

- 975 In response to a question at the public hearing about his knowledge of Ridsdale's offending, Bishop Finnigan raised the case of Mr BWA. He said Mr BWA had mentioned that Ridsdale 'did nasty things to him', but that he (Bishop Finnigan) 'can't recall when these things were mentioned, casually or whatever' but that it was in '1995 or thereabouts'.<sup>1279</sup>
- 976 Later in the public hearing, it was put to Bishop Finnigan that he had told Mr BWA that Father Tom Brophy had taken Mr BWA's allegations about Ridsdale to Bishop Mulkearns within days of BWA's initial disclosure to Father Brophy.<sup>1280</sup> Bishop Finnigan said that he has no recollection of saying that to BWA because he did not have any information that Father Brophy had gone to Bishop Mulkearns.<sup>1281</sup> He said that Bishop Mulkearns never discussed the issue with him.<sup>1282</sup>
- 977 Bishop Finnigan also said that if Father Brophy told Mr BWA that he was going to go to the Bishop, then Father Brophy would have intended to do that. However he, Bishop Finnigan, was not in a position to say whether Father Brophy actually did so.<sup>1283</sup>
- 978 According to the transcripts of three CCI interviews in the 1990s, Bishop Mulkearns consistently stated that the first complaint he had about Ridsdale was when he was at Inglewood in 1975.<sup>1284</sup>
- 979 It is submitted that Mr BWA presented as an honest and credible witness. His evidence that he told Father Brophy in 1972 that Ridsdale had sexually abused him and other boys in Warrnambool should be accepted. Similarly, his evidence that he understood Father Finnigan to tell him in the 1990s that Father Brophy had reported this to the Bishop should also be accepted.
- 980 However, it is submitted the evidence is insufficient to conclude that Father Brophy did inform Bishop Mulkearns about Mr BWA's complaint. It is possible that Father Finnigan told Mr BWA that if Father Brophy had intended to take his complaint to the Bishop, then he would have done so, and that Mr BWA understood or remembered Father Finnigan differently.

#### Evidence of Mr BPL

- 981 Mr BPL provided the Royal Commission with a statement, which was tendered. No party with leave requested that he be made available for questioning.

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<sup>1279</sup> Brian Finnigan, T14618: 46 – T14619: 7 (Day 138).

<sup>1280</sup> Brian Finnigan, T14644: 10-18 (Day 138).

<sup>1281</sup> Brian Finnigan, T14644: 19 – 22 (Day 138).

<sup>1282</sup> Brian Finnigan, T14645: 3 – 4 (Day 138).

<sup>1283</sup> Brian Finnigan, T14644: 30 – 33 (Day 138).

<sup>1284</sup> Exhibit 28-0001, tab 83, CCI.0001.00632.0159 at CCI.0001.00632.0159\_R; Exhibit 28-0001, tab 106, CCI.0001.00644.0208\_R at CCI.0001.00644.0211\_R; Exhibit 28-0001, tab 109, CCI.0001.00659.0138\_R at CCI.0001.00659.0139\_R and CCI.0001.00659.0142\_R. See also Exhibit 28-0001, tab 57, CCI.0001.00632.0058\_R.

982 Mr BPL gave evidence that he was sexually abused by Ridsdale when he was an altar server in Warrnambool from 1970 until 1971, when he was 13 or 14 years old.<sup>1285</sup> He stated that around this time, he went on a boys' camp just outside of Warrnambool at a place called Crossley, which was organised through his school, St Joseph's Christian Brothers College.<sup>1286</sup> Father Paul Bongiorno, who was a priest in Warrnambool parish at the time, came on the camp along with a couple of Christian Brothers.<sup>1287</sup>

983 Mr BPL gave evidence that while he was on this camp, he spoke briefly to Father Bongiorno, and told him that Ridsdale had approached him in the presbytery bathroom and asked him how much he ejaculated and had said he would get a teaspoon to measure it and check if he was 'normal'.<sup>1288</sup> He also told him that he believed similar things had happened with his younger brother who was also an altar server.<sup>1289</sup>

984 Mr BPL gave the following evidence:

*Father Bongiorno said, 'Look, it's a real problem. Me and Father Brophy have talked to Monsignor Fiscalini about it and he is sorting it out with the Bishop'. Father Bongiorno said he couldn't do anything further and told me to talk to Monsignor Fiscalini about it.*<sup>1290</sup>

985 Mr BPL stated that Father Bongiorno was the first person Mr BPL had told about the abuse, and that Father Bongiorno left the priesthood shortly after the camp.<sup>1291</sup>

986 Paul Bongiorno also provided the Royal Commission with a statement in which he gave evidence that he was ordained in August 1970, and in 1971 he was appointed as an assistant priest in Warrnambool.<sup>1292</sup> At that time, Monsignor Fiscalini was the parish priest, and Ridsdale was an assistant priest.<sup>1293</sup>

987 In 1971, Father Bongiorno was Chaplain of St Joseph's Christian Brothers College in Warrnambool and of the Young Christian Students ('YCS'), who were senior students at St Joseph's and St Ann's girls' school.<sup>1294</sup> At the end of 1971, Ridsdale left Warrnambool and was replaced by Father Brophy.<sup>1295</sup> At the end of 1972, Father Bongiorno was sent to Ballarat Cathedral. At the end of 1973, he decided to leave the priesthood.<sup>1296</sup>

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<sup>1285</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [7-10].

