

The Royal Commission into Institutional Responses to Child Sexual Abuse continued phase three of its hearings for Case Study 28 today. Case Study 28 is looking at the Diocese of Ballarat (and the Christian Brothers' schools within that diocese). The first stage of the hearing was held in May 2015 and the second session was held in December 2015.

In today's hearing, we heard an announcement from Justice Peter McClellan relating to the evidence of Cardinal George Pell and testimony from survivor witness CCD and former headmaster of St Patrick's College, Brother Paul Nangle.

Announcement re testimony from Cardinal George Pell

Justice McClellan announced that testing of conference facilities for the evidence of Cardinal Pell conducted overnight was successful, and that he will be giving evidence from the Hotel Quirinale in Rome. The Commission invited those wishing to attend to register their interest.

Testimony of CCD

The first witness was Timothy Barlow.

Mr Barlow was a boarding student at St Patrick's College, Ballarat from 1973. He told the Commission that it was common knowledge that Brothers were touching the boys because it was part of routine conversation amongst the students.

He also said that he observed Brother Edward Dowlan with his hands in the pants of junior boys, often in full view of junior students. He said that he did not recall this happening in front of staff and/or senior students.

Mr Barlow told the Commission that he was elected to the student representative council (**SRC**) during 1973, his first year at the College. He said that he was approached by a younger student who told Mr Barlow that he wanted Brother Dowlan to stop putting his hand down his and his brother's pants.

Mr Barlow brought it up at the next SRC meeting, and it was agreed that a motion be passed to ask the principal, Brother Paul Nangle, to tell Brother Dowlan to stop assaulting the boys. This motion was documented in the minute book, which was then given to Brother Nangle.

Following this, Mr Barlow was physically assaulted by Brothers Barr and Dowlan. Brother Nangle disbanded the SRC for spreading lies, and Barlow was made to apologise to the school for lying.

Testimony of Brother Paul Nangle

Brother Nangle was headmaster of St Patrick's College and Superior of the community of Christian Brothers in Ballarat from January 1973 to July 1978.

Brother Nangle was asked about his responsibility relating to dealing with complaints relating to teachers at the school. He explained that depending on the nature of the complaint, he would either deal with it himself or refer it to the Provincial Council. Cases of excessive corporal punishment were one example of a matter which would be reported. Brother Nangle said that he did not have the authority to move a Brother from the school.

Brother Nangle was asked whether specific problems relating to the Brothers were discussed with him when he took over as Superior, including reports of Brother Dowlan photographing students in the shower. Brother Nangle said that these reports were not passed on to him.

Brother Nangle recalled that he only ever received one complaint about Brother Dowlan, and that concerned excessive corporal punishment of a student with the pseudonym BWG. He said that he had told her she had the option of going to the police, but hoped that she would not, because he did not consider it to be of a serious enough nature for the police. Brother Nangle was taken to an interview with BWG's mother and where she described the severity of the injuries he had sustained. Brother Nangle told the Commission that he did not enquire as to the nature of the "excessive" punishment. He was questioned on this at some length, with Justice McClellan putting to him that as someone responsible for the welfare of students, he should have enquired about what had been done.

Brother Nangle was then asked about the matter of Paul Tatchell, whose parents were called to pick him up in the middle of the night because he had become unruly and distressed (after, Tatchell testified, being raped by Brother Dowlan.) Brother Nangle told the Commission that he did not inquire as to why Tatchell was so distressed before calling his parents. Brother Nangle was asked about the comment from Tatchell that "they were a heap of poofers." Nangle said that he did not recall the comment, but might not have given it much credence if he had.

Brother Nangle was then asked about the testimony of Martinus Claassen, who gave evidence that he and his mother had told Nangle about Brother Dowlan's abuse of him. Brother Nangle said that he does not recall meeting with them.

Brother Nangle was also asked about the evidence of Timothy Barlow, who testified that he was forced to apologise to the school and saw the Student Representative Council disbanded after passing a motion to request that Brother Dowlan stop putting his hands down the pants of the boys. Nangle said that no one ever made a complaint of a sexual nature against Dowlan. He said that the information was of such a nature that he would have remembered it.

Brother Nangle was next asked about Brother Leo Fitzgerald, and a complaint made to him by a child's father (who was a police officer) that Fitzgerald was kissing boys. Nangle had reported this to the Provincial Council, because of the sexual nature of the complaint. The Provincial Council retired Fitzgerald from teaching. Brother Nangle was taken to a visitation report which mentioned that Brother Fitzgerald had reached the stage in life where he could not control his emotional impulses, and that he should be watched and removed from the boarding situation. Brother Nangle said that this was never brought to his attention, but that he had issued a directive for Brothers not to visit the boys' dormitories (however, this was more about disturbing them before they slept.)

