

UPDATE 43

Royal Commission Marist Brothers

Canberra



Thursday 19 June 2014 – Day 8

Br Alexis Turton

Day eight of the Marist Royal Commission hearing in Canberra started on Thursday with former provincial of the Marist Brothers, Alexis Turton, continuing to give evidence about his response to a complaint made by Damian De Marco in 1993 of abuse by Kostka Chute at Marist College Canberra some years earlier.

Br Turton was vice-provincial of the Marist from 1983 to June 1989 and provincial from June 1989 to June 1995.

Br Turton was asked about the Marist Brothers 'Common Rules' which applied until 1968 and set down rules about the interactions between brothers and children.

Br Alexis was also asked about disciplinary processes within the Marist Brothers over the period from when Chute commenced as a brother, particularly the reference to a 'canonical warning' given to Chute in 1969.

Counsel Assisting, drawing on an interview with Chute, said that past complaints had been made known to then provincials Brother Duffy in 1962, Brother Weldon in 1967 and Brother Howard in 1972.

Br Turton was also asked about similar disciplinary action taken against Sutton. "I wasn't aware of anything formally laid down at that time," Br Turton said.

When asked about Sutton leaving the Marist Brothers while in Chicago in 1991 and whether Br Turton would have allowed Sutton's release from vows and departure so as to avoid 'scandal', Br Turton responded that this wasn't part of his thinking "whether a person was a brother or known to be a brother, I would imagine that the negative impact would still be very strong," he said.

Br Turton was asked about Kostka Chute's time at the Marist facilities in Mittagong and steps taken there to ensure he avoided children. Br Turton said it was his understanding that in his various roles at the Mittagong centre he wasn't in contact with children. "My understanding was that the community leader was aware of his situation - of not working with children."

Chute pled guilty in February 2008 to sexual offences against children and was sentenced to six years' imprisonment.

Br Turton was asked about his escorting Chute to Court, and his understanding of whether Chute's victims might see that as supporting Chute. Br Turton responded that, in his role of director of professional standards, he was expected by the Marist Brothers "to take the responsibility, to see that he kept all of his legal appointments, and it was in that spirit that I was doing it".

After lunch Br Turton was asked by Mr O'Brien, representing Mr Damian De Marco, about the relationship between the Marists and Catholic Church Insurances (CCI), in the context of the 2008 civil litigation against the Marist Brothers in relation to Chute's abuse at Marist College Canberra.

Mr O'Brien asked Br Turton a series of questions regarding the legal strategy adopted to defend the case, and suggested the Marists had acted so as to maintain CCI insurance cover for any legal costs and possible damages to Mr De Marco.

Mr O'Brien put to Br Turton that he had put pressure on people involved in the CCI investigation of the claim to give accounts or evidence consistent with the legal strategy of the Marist lawyers.

Br Turton denied the suggestion and responded that he was unaware of giving anyone any directions.

Mr O'Brien asked Br Turton about the Canberra airport meeting in 1993 where Mr De Marco told him about being abused by Chute and concerns Chute might be abusing other younger boys.

Br Turton reiterated his evidence from earlier in the hearing about his interpretation of Mr De Marco's complaint.

Br Alexis will continue his evidence when the hearing resumes on 30 June in Sydney.

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