<sup>1286</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [11].

<sup>1287</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [12].

<sup>1288</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [13].

<sup>1289</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [14].

<sup>1290</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [14].

<sup>1291</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [15].

<sup>1292</sup> Exhibit 28-0160, Statement of Paul Bongiorno, STAT.0789.001.0001\_R [5-6].

<sup>1293</sup> Exhibit 28-0160, Statement of Paul Bongiorno, STAT.0789.001.0001\_R [6-7].

<sup>1294</sup> Exhibit 28-0160, Statement of Paul Bongiorno, STAT.0789.001.0001\_R [8, 11].

<sup>1295</sup> Exhibit 28-0160, Statement of Paul Bongiorno, STAT.0789.001.0001\_R [9].

<sup>1296</sup> Exhibit 28-0160, Statement of Paul Bongiorno, STAT.0789.001.0001\_R [13-14].

- 988 In relation to Mr BPL's evidence about a conversation with him, Mr Bongiorno stated, 'That conversation did not happen with me. I would remember it. I would have been deeply shocked by the alleged substance of that conversation.'<sup>1297</sup>
- 989 Mr Bongiorno stated that he ran two camps at Crossley in 1971 which he organised for the YCS, not for St Joseph's.<sup>1298</sup> He said there were never any Christian Brothers at any camps he ran.<sup>1299</sup> Mr Bongiorno gave evidence that he never had any discussion with Father Brophy about Ridsdale or any other priest or clergy engaging in any kind of child sexual abuse.<sup>1300</sup> He stated that at no time while he was in Warrnambool did he and Monsignor Fiscalini discuss any allegations of Ridsdale's sexual abuse.<sup>1301</sup>
- 990 Neither Mr Bongiorno nor Mr BPL gave evidence in person. Neither requested that the other be made available for questioning.
- 991 Father Brophy was assistant priest from January 1972 until his death in 1974. His time in Warrnambool did not overlap with that of Ridsdale, who was transferred to Ballarat East in January 1972.
- 992 Mr BPL's evidence that he spoke to Father Bongiorno in 1970 or 1971 about Ridsdale while Ridsdale was still in Warrnambool, and that Father Bongiorno responded that he and Father Brophy were sorting it out, cannot therefore be right. However, it is possible that at a distance of over forty years, Mr BPL was mistaken about when this conversation took place. According to Mr BPL's evidence of Father Bongiorno's comments, this conversation must have occurred in 1972.
- 993 It is submitted that Mr BPL's account of his conversation with Father Bongiorno is believable. However, it is submitted that the evidence is insufficient to establish that it was Father Bongiorno who Mr BPL first told of his sexual abuse by Ridsdale, for the following reasons:
- a. Mr Bongiorno gave evidence that he did not hold or attend any camps at Crossley, other than the two he organised in 1971;
  - b. Mr Bongiorno gave evidence that he ceased as Chaplain to St Joseph's Christian Brothers College in 1972, and became Chaplain of St Ann's instead;
  - c. Mr Bongiorno gave evidence that there were never any Christian Brothers at any camps he ran.
- 994 It is submitted Mr BPL's evidence that he told a priest about his sexual abuse by Ridsdale should be accepted. However it is not necessary to resolve whether BPL told Father Bongiorno or another priest of his sexual abuse by Ridsdale.

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<sup>1297</sup> Exhibit 28-0160, Statement of Paul Bongiorno, STAT.0789.001.0001\_R [20].

<sup>1298</sup> Exhibit 28-0160, Statement of Paul Bongiorno, STAT.0789.001.0001\_R [21].

<sup>1299</sup> Exhibit 28-0160, Statement of Paul Bongiorno, STAT.0789.001.0001\_R [23].

<sup>1300</sup> Exhibit 28-0160, Statement of Paul Bongiorno, STAT.0789.001.0001\_R [25].

<sup>1301</sup> Exhibit 28-0160, Statement of Paul Bongiorno, STAT.0789.001.0001\_R [26].

