

# UPDATE 38

## Royal Commission Marist Brothers

### Canberra



Thursday 12 June 2014 – Day 3

Day three of the Canberra Marist hearing started with the former assistant principal of St Carthage's School in Lismore, Jan O'Grady, giving evidence about her experience with Br Sutton during his time as a teacher at the school between 1985 and early 1987.

She told the Commission that she had received reports of several incidents of inappropriate and unprofessional behaviour by Brother Sutton, and witnessed an incident of inappropriate behavior with some female students.

Mrs O'Grady agreed that she had passed on various concerns about Sutton to the school Principal, Sister Julia O'Brian.

In early 1986, at the request of the then principal, Sr Julia, Mrs O'Grady drafted a letter to Sutton imposing conditions on Sutton's behaviour with students.

Following Sutton's receipt of the warning letter, Mrs O'Grady said she did not observe any changes in Sutton's behaviour.

She told the Commission the school had no control over the appointment and transfer of Marist Brothers teaching there.

She said that at the time she thought Sutton should have been removed from the school but this didn't happen. She thought this may have been because of the relationship between the Presentation Sisters who ran the school and the Marists brothers, but was not sure.

Mrs O'Grady said during her short time as acting principal at the school she had not contacted the Brothers to ask them to remove Sutton from the school.

Eventually, Mrs O'Grady took the concerns about Sutton to Mr John Kelly, then Director of the Lismore CEO in 1987. Upon hearing of the concerns from Mrs O'Grady, Mr Kelly told Mrs O'Grady that steps would be taken and Sutton would not be returning to the school.

Following the conclusion of Mrs O'Grady's evidence Br Terence Heinrich, former Headmaster of Marist College Canberra, took the stand.

Br Heinrich, who was Headmaster from 1983 to 1988, said that during the hand over from the previous headmaster there was no discussion about the behaviour of any of the brothers or staff.

He said he was not briefed by senior Marist brothers about any concerns with any teachers or brothers at the school and that he was unaware at the time of any allegations of inappropriate behaviour made against Chute.

He agreed that Chute had a high degree of autonomy at the school. He was trusted to perform his teaching and extracurricular duties, which included running a photography club, coaching rugby teams and operating a pie van during the winter months, without close supervision. He said that had he known about

Chute's history he would have put in place greater supervision and would have registered strong concern about Chute teaching at the school with the Marist provincial.

He said that in 1985 or 1986 he received a complaint by the parents of a boy who said he had been touched by Br Kostka during the Friday night film.

He said he was shocked and could not believe such a thing could happen. He said that he confronted Kostka about the complaint in his office where Kostka treated the complaint with little gravity. He said that Kostka said it was a misunderstanding and that nothing wrong had happened.

He later took the complaint to the then provincial, Br Alman Dwyer, who told Br Heinrich to "leave it with me".

Asked by Counsel Assisting if he had taken adequate steps to protect the student he said at the time he said he had not, as he had not considered anything wrong had taken place.

Br Heinrich agreed that with hindsight, it would have been advisable to have referred the allegation made against Kostka immediately to the police.

Br Heinrich was asked about evidence from an earlier witness, Mr De Marco, that year 12 form master, John Doyle, had told Br Heinrich about De Marco's reporting to him that he had been abused by Kostka. Mr Doyle gave evidence on the previous day saying he had no recollection of any report of abuse from Mr De Marco. Br Heinrich denied that Mr Doyle had told him about the allegation. He said the gravity of that sort of disclosure would have made it unforgettable. "I never heard that from John Doyle," Br Heinrich said.

The hearing will continue tomorrow.

**CONTACT: Michael Salmon 0417 495 018**