

UPDATE 41

Royal Commission Marist Brothers

Canberra



Tuesday 17 June 2014 – Day 6

Day six of the Marist Royal Commission hearing in Canberra commenced on Tuesday with retired Br Anthony Hunt giving evidence about his time as the superior of the Marist community in Lismore from 1884 till 1988, the period in which Greg Sutton was teaching at St Carthages in Lismore.

Br Hunt said he had concerns about Sutton's level of maturity not long after Sutton arrived in Lismore in 1985 including 'his general style of interacting with adult people, his seeming preference to enjoy the company of children over that of adults'.

He was asked about Br Turton visiting Lismore in 1985 and also about a letter written to Sutton by Sr Julia about Sutton's behaviour with students. Br Hunt said he had limited understanding of the purpose of Br Turton's visit and had not seen the Sr Julia letter at the time.

Brother Hunt said he began to become concerned with Sutton's behaviour in 1986 and attended a meeting with the school's leadership about Sutton's relationships with the staff and his interactions with the pupils in the school.

Br Hunt agreed he had not raised his concerns with the provincial at the time.

The Commission has asked several witnesses about their views and understanding of abuse in the late 1980s. When asked by the Presiding Member, Justice Jennifer Coate, if in 1988, he understood that child sexual abuse a crime Br Hunt said: "At that time, I did not associate it with the word "crime".

Br Hunt concluded his evidence by saying if he had been aware of Sutton's behaviour as outlined in Sr Julia's letter of 1986 he would have been much more proactive including taking his own steps to have Sutton removed from the school.

He said his inaction was now a matter of great regret and sorrow for the great harm that was done to children by Sutton.

Father Brian Lucas

Farther Brian Lucas, General Secretary of the Australian Catholic Bishop's Conference, gave evidence to the Commission about the history and development of protocols within the Church to deal with sexual assault.

His evidence also covered the requirement in some states and territories to report to statutory authorities, and his views about respecting the wishes of victims if they were adults and did not want to report to police.

Fr Lucas said one of the weaknesses of the 1992 church protocol was a lack of clarity about the procedural steps it envisaged, in that the protocol suggests quite distinct steps, when in practice, the approach did not always precisely follow those steps.

Fr Lucas was asked about a meeting between himself, the provincial of the Marists, Br Alexis Turton, and Kostka Chute, in 1994, about allegations made by Mr Damian De Marco.

Fr Lucas says he could not recall the meeting but had no reason to believe the meeting didn't take place.

He gave evidence that if there was a perceived risk to a child following an allegation of abuse then the accused should be removed from teaching.

He said while it was his practise at the time to not take notes at meetings with someone accused of abuse, that practice was not intended to frustrate further possible police investigations.

"The practicality of facing a person in this situation and taking a note would mean he would not say anything, and there would be nothing to write down and nothing to report and nothing that would later be useful in a prosecution," Fr Lucas said.

"Well, the purpose of the methodology, if I can explain, was to break the impasse between an allegation and a denial and to see whether, in the context of a confidential conversation with this man, we could move him to a position of some acknowledgment of a problem and the consequences of that, which would move him to remove himself from a position of risk, would move him into a therapeutic regime and as happened in many, many cases, then, to move him to his plea of guilty."

When it was suggested to Fr Lucas by Mr O'Brien representing Mr De Marco that the process was about covering up the activities of accused clergy Fr Lucas responded:

"The word 'cover-up' is used extensively without much realisation of the dilemma that we were faced with. We had a situation of an allegation by an adult victim who doesn't want to go to the police, for whatever reason, good or not so good. You can't do nothing. But to suggest that respecting that right of a victim not to go to the police amounts to a cover-up is something I completely reject."

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