

The Royal Commission into Institutional Responses to Child Sexual Abuse continued Case Study 28 today. Case Study 28 is looking at the Diocese of Ballarat, and began the first stage of its hearing in May 2015. A third sitting for Ballarat will occur in February 2016.

In today's hearing, we heard from a witness with the pseudonym BWF, former Police Officer Denis Ryan, former Chief Commissioner of Victoria Police, Sinclair Miller, and retired Ballarat Priest Father William Melican.

Testimony of BWF

BWF gave evidence via audio link from prison. He testified that after seeing one of his friends on television at the Royal Commission, he felt motivated to make a report to the Commission. BWF said that he would often get upset when there was positive media attention on Catholic Priests, including Cardinal George Pell, because he did not feel they deserved the attention.

BWF attended St Patrick's College in Ballarat with his brothers. He said there were numerous incidents of physical and sexual abuse at the College, and told the Commission about an incident where a boy was punched in the face by a Brother, another incident where he was smacked over the ears so hard that he still suffers from a ringing sound in his ears, and other incidents of physical abuse. He also told the Commission that he witnessed Brother Edward Dowlan hovering over the bed of another student as he slept, and witnessed what appeared to be Dowlan fondling the student.

BWF told the Commission that after finding out that his brother, BWL, had been abused by Brother Dowlan, leaving him with bruises on his legs and buttocks, he tried to make a complaint to the college headmaster, Brother Nangle, but Brother Nangle did not see him about it. BWF told the Commission that at this point, he went to the presbytery at St Patrick's Cathedral at about 3.30 or 4pm in the afternoon and asked to see then- Father Pell. He said that when Father Pell came to the door, he blurted out that Dowlan had beaten and molested BWG and demanded to know what Father Pell was going to do about it. He told the Commission that Father Pell responded: "Young man, how dare you knock on this door and make demands?" and proceeded to argue with him before telling him to go away and shut the door.

BWF also said that he remembers two Brothers coming to visit the family and bringing a chequebook with them.

During cross-examination, the lawyer for Cardinal Pell asked BWF to describe the route he took to the Cathedral presbytery. After BWF described the route, Cardinal Pell's lawyer pointed out that Cardinal Pell did not live at the Cathedral presbytery at the time, and instead was living at St Alipius parish. This meant, he said, that Cardinal Pell would have no reason to be in the Cathedral presbytery in the afternoon. Further to this, Cardinal Pell's lawyer noted that during the year the alleged conversation occurred, Cardinal Pell was working at Aquinas College, and would have been there at 3.30pm or 4pm in the afternoon. He suggested that BWF was fabricating the story.

Testimony of Denis James Henry Ryan

Denis Ryan gave testimony about his investigation of Monsignor John Day.

He began by recalling an incident in St Kilda where he and other officers pulled over a car containing two prostitutes and Monsignor Day, who was highly intoxicated with his pants down. He said that Day was not charged because the common law of the Police was to not charge a Priest short of murder. Ryan said that following this, he was invited to join a group of Police officers who undertook to protect Priests from charges, but he declined.

Ryan gave evidence that the headmaster of the local school told him of a complaint of indecent assault against Day. After reporting this, Ryan said he was told by his Superintendent to drop the investigation, and was also threatened by a Priest that if he continued to pursue the inquiry, he would lose his job.

Ryan pursued with the investigation, interviewing victims. He said that each victim could provide him with the name of another, so it became like “stepping stones.” After collecting five victim statements, Ryan told the Commission he reported it, but was told to hand the investigation over to the Inspector and to cease investigating. Ryan said he was eventually forced off the investigation, and the replacement officers did not follow up with the victims. He also told the Commission that he was forced to transfer from Mildura to Melbourne, but resigned instead.

Ryan also said that he wrote to Bishop Ronald Mulkearns about Day, but that Bishop Mulkearns responded by saying Police investigations had cleared Day.

Ryan wrote a book about his experience called “Unholy Trinity.”

Testimony of Sinclair Miller

Mr Miller was Chief Commissioner of Victoria Police from 1977-1987, and held a number of roles in the force prior to this time (including being an Assistant Commissioner from 1971-1977.) Mr Miller explained the structure of the Victoria Police Force at the time of the investigations into Monsignor Day to the Commission.

Mr Miller told the Commission that after reading a media report of discord between a Detective Sergeant and a Detective in Mildura, he sought details. He was told by the Deputy Commissioner Angus that it was none of his business and that the Chief Commissioner would fix the matter in his own way.

Miller knew nothing more of the matter following this conversation, but indicated that as Assistant Commissioner for Operations, he should have been made aware, because the relationship between members of the Police force was within his jurisdiction.

He told the Commission that he did not know of the existence of a Catholic mafia or a group of Catholics protecting Priests. He had also not heard anything of allegations of child sexual abuse against clergy.

However, Miller said that if the allegations in the *Unholy Trinity* book were true, it was his opinion that the shutting down of Ryan’s investigation could only have occurred with the knowledge and consent of his predecessor, Chief Commissioner Reginald Jackson. He said that he based this on the idea that no one down the chain of command ever spoke to him about the Day matter, meaning their instructions to be silent must have come from the highest level.

Mr Miller told the Commission that after reading *Unholy Silence*, he contacted Mr Ryan and gave him a “sincere, abject and humble apology” for what he had suffered during his relentless pursuit of justice. He said that the entire episode was a shameful event in the history of Victoria Police.

Testimony of Father William Melican

Father William Melican retired from the Diocese of Ballarat in 2012, after serving as a Priest for more than 55 years. He gave evidence to the Royal Commission about the role of the College of Consultors, on which he served two separate terms. He said that the main function of the Consultors was to advise the Bishop on matters he sought advice on.

During the period from 1968-1971, Father Melican was assistant Priest in Mildura. The parish Priest at the time was Monsignor John Day. Father Melican said he did not know of the allegations against Monsignor Day until after Melican had left the parish and Day resigned in 1972.

He did not agree with Commissioner McClellan that he would have asked about the circumstances of Day’s resignation, because Priests it was not a significant or unusual event. Justice McClellan asked about the gossip which might have existed at the time amongst Priests, but Father Melican said he hoped he never engaged in gossip at the time. He conceded that people would have been talking about it after the story appeared on the front page of a Melbourne newspaper, but could not recall having conversations about it.

Father Melican was also asked about his knowledge of the offences of Gerald Ridsdale, but could not recall any specific incidents in consultors meetings where he was told about it. Similar questions were asked about Father Paul Ryan, but again, Father Melican could not recall anything unusual about his movements.

The hearing will continue tomorrow.