

UPDATE 36

Royal Commission Marist Brothers

Canberra



Tuesday 10 June 2014 – Day 1

The Royal Commission's examination of the way in which the Marist Brothers responded to child sexual abuse perpetrated by two teaching brothers from the early 1960s through to the late 1980s commenced in Canberra today.

The public case study is looking into how the Marist Brothers, including schools operated by it, responded to allegations against Br John Chute, also known as Brother Kostka, and former Br Gregory Sutton. It is also looking at compensation paid to the victims.

The Commission will also look at the response of agencies, including the NSW Department of Family and Community Services, to reports of child sexual abuse regarding both Brothers. Sutton left the Marist Brothers in 1991. A lawyer acting for him made an application to the Commission that his name should be suppressed in this Commission hearing, but that application was denied.

In his opening statement Counsel Assisting, Simeon Beckett, told the Commission that Brother Chute had allegations of sexual abuse made against him as early as 1960. The Commission also heard Chute had taught at schools across NSW including in Sydney, Lismore and at the Canberra Marist College from 1976 to 1993.

The Marist Brothers have received allegations against Chute from 48 different individuals and have paid some \$6.8 million in compensation to 38 of his victims.

In January 2008 he was charged with 19 counts of child abuse against six former students and, after pleading guilty, was sentenced to six years imprisonment.

Brother Gregory Sutton was professed as a Marist Brother in 1970 and commenced his first teaching post at a North Queensland school in 1973 at the age of 21. He taught continuously for the Marist Brothers in Queensland, the ACT and NSW from 1973 until he was removed from teaching in 1987.

The Marist brothers have received allegations against Sutton from 21 individuals. In 1996 he was charged and convicted in NSW of 67 counts of sexual offences against 15 different children.

The Commission also heard details of the history of the Marist Brothers in Australia including their arrival in Australia in 1872 and having since then operated 21 schools in their own right, including 12 boarding schools. The Brothers have administered a further 74 schools on behalf of parishes or dioceses.

The Commission heard that until the 1990s there were no initial or ongoing programs of education and training in matters of child protection for the Marist Brothers.

It also heard evidence would be tendered that the Marist Brothers had no written child protection policies in place prior to 1994 and no written policies or procedures in relation to the handling of complaints of child sexual abuse, prior to the 1990s.

The first witness to give evidence in this public hearing, ADM, said she had been repeatedly abused by Sutton as a Year 5 student in a Sydney primary school in the mid-1980s.

She gave graphic evidence of the nature of the abuse saying that on occasion, Sutton had her and another girl on his lap at the same time.

ADM said Sutton wore a crucifix around his neck which she turned around so Jesus wouldn't see what was happening.

When asked what procedures and processes should be changed in order to better protect children in the future, ADM said children should not be allowed in classrooms before school.

She said teacher-student boundaries should be established and there should certainly be no sitting on teachers' laps. She also said that any suspicion of child abuse should be reported directly to the police and their investigations would establish whether or not there was a case to answer.

ADM received \$93,000 compensation eventually receiving \$58,711, after \$9,300 went to the health insurance commission to pay for counselling and almost \$25,000 went on legal fees.

The second witness to give evidence today, ADQ, was also abused by Sutton as a young girl in the same Sydney primary school.

ADQ gave evidence that she first met Brother Sutton in 1984 when he was her Year 5 class teacher. She said that over that year she had been abused in his class room, in front of the class and in other places around the school.

ADQ told her parents about the abuse and was taken to the police who appear not to have acted on the report at the time. Following a further report of abuse elsewhere, ADQ's abuse was investigated. This led to the trial and conviction of Sutton.

ADQ received around \$170,000 in compensation after legal fees and other costs were deducted. Both women suffered terrible abuse and were very brave to come forward to the Commission.

The final witness to give evidence on day one was Damian De Marco who was abused as a student by Br Chute at Canberra College in 1991.

He gave evidence of a report he recalls making to a teacher at the school in 1986. In 1993 he approached the school again and met with the then Marist Brother provincial, Br Alexis Turton to discuss the abuse and steps to be taken.

Mr De Marco will continue to give evidence tomorrow.

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