



# REPORT OF CASE STUDY NO. 26

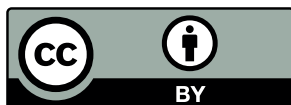
The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol

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## Report of Case Study No. 26

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The response of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to allegations of child sexual abuse at St Joseph's Orphanage, Neerkol

March 2016

### COMMISSIONERS

The Hon. Justice Jennifer Coate  
Professor Helen Milroy  
Mr Andrew Murray



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# Preface

## The Royal Commission

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The Letters Patent provided to the Royal Commission require that it ‘inquire into institutional responses to allegations and incidents of child sexual abuse and related matters’.

In carrying out this task, we are directed to focus on systemic issues but be informed by an understanding of individual cases. The Royal Commission must make findings and recommendations to better protect children against sexual abuse and alleviate the impact of abuse on children when it occurs.

For a copy of the Letters Patent, see Appendix A.

### Public hearings

A Royal Commission commonly does its work through public hearings. A public hearing follows intensive investigation, research and preparation by Royal Commission staff and Counsel Assisting the Royal Commission. Although it may only occupy a limited number of days of hearing time, the preparatory work required by Royal Commission staff and by parties with an interest in the public hearing can be very significant.

The Royal Commission is aware that sexual abuse of children has occurred in many institutions, all of which could be investigated in a public hearing. However, if the Royal Commission were to attempt that task, a great many resources would need to be applied over an indeterminate, but lengthy, period of time. For this reason the Commissioners have accepted criteria by which Senior Counsel Assisting will identify appropriate matters for a public hearing and bring them forward as individual ‘case studies’.

The decision to conduct a case study will be informed by whether or not the hearing will advance an understanding of systemic issues and provide an opportunity to learn from previous mistakes, so that any findings and recommendations for future change which the Royal Commission makes will have a secure foundation. In some cases the relevance of the lessons to be learned will be confined to the institution the subject of the hearing. In other cases they will have relevance to many similar institutions in different parts of Australia.

Public hearings will also be held to assist in understanding the extent of abuse which may have occurred in particular institutions or types of institutions. This will enable the Royal Commission to understand the way in which various institutions were managed and how they responded to allegations of child sexual abuse. Where our investigations identify a significant concentration of abuse in one institution, it is likely that the matter will be brought forward to a public hearing.

Public hearings will also be held to tell the story of some individuals which will assist in a public understanding of the nature of sexual abuse, the circumstances in which it may occur and, most importantly, the devastating impact which it can have on some people’s lives.

A detailed explanation of the rules and conduct of public hearings is available in the Practice Notes published on the Royal Commission's website at:

[www.childabuseroyalcommission.gov.au](http://www.childabuseroyalcommission.gov.au)

Public hearings are streamed live over the internet.

In reaching findings, the Royal Commission will apply the civil standard of proof which requires its 'reasonable satisfaction' as to the particular fact in question in accordance with the principles discussed by Dixon J in *Briginshaw v Briginshaw* (1938) 60 CLR 336:

... it is enough that the affirmative of an allegation is made out to the reasonable satisfaction of the tribunal. But reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal ... the nature of the issue necessarily affects the process by which reasonable satisfaction is attained.

In other words, the more serious the allegation, the higher the degree of probability that is required before the Royal Commission can be reasonably satisfied as to the truth of that allegation.

## Private sessions

When the Royal Commission was appointed, it was apparent to the Australian Government that many people (possibly thousands) would wish to tell us about their personal history of child sexual abuse in an institutional setting. As a result, the Commonwealth Parliament amended the *Royal Commissions Act 1902* to create a process called a 'private session'.

A private session is conducted by one or two Commissioners and is an opportunity for a person to tell their story of abuse in a protected and supportive environment. As at 26 February 2016, the Royal Commission has held 4,874 private sessions and more than 1,485 people were waiting to attend one. Many accounts from these sessions will be recounted in later Royal Commission reports in a de-identified form.

## Research program

The Royal Commission also has an extensive research program. Apart from the information we gain in public hearings and private sessions, the program will draw on research by consultants and the original work of our own staff. Significant issues will be considered in issues papers and discussed at roundtables.



## This case study

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This is the report of the public hearing that examined the responses of the Sisters of Mercy, the Catholic Diocese of Rockhampton and the Queensland Government to sexual abuse at St Joseph's Orphanage, Neerkol, in Queensland.