Brother Nangle was asked about Brother Stephen Farrell. Nangle had received a complaint about Farrell acting "inappropriately" with two boys in 1974. Farrell had testified that no words were spoken about the matter, but that they just cried and hugged. Nangle said that he had told him that a complaint had been made, asked if it was true, and then informed him that he was going to pass the report on to the Provincial. Nangle said that he does not recall meeting with CCD and his mother about a complaint relating to Farrell.

Brother Nangle was also asked about Brother BWX, and told the Commission that he had made a report to the Provincial and to Bishop Mulkearns about BWX. BWX was removed from the school, and ended up at another school. Brother Nangle said that it was not his place to have a view on BWX's placement because it was a matter for the Provincial. He said that he was not aware of any restrictions being placed on BWX.

Brother Nangle was then asked about a newspaper article in *The Age*, which alleged that he had engaged in a cover up, and a draft reply which was never sent. In the letter of reply, Brother Nangle said that at no time during his term as headmaster did any parent make allegations to him of sexual misconduct of any member of staff of St Patrick's College. He was challenged that this was not true. Brother Nangle told the Commission that the complaints of a sexual nature he received came either from staff (in the case of BWX) or were made about teachers at St Alipius (Farrell and Fitzgerald.) He was challenged that this was misleading.

Brother Nangle was asked about why he thought so much abuse occurred. He spoke about inadequate psychosexual development, a lack of understanding of the effects of abus, the societal changes in the 1970s and a taking for granted that the Brothers were seeking spiritual perfection. Justice McClellan challenged Brother Nangle on the reference to the cultural changes in the 1970s, arguing that the sexual permissiveness of the 1970s never extended to abuse of children. Brother Nangle agreed, but said that there was a general weakening of sexual ethics at the time.

Cross-examination by Dr Hanscombe

Dr Hanscombe challenged Brother Nangle's comments about the sexual revolution, arguing that sexual abuse was occurring within the Christian Brothers long before then. She instead proposed that a culture of silence and repression was to blame.

Dr Hanscombe also challenged a previous comment from Nangle that he was not responsible for information he did not know, arguing that he could have made an effort to be more informed. Brother Nangle accepted this.

Cross-examination by Mr Seccull

Mr Seccull's questions focussed on the visitation process at the school (in which a member of the Provincial Council would visit the school annually and write up a report.) Brother Nangle said that all of the Brothers would be interviewed and given the opportunity to raise concernsd.

Cross-examination by Mr Taaffe

Mr Taaffe represents Brother Farrell. He asked Brother Nangle to confirm that he only ever received one complaint about Farrell, that the complaint was made on the day of the incident, and that Farrell admitted it that same day.

Cross-examination by Mr O'Brien

Mr O'Brien took Brother Nangle to some of the complaints he had testified earlier that he had received, particularly those where he said that he did not hear any details of the incident. Mr O'Brien argued that Brother Nangle failed his duty to the students by not collecting further information, and that it was unbelievable that he failed to seek out more.

He went further and accused Brother Nangle of lying to police and lawyers about what he knew in an effort to protect the reputation of the Christian Brothers. This statement was rejected by Brother Nangle.

O'Brien then asked a series of questions about the relationship between Cardinal George Pell and the school. Brother Nangle said that he was an "old boy" and would occasionally attend sporting events (along with "half the town"), but that he had no particular connection. O'Brien used the example of Cardinal Pell officiating at his brother's wedding in the school chapel as evidence of the strong connection, but Brother Nangle rejected this, saying that the chapel was a popular venue.

Cross-examination by Mr Shaw

Mr Shaw asked questions about the references to child sexual abuse in the Catechism, and specifically whether breaching the Catechism was a sin. Brother Nangle said that he was not a theologian, and there was a lengthy exchange about what constitutes a sin.

[Editor note: At one point, Brother Nangle said: "The act in itself is intrinsically evil, but the perpetrator of that act may or may not be guilty of sin in the eyes of God." This was interpreted as expressing that child sexual abuse can sometimes be okay, but those who understand the Catholic concept of sin would know that in order for sin to occur, not only is grave matter required (which is objective) but also full knowledge and consent (both of which are subjective.) Brother Nangle was not afforded the opportunity to explain this.]

Cross-examination by Mr Gray

Mr Gray acts on behalf of the Christian Brothers, so used his cross-examination to clarify some matters which arose in Brother Nangle's testimony.

The Commission proceedings will continue tomorrow.