

UPDATE 11

Royal Commission *Towards Healing* Hearing



23 January 2014

The Royal Commission today resumed hearing evidence from Br Gerald Burns, Marist Brother and retired principal of St Augustine's College in Cairns during the time when DK was abused.

Br Burns gave evidence about the DK *Towards Healing* facilitation meeting in 2010 and the knowledge he had of the behaviour of Ross Murrin who abused DK while he was a boarder at the school in 1981.

Br Burns said he had no knowledge of Murrin's behaviour towards DK at the time of the abuse of DK, nor was he aware of any other abuse by Murrin at that time.

Following the conclusion of evidence from Br Burns, Br Andrew Moraghan, who was a teacher at St Augustine's from 1979 to 1984 gave evidence. Br Moraghan also attended DK's *Towards Healing* facilitation meeting in 2010. He gave evidence about his recollection of the meeting and his knowledge in 1981 of the activities of Murrin. Br Moraghan said he was unaware of Murrin's sexual abuse and only became aware of his behaviour when Murrin was charged in 2008 and later sent to prison for his crimes.

Mr Patrick Monahan, the solicitor who represented Catholic Church Insurance at both the DK and Jennifer Ingham *Towards Healing* processes also gave evidence today. Mr Monahan spoke about the role of CCI in the *Towards Healing* process and in particular his involvement in the DK process.

He gave evidence about the way in which CCI assesses the level of compensation which could be paid to a victim including the extent of any psychiatric injury, the extent of the abuse and the needs of the victim.

He was also asked by Commissioner McClellan about the factors CCI looks at when determining the legal liability of a church authority in a sexual abuse claim. Mr Monahan said this would include considering whether those in authority had any earlier knowledge of inappropriate behaviour by the perpetrator and whether there was a systemic issue.

Mr Monahan spoke about the tension between the aspirations of *Towards Healing* to provide victims with a fair and compassionate outcome with the regulatory and other requirement of an insurance company such as CCI. "If this Commission can come up with some other system that doesn't contain that tension, I think that would be absolutely wonderful," Mr Monahan said.

Following the conclusion of Mr Monahan's evidence Br Jeffrey Crowe, current Provincial of the Australian Province of the Marist Brothers, painted a picture of the Marist order in Australia since the mid-1960s, including the number of brothers, the number of students in schools and the social, cultural and religious reasons for the decline in the number of brothers.

Questions to Brother Crowe also went to the legal and other processes put in place once allegations of sexual abuse are made and the processes involved in the development of child protection policies. Governance structures were also discussed and Canon law as it relates to the discipline of Marist brothers and priests.

Brother Crowe will continue giving evidence tomorrow.

For more information on the Truth Justice and Healing Council go to: www.tjhcouncil.org.au

For information on the Royal Commission go to: <http://www.childabuseroyalcommission.gov.au/>

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