The scope and purpose of the public hearing was to inquire into:

- the experiences of a number of men and women who were resident at St Joseph's Orphanage, Neerkol, operated by the Sisters of Mercy between 1940 and 1975
- the responses of:
  - i. The Sisters of Mercy
  - ii. The Catholic Diocese of Rockhampton
  - iii. The Queensland state governmentto complaints made by former residents of St Joseph's Orphanage, Neerkol, of child sexual abuse by workers, priests and nuns at the orphanage between 1993 and present
- any related matters.

# Executive summary

## St Joseph's Orphanage, Neerkol

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St Joseph's Orphanage, Neerkol, was located about 20 kilometres outside the city of Rockhampton in Queensland. The orphanage was situated within the parish of St Joseph's, Neerkol, which in turn was part of the Catholic Diocese of Rockhampton (the Diocese).

The orphanage was run by the Sisters of Mercy, Rockhampton (the Sisters), from 1885 until 1978. At the relevant times, the Sisters were an autonomous congregation within Australia. As such, they were independent from the Diocese.

The children who were resident at the orphanage were mostly 'state wards'. They were admitted to the orphanage under state government authority by either care and protection orders or care and control orders. The orphanage also received a number of private admissions and acted as a quasi boarding school for children who were not in state care. The orphanage accepted a small number of British Child Migrants. A number of the children placed at the orphanage were Indigenous and had been placed there under the relevant legislation.

## Previous government inquiries

In August 1998, the Queensland Government Minister for Families, Youth and Community Care established the Commission of Inquiry into Abuse of Children in Queensland Institutions (commonly known as the Forde inquiry). It was presided over by Ms Leneen Forde AC, a former Governor of Queensland. Assisting Ms Forde were Dr Jane Thomason and Mr Hans Heilperm.

The Forde inquiry was commissioned to inquire into institutions established or licensed under the *State Children Act 1911* (Qld), the *Children's Services Act 1965* (Qld) or the *Juvenile Justice Act 1992* (Qld) and institutions registered under the *Infant Life Protection Act 1905* (Qld).

In broad terms, the purpose of the inquiry was to examine whether there had been any abuse, mistreatment or neglect of children in Queensland institutions.

The Forde inquiry heard evidence from former residents of the orphanage and some of the Sisters who had been on staff at the home.

In total, the Forde inquiry covered 159 institutions from 1911 to 1999 and found that abuse, mistreatment and neglect had occurred. It made 42 recommendations relating to contemporary child protection practices, youth justice and redress of past abuse.

At the time of the Forde inquiry two alleged perpetrators of abuse at the orphanage – Mr Kevin Baker and Father Reginald Durham – were the subject of criminal proceedings and therefore no findings were made on their actions or conduct at that time.

In or about November 2000, the closed portion of the Forde inquiry report, entitled ‘Neerkol closed section’, was released.

The closed section made findings about the environment, abuse and reporting mechanisms at the orphanage. The closed section observed that child sexual abuse was perpetrated by a range of persons at the orphanage, including:

- members of foster families to whom children were sent on holidays
- male workers at the orphanage
- regular male visitors to the orphanage
- priests stationed at the orphanage.

In giving evidence during this public hearing, the Sisters, the Queensland Government and the Diocese accepted each of the Forde inquiry’s findings. These findings are relied upon for the purposes of this report.

## Governance of St Joseph’s Orphanage, Neerkol

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### Queensland Government

#### **Statutory supervision and oversight**

St Joseph’s Orphanage, Neerkol, was first licensed under the *Orphanages Act 1879* (Qld). On 11 December 1885, the Sisters were ‘invited’ to staff the orphanage.

The Queensland Government authority was the legal guardian of the children at the orphanage apart from those children who were privately admitted. The governing authority of the orphanage was designated by the state government to be the Sisters, and the Mother Superior of the Sisters was the approved ‘carer’.

Under the *Orphanages Act 1879* the management and supervision of licensed orphanages were subject to such controls as the Minister prescribed, including regular inspection by the Inspector of Orphanages.

In 1911, the *State Children Act 1911* (Qld) repealed the *Orphanages Act 1879*. Notwithstanding these legislative changes, the orphanage retained its licence under the *State Children Act 1911*.

