 to 1976. Mr Miller had day-to-day responsibilities for the performance of detectives in regional Victoria at the time.

He told the Commission that while in the Victorian Police he had heard stories about Catholic police being 'let off by Victorian Police in investigations not related to child sexual abuse'.

He told the Commission that the then Victorian Police chief commissioner Reg Jackson was 'the architect of the Victorian Police's response to Denis Ryan's investigation into Monsignor Day'.

As a former commissioner of police Mr Miller apologised to Ryan for the ordeal he had suffered at the hands of senior officers of the police. He expressed his belief that Ryan should be compensated for what he had gone through.

After lunch retired priest, Fr William Melican, who served as an assistant priest to Day up to January 1971, gave evidence. Fr Melican was appointed to the Committee of Consultants shortly

after Ronald Mulkearns became the Bishop of Ballarat. The role of the consultors was to provide advice to the bishop.

Fr Melican was asked about his knowledge of Day's abuse in Mildura and when he became aware of it. Fr Melican said he did not know about it at the time and that he could not recall when he found out.

He said he didn't know anything about Day's resignation in January 1972 and that it was not unusual for a senior priest to resign and travel overseas.

Fr Melican was shown a minute from a meeting of consultors in January 1973 in which it was agreed Day be appointed parish priest of Timboon. He told the Commission he could not recall anyone objecting to the appointment.

Fr Melican was shown the transcript of an interview with Gerald Ridsdale in June 1994 in which Ridsdale talked about leaving Apollo Bay in 1975 after becoming aware of rumors that he was abusing children. Fr Melican said he had no recollection of why Ridsdale was moved from Apollo Bay and later that year, Inglewood. He was also asked about a number of other Ridsdale moves.

Fr Melican was taken to a number of consultor meeting minutes in which Paul David Ryan was dealt with. Fr Melican answered in general that he had no particular knowledge of Paul David Ryan and his movements.

He told the Commission he hardly knew, met or spoke to Ryan. 'I'm not sure I liked him and whatever my duty towards him was I did it as best I could and then that was it, that was the finish of my interest'.

The hearing continues on Wednesday.