995 Mr BPL also gave evidence that sometime after his conversation with Father Bongiorno, while Ridsdale was still in Warrnambool, Mr BPL served mass at a blessing of the opening of an extension of the St John of God Hospital in Warrnambool when he was 13 or 14 years old.<sup>1302</sup>

996 Mr BPL gave evidence that before the blessing, he told another priest that he needed to talk to the Bishop after the mass.<sup>1303</sup> He could not be certain which priest this was. Mr BPL gave the following evidence:

*I told this Father that I needed to talk to the Bishop after the mass. He asked what about, but I just said 'I'll talk to the Bishop afterwards.' Father responded that we could discuss after the mass whether I could speak to the Bishop or not.*

*After the blessing we went back to a room where there was an afternoon tea. I went up to the Father I had spoken to before the mass, and I told him about how Ridsdale had approached me and about how others had been molested by him. I don't think I used the term 'molested', I think I may have said 'touched' or something similar. I remember Father responded by saying something to the effect of 'you can't talk to the Bishop. I'll tell him what you've said. The Bishop is well aware of that and is dealing with it.'<sup>1304</sup>*

997 Mr BPL gave evidence that he also told this priest that Monsignor Fiscalini had been told about Ridsdale and had also said that the Bishop was dealing with it, but the abuse was still happening and nothing had been done.<sup>1305</sup> This priest asked who else knew, and Mr BPL said he had spoken to Father Bongiorno.<sup>1306</sup> Mr BPL never heard back from this priest.<sup>1307</sup>

998 Mr BPL gave evidence that less than a year after the blessing, he thought his brother's personality had changed, and he suspected something was going on with Ridsdale.<sup>1308</sup> Mr BPL gave evidence that one day after Mass, when Monsignor Fiscalini was disrobing, Mr BPL said he needed to speak to him.<sup>1309</sup> They arranged a time after school, and Mr BPL went to the presbytery.<sup>1310</sup> He gave the following evidence:

*I told Monsignor Fiscalini what Ridsdale had done to me and I told him that I thought it was happening to other kids. I told him I knew something had happened to Michael and that I'd spoken to Father Bongiorno about Ridsdale's behaviour. Monsignor Fiscalini said that there was a problem with*

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<sup>1302</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [17].

<sup>1303</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [18].

<sup>1304</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [18-19].

<sup>1305</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [20].

<sup>1306</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [20].

<sup>1307</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [20].

<sup>1308</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [22].

<sup>1309</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [23].

<sup>1310</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [23].

*Ridsdale and said the Church was dealing with it. I told Monsignor Fiscalini that I had tried to speak to the Bishop about it, but I was not allowed to.*<sup>1311</sup>

999 Mr BPL stated that Monsignor Fiscalini said that Mr BPL wasn't to spread the story anymore, or talk about it to anybody, and stressed the importance of protecting the Church, the parish, the other boys and himself.<sup>1312</sup>

1000 It is submitted that Mr BPL's evidence of Monsignor Fiscalini's response is believable and consistent with other evidence about the culture in the Diocese at that time. As set out earlier in these submissions, it is clear that whoever Mr BPL told about his sexual abuse by Ridsdale, whether Father Bongiorno or another priest, had told Monsignor Fiscalini by the time of this later conversation.

1001 Two or three days after this conversation, Mr BPL returned home from school and his mother said Monsignor Fiscalini had been around that day and that he would get a hiding if he talked about those things again.<sup>1313</sup> Mr BPL told his mother that what he told Monsignor Fiscalini was true, but his mother replied, 'Well, Monsignor thinks they're lies.'<sup>1314</sup>

1002 Mr BPL gave evidence that when he was 19 or 20 years old, in 1976 or 1977, he had a breakdown and ended up in Brierly Mental Hospital for a week.<sup>1315</sup> When he left, his mother had arranged for him to meet Monsignor Fiscalini. Mr BPL could not recall where he met Monsignor Fiscalini; he did not think he was the parish priest of Warrnambool at that time.<sup>1316</sup>

1003 Mr BPL gave evidence that he called Monsignor Fiscalini a liar, and said nothing had been done about Ridsdale.<sup>1317</sup> Monsignor Fiscalini said that all abuses had been handled by the Bishop and that Ridsdale had been transferred to a parish where the Bishop could keep a closer eye on him.<sup>1318</sup> He also gave Mr BPL a 'very stern lecture about my soul going to hell for not following the guidance and teaching of the church' and said Father Bongiorno had mentioned their conversation about Ridsdale after the camp.<sup>1319</sup>

1004 In 2006, Ridsdale pleaded guilty to sexually abusing BPL.<sup>1320</sup>

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<sup>1311</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [24].

<sup>1312</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [26].

<sup>1313</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [27].

<sup>1314</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [27].

<sup>1315</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [29].

<sup>1316</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [30].

<sup>1317</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [31].

<sup>1318</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [31].

<sup>1319</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [32].

<sup>1320</sup> Exhibit 28-0159, Statement of BPL, STAT.0738.001.0001\_R [35].