The *State Children Act 1911* was supplemented by the *Children’s Protection Act 1896* (Qld) to provide for the protection of children. Under this Act, it was an offence for any person with the custody, control or charge of a child to ill-treat, neglect, abandon or expose the child to unnecessary suffering or injury to its health.

In 1966, the *Children's Services Act 1965* (Qld) replaced the *State Children Act 1911*. Under the new Act, the orphanage retained its licence but was expected to meet higher standards of care.

The orphanage also had the care of a small number of British Child Migrants. The Director of the Children's Services Department was also the guardian of the British Child Migrants as a result of the delegation by the Commonwealth Minister of Immigration and his powers as guardian under section 6 of the *Immigration (Guardianship of Children) Act 1946* (Cth). Custodianship of British Child Migrants was given to the Bishop of Rockhampton rather than the Sisters.

The Royal Commission heard evidence that many of the children resident at the orphanage were Indigenous children.

From 1965, the primary power of removal of Indigenous children from their families was the *Children's Services Act 1965*. This Act provided that children found to be 'in need of care and protection' or 'in need of care and control' could be removed from their families and placed in an institution or in foster care.

It was under these provisions that Indigenous children were placed in Neerkol.

### **Corporal punishment**

At various times during the operation of the orphanage, there were specific legislative and regulatory provisions in place for the punishment of children.

From 1966, every complaint received about a child and any punishment inflicted were required to be recorded in a punishment book, which the Mother Superior could produce to the Director or an officer of the Children's Services Department on demand. The Queensland Government could neither locate nor produce to the Royal Commission copies of the punishment books from the orphanage.

The Royal Commission heard extensive evidence about the infliction of corporal punishment by the Sisters and other employees at the orphanage in contravention of the relevant provisions.

### **Policies and procedures**

The departmental records do not provide any details of any state policies or procedures which applied to child protection or the handling or reporting of child sexual abuse before the closure of the orphanage in 1978. The handling and reporting of allegations of child sexual abuse appear to have been governed by legislation/regulation alone.

The Queensland Government accepts that there were no policies or procedures for reporting physical abuse or sexual abuse before the commencement of the *Children's Services Act 1965*. From August 1966, the relevant standards were set out in the *State Children Act 1911*.

Given that:

- i. there was no evidence of any written reports of suspected physical or sexual abuse of children being received by the state up and until the time of closure of the orphanage
- ii. there was no evidence of any action taken which could or may relate to the receipt of any report (written or otherwise)
- iii. the state could not locate any records which referred to or discussed any policies and/or procedures for the reporting of physical or sexual abuse of children up and until the closure of the orphanage in 1978 (despite having found a range of other documents relating to the running of the orphanage),

we are satisfied it is likely there were no departmental policies or procedures issued by the Queensland Government for how institutions such as the orphanage should carry out their obligations to report abuse.

### **Reporting and inspection**

As part of its role in supervising the orphanage, the Queensland Government prepared basic reports outlining a general level of satisfaction with the operation of the orphanage.

During the 1950s, the State Children's Department employed four officers in Rockhampton. Their duties included liaison with the orphanage and regular inspection of the home. Between the 1920s and 1970s, there was also a state children's inspector (or district officer, as they were later known) stationed in Rockhampton.

Records received by the Royal Commission show that Mr J Paterson is recorded as the inspector of the State Children's Department, Rockhampton, between 1915 and 1953. Mr Timothy O'Connor is recorded as the district officer for Rockhampton between 1966 and 1980. Both men had died by the time of the public hearing.

There are no records of Mr O'Connor or Mr Paterson having received or reported complaints of child sexual abuse to the Director of the State Children's Department (1911–1965) or to the Department of Children's Services (1965–1978).

During the public hearing, the Royal Commission also heard evidence that very few of the former residents could remember actually speaking to an inspector or child welfare officer.

We are satisfied that the Queensland Government failed to adequately supervise and protect from harm the children for whom it was guardian in the orphanage by:

- not ensuring adequately trained staff were employed as department inspectors
- not ensuring that it provided adequate scrutiny over the circumstances in which the children were living.

## Sisters of Mercy

The Sisters were responsible for the appointment and management of all staff employed at the orphanage, subject to the Director of the department. There are no records held by the Sisters or the department which outline the recruitment processes of staff or training provided to staff.

