

UPDATE 34

Royal Commission Christian Brothers Case Perth



Tuesday 6 May 2014 – Day 7

Brother Tony Shanahan, former Leader of Christian Brothers' Province of Western Australia and South Australia, continued giving evidence to the Royal Commission this morning.

He was again taken to historic correspondence between representatives in the Brothers about the extent and way in which offending brothers had been dealt with between 1919 and 1969.

Following an examination of the correspondence Counsel Assisting, Gail Furness, put to Br Shanahan that there had been some 70 individual brothers named who had been identified as having some involvement in abuse, and that 18 of those were repeat offenders.

Br Shanahan was questioned about the establishment of CBERS and the suspicion with which the scheme was initially met by some survivors. Br Shanahan said that over time he felt that survivors ultimately came to trust the scheme and the services it was providing.

Commissioner McClellan asked Br Shanahan about both the motivation behind the public apology made in 1993 and the extent of compensation the Brothers were willing to pay survivors.

He was also asked about the legal strategy adopted during the Slater & Gordon class action and if the Brothers had considered mediation and the amount of money being spent on legal fees.

Brother Shanahan said if the litigation was conducted today he would make much greater efforts to find a non-litigious outcome perhaps through mediation or another alternative dispute resolution mechanism.

He said the Brothers should have moved sooner towards a settlement and that when the settlement came, should have been less concerned about its impact on the Brothers than on the survivors.

When asked again about recruitment, Br Shanahan said the practice of taking novitiates before they finish secondary school has long been discontinued.

"There is a recognition that people need to have some time to mature and get some life experience before they make a commitment to a religious vocation."

Br Shanahan said before young men enter residential training there is usually a period of extended contact with the Brothers, usually through a particular Brother who might remain in contact with the young person. There might be a shorter live-in period, a sort of "come and see" to ...get a taste of community life".

"In other words, the whole process is taken more gradually so that people are able to get a sense of what they are letting themselves in for."

Brother Julian McDonald, the current Deputy Province Leader of Christian Brothers' Province of Oceania, started his evidence to the Commission with information about the conduct of the defence of the Slater & Gordon class action.

In questioning from Commissioner McClellan, Br McDonald agreed that the Brothers have a responsibility for the behaviour of the Brothers who committed abuse on children in the WA institutions
Br McDonald said litigation was alien to him and that he would have preferred to settle the cases through mediation. He said his concern was that he thought people were being re-abused by being part of the class action and were being made promises that would never be kept.

Br McDonald will continue giving evidence tomorrow.

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