Sister Berneice Loch, the current Institute Leader of the Institute of Sisters of Mercy of Australia and Papua New Guinea (ISMAPNG), accepted in oral evidence that many of the nuns who were responsible for looking after children were not properly trained to do so.

The Royal Commission heard evidence about the degrading treatment of children by some of the Sisters and employees at the orphanage and the appalling conditions in which the children lived. Much of the evidence that the survivor witnesses gave to the Royal Commission is consistent with the findings of the Forde inquiry. The Royal Commission also heard extensive evidence about the excessive, sadistic and often cruel punishment administered to former residents by the Sisters and employees. That evidence is also consistent with the findings of the Forde inquiry.

We are satisfied that, during the period that the orphanage was in operation, the punishment administered by some nuns and employees was cruel and excessive and did not accord with the regulations in place under the relevant legislative framework.

## Catholic Diocese of Rockhampton

The orphanage was located within the Diocese. The orphanage and the land on which it was built were the gift of the Bishop of Rockhampton to the Sisters in the 1880s. The orphanage was located within the Parish of St Joseph's, Neerkol, within the Diocese.

While the Sisters were independent of the Diocese and the Bishop of Rockhampton, they exercised their ministry with the permission of the bishop. The bishop and the parish priest did not have any formal responsibility for or role in the day-to-day care of the children at the orphanage. At law, the parish priest did not have any formal responsibility for the children in state care who resided at the orphanage. However, there was a considerable degree of contact between the priest and the children at the orphanage. The priest exercised influence on the orphanage.

## Experiences of sexual abuse

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The Royal Commission heard evidence from 12 former residents of the orphanage, who detailed the serious emotional, physical and sexual abuse by priests, nuns and grounds workers that the former residents suffered while they were living there. Another survivor, who was not a former resident at the orphanage, also gave evidence of sexual abuse by Father Durham that she suffered when he was her parish priest at Rockhampton.

All of the survivors described the devastating impact their experiences have had on their family life, employment prospects and mental health.

The evidence of sexual abuse given by the survivors related primarily to abuse perpetrated by Father John Anderson, Father Durham, 'Father Cahill', 'Father John', nuns, grounds workers and former employee Mr Baker.

Only Mr Baker was alive at the time of the public hearing. He was represented at the public hearing and, through his counsel, denied the allegations against him of both physical and sexual abuse.

## Reporting of sexual abuse

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The Royal Commission heard evidence from many of the former residents that they did not tell anyone about the sexual abuse at the time it was occurring. Some of the former residents gave evidence that this was because they feared that they might be physically punished or ostracised by the Sisters if they complained of the sexual abuse. Other former residents gave evidence that they did not tell anyone because they had no-one to tell and did not think they would be believed.

Some former residents who reported their abuse to the nuns at the orphanage were not believed and were accused of telling lies. Others reported being physically punished after they told a Sister, staff at the orphanage, a priest or a departmental officer about the sexual abuse.

Some former residents gave evidence that they attempted to report their abuse to the police but they were not believed or were told to 'put it behind them'.

Under the relevant legislation from 1911 until 1965, an officer of the department was required to visit every state child at least once every three months and ensure their treatment was satisfactory. An inspection of each institution was required at least once a month. From 1965 until 1978, the Director of the State Children's Department was legislatively required to supervise the standard of each institution in achieving the purpose for which it was created. The duties of the state department inspectors included the inspection of the orphanage, which was ostensibly to facilitate the government's supervisory role over the orphanage and ensure that the children were being cared for and not mistreated.

The Royal Commission received evidence from former residents of the orphanage that they rarely saw state department inspectors and, when they did so, they were not allowed or encouraged to speak with them.

We are satisfied that the departmental officers did not provide a system of supervision for the delivery of care to children in the orphanage which would properly guard against the children being mistreated and thereby suffering harm.

In addition to the Forde inquiry findings on barriers to reporting, we are satisfied that some children at the orphanage did not report the sexual abuse to anyone at the time it was occurring because:

- they had little or no opportunity to speak with the state department inspectors because their visits were infrequent
- they did not think they would be believed
- they were frightened of reprisals from the Sisters or employees at the orphanage if they complained of sexual and physical abuse.

We are also satisfied that children who did complain of physical and/or sexual abuse to a department inspector, a Sister, a priest or police were not believed and/or were often punished by the Sister or priest for reporting the abuse. For those who made reports and were punished or not believed, not only is there evidence that this caused those children further mental and emotional harm but also it placed all children in the home at risk of ongoing sexual abuse. The failure to properly respond to the children's complaints caused them further mental and emotional harm and placed the children at further risk of sexual abuse.

## Response of the Diocese and the Sisters of Mercy to allegations of child sexual abuse

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### Training and protocols for responding to allegations of child sexual abuse

In the early 1990s, allegations of sexual abuse made by former residents of the orphanage began to receive media attention. Former residents also raised allegations of sexual abuse directly with the Diocese, the Sisters and the Queensland Police Service.

Between 1993 and 1996, four former residents of the orphanage brought their experiences of sexual abuse directly to the attention of the Bishop of Rockhampton, Bishop Brian Heenan, and Sister Loch. Additionally, in 1993, AYB, who had not resided at the orphanage but had been sexually abused by Father Durham, complained to Bishop Heenan. Sister Loch and the Sisters were not made aware of the abuse that AYB had suffered until sometime after September 1996.



Before mid to late 1996, Bishop Heenan, as the Bishop of Rockhampton, and Sister Loch, as the Congregational Leader of the Sisters of Mercy, received little or no training in understanding child sexual abuse and responding to complaints of child sexual abuse.

We are satisfied that Bishop Heenan and Sister Loch's lack of training in detecting and responding to child sexual abuse undermined their capacity to deal effectively with complaints of sexual abuse by former residents of the orphanage between 1993 and mid to late 1996.

### Church protocols of June 1994

At the Australian Catholic Bishops Conference (ACBC) in 1988, the Catholic Church considered the implications of allegations of child sexual abuse made against the clergy. It established a Special Issues Committee to provide advice on national principles to be observed by bishops and major superiors.

In June 1994, the Queensland Bishops' Conference and the Queensland chapter of the Australian Conference of Leaders of Religious Institutes released a trial edition of the protocol "Pastoral action in response to allegations of sexual abuse by people who work on behalf of the church in Queensland" (the Church protocols of June 1994). It sought to set out the responsibilities, requirements, procedures and guidelines for dealing with allegations of child sexual abuse over a trial period of 12 months.

It was for the Diocese and the Sisters to implement the Church protocols of June 1994, and, as such, compliance with its terms was not mandatory.

Bishop Heenan said that he was aware of and endorsed the Church protocols of June 1994 for responding to allegations of child sexual abuse.

Sister Loch gave evidence that she was aware of the debate within the church about the appropriate response to allegations of child sexual abuse from the time she became Congregational Leader in 1991. Sister Loch was also aware of the Church protocols of June 1994. However, before November 1996, Sister Loch did not organise any training or seminars about the implementation of the protocols or about responding to allegations of child sexual abuse generally.

### Towards Healing

In December 1996, the ACBC and the Australian Conference of Leaders of Religious Institutes introduced the 'Principles and Procedures in Responding to Complaints of Sexual Abuse against Personnel of the Catholic Church of Australia' (Towards Healing protocol), which subsumed the Church protocols of June 1994. Bishop Heenan implemented the Towards Healing protocol in the Diocese in early 1997 as the principles and procedures for responding to complaints of sexual abuse against personnel of the Catholic Church in Australia.

## Initial complaints of child sexual abuse

### AYC

In 1993, AYC, a former resident of the orphanage, wrote and published a book about her experiences at the orphanage, which became the subject of media attention. In the book AYC said that she suffered a miscarriage at the orphanage and that child abuse (not sexual abuse) was prevalent at the orphanage. AYC did not give evidence at the public hearing.

In response to AYC's book, Sister Loch made inquiries about the veracity of the allegations contained in the book. Sister Loch did not read the book. Sister Loch spoke with former residents and nuns who had worked at Neerkol, none of whom recalled AYC's pregnancy.

On 7 July 1993, in response to the adverse publicity from AYC's book, Sister Loch sent her notes and copies of the articles about AYC's book to Father Brian Lucas. Father Lucas held an appointment within the Archdiocese of Sydney at the time and was later appointed the secretary of the ACBC in August 2002. Sister Loch asked Father Lucas to draft a media release for the Sisters.

Sister Loch gave evidence that on her instructions Father Lucas prepared a draft media release the same day and provided it to Sister Loch.

Father Lucas was not called to give evidence at the public hearing. After the conclusion of the public hearing, Father Lucas provided a statement. As the public hearing had concluded, he was not called to give evidence about the statement. In his statement, Father Lucas said that he had no memory of drafting or assisting in the preparation of the media release. Father Lucas said that he did not know why he included particular words or phrases in the draft media release.

Sister Loch agreed that she gave instructions for the media release to be prepared without having read AYC's book and without having spoken with AYC.

Sister Loch gave evidence that she did not use the media release at that time. She did not agree with its terms and would have changed it if she had needed to use it. Ultimately, the media release was not used.

On 16 July 1993, Sister Loch instructed Sister Margaret Dixon to send the articles about AYC's book to Mr John Taylor of Catholic Church Insurance (CCI) along with a copy of the media release drafted by Father Lucas.

The Sisters and the Diocese took no further action on the allegations that AYC raised in her book.

Bishop Heenan gave evidence that he did not read AYC's book and did not contact AYC about it. He agreed that in retrospect he should have done so to better understand her allegations.

We conclude that, in failing to contact AYC directly and acknowledge her allegations or offer her pastoral support, Sister Loch's and Bishop Heenan's responses were inadequate and lacked compassion.

The Royal Commission will further consider the role of Father Lucas in dealing with allegations of child sexual abuse within the Catholic Church.

## **AYB**

In 1982, AYB telephoned Archbishop Francis Rush, who was at that time Archbishop of Brisbane. Archbishop Rush had been the Bishop of Rockhampton when Father Durham was a parish priest at Neerkol. During the phone call, AYB told Archbishop Rush that she had been sexually abused by a priest for a number of years. Archbishop Rush asked her who it was. AYB told him she could not say. Archbishop Rush responded by saying: 'It was Reggie wasn't it?' AYB said Archbishop Rush told her he would pray for her.

Archbishop Rush had died by the time of the public hearing.

In June and July 1993, AYB wrote two letters to Bishop Heenan informing him that she had been sexually abused by a priest as a child but did not disclose in her letters the identity of the offending priest. Bishop Heenan said this was the first time that an allegation of sexual abuse had been specifically raised with him.

Bishop Heenan did not respond to the first of AYB's letters because he 'may have been occupied with other ministries'. AYB also tried to speak with Bishop Heenan by telephone on four occasions and was told that 'Father Grace handled these types of inquiries'.

Finally, in February 1994, Bishop Heenan met with AYB. At this meeting, AYB advised Bishop Heenan for the first time that the person who had sexually abused her as a child was Father Durham. She also told him that she did not want to go to the police. During that meeting, Bishop Heenan apologised to AYB on behalf of his fellow priests.

Bishop Heenan gave evidence that during the meeting AYB also informed him that the sexual offending commenced when she was a young child and that it occurred many times over many years. Bishop Heenan agreed he understood the seriousness of the allegations.

In 1994, Father Durham was the Administrator to the Neerkol parish, having retired as the Neerkol parish priest the year before. As Administrator he continued to reside at the Neerkol presbytery, carry out ministry as would a parish priest and have contact with parishioners and children.

In 1994, Bishop Heenan appointed Father Noel Hynes, the Vicar General of the Diocese, to deal with the allegations of sexual abuse by church personnel in the Diocese. Father Hynes was the Diocese contact point on any issue relating to allegations of sexual abuse. Bishop Heenan would receive reports from him on any complaints received.

That same year, Bishop Heenan requested that Father Hynes organise a meeting between Bishop Heenan and Father Durham at Bishop Heenan's residence. The meeting took place as arranged. At the meeting Bishop Heenan explained to Father Durham the reasons that the meeting had been arranged and the allegations that AYB had made about him. Bishop Heenan then left the room while Father Hynes spoke with Father Durham.

On 28 April 1994, Bishop Heenan completed a special incident report for CCI on AYB's allegations. In the report, Bishop Heenan referred to the fact that AYB sought a meeting with Father Durham, that Father Hynes was arranging the meeting and that AYB had no wish for 'further action'.

On 4 May 1994, a meeting was held between AYB, Father Durham, Father Hynes and Ms Myolene Carrick. Ms Carrick coordinated the response to sexual abuse in the Catholic Archdiocese of Brisbane and attended as a support person for AYB. AYB gave evidence that during this meeting Father Durham said that he 'was sorry' and that AYB was 'only a child'. Bishop Heenan gave evidence that he understood there was 'some acceptance of responsibility by Father Durham for the situation'. The outcome of the meeting was that the church would take no further action against Father Durham.

Bishop Heenan said in evidence that, in early 1994, he accepted the truthfulness of AYB's allegations of sexual abuse against Father Durham. Despite this, Bishop Heenan allowed Father Durham to remain at the presbytery, where he would have contact with children.

In evidence Bishop Heenan agreed that his decision to allow Father Durham to remain in his job as an Administrator and reside at the presbytery showed a lack of understanding of child sexual abuse and placed other children at risk of sexual abuse. Bishop Heenan agreed it was an inadequate response to the allegations.

Bishop Heenan did not inform the police of the allegation because he believed AYB had 'great affection' for Father Durham and did not wish any harm to come to Father Durham. He also understood that AYB's family had a close pastoral relationship with Father Durham.

We are satisfied that Bishop Heenan failed to provide an adequate or compassionate response to AYB's complaint of child sexual abuse in 1993 because he did not respond in a timely way to AYB's letters, phone calls or request to meet with him.

We are satisfied that, after receiving AYB's complaint of child sexual abuse in June 1993 and accepting the truthfulness of her complaint in early 1994, Bishop Heenan failed to take steps to place any restrictions on Father Durham's contact with children within the ministry. In particular, from June 1993 until May 1996 he did not:

- report the matter to the police (although this was at the request of AYB) or encourage AYB to do so
- organise for Father Durham to vacate the presbytery
- suspend or restrict Father Durham's ministry within the Diocese.

We conclude that, in failing to place any restrictions on Father Durham's contact with children or report the matter to the police, Bishop Heenan placed other children at risk of sexual abuse.

### **Other general complaints reported in the media in February 1994**

In a newspaper article dated 11 February 1994, Broken Rites was quoted as saying that they had received complaints of child sexual abuse by Catholic clergy in Central Queensland. They stated the allegations were made by three Central Queensland men.

In response to these allegations Bishop Heenan is reported in the same article as saying that 'the prime concern was for the victims of such abuse and the church was seeking ways to support those who had suffered'. The bishop also said, 'It is all too easy to make allegations but they are often taken to be proven even before an investigation has begun'.

Bishop Heenan gave evidence that he did not make any efforts to contact the three men spoken of in the newspaper article.

### **Mr David Owen**

On 12 October 1993, Mr David Owen made a complaint at the Newcastle Police Station about physical and sexual abuse inflicted on him by Father Anderson.

Father Anderson was at the Neerkol parish from 1942 to 1964. Father Anderson died on 31 August 1986. He was never charged with any offence.

In late 1993, the police requested information from the Diocese about Father Anderson. In around April 1994, Bishop Heenan was notified that Mr Owen had suffered sexual abuse by Father Anderson. Bishop Heenan does not recall how he became aware of that abuse. Bishop Heenan also received a letter from Mr Neil Ormerod of the Friends of Susanna dated 29 September 1994 advising him of the sexual abuse of a child (Mr Owen) by Father Anderson. On 28 April 1994, Bishop Heenan completed a CCI special incident report on Mr Owen's disclosures of sexual abuse. In a letter dated 20 October 1994, Bishop Heenan asked that Mr Ormerod encourage Mr Owen to contact Father Hynes.

On 2 May 1995, Father Hynes wrote to Mr Owen to introduce himself as the contact person for allegations of sexual abuse and to offer his assistance.

Between 1993 and late 1997, Bishop Heenan did not meet or speak with Mr Owen about the allegations and did not offer him any form of an apology until late 1997. Bishop Heenan agreed in evidence this was not an adequate response. Bishop Heenan also accepted that, in failing to meet with Mr Owen or acknowledge his complaint, he did not follow the Church protocols of June 1994.

Bishop Heenan's response is in contrast with that of Bishop Malone of the Catholic Diocese of Maitland–Newcastle in New South Wales (discussed in section 5.2 below).

During late 1994 the Sisters also became aware of the sexual abuse allegations that Mr Owen had made against Father Anderson. On 19 October 1994, Sister Loch met with Bishop Heenan. Sister Loch was shown the letter to Bishop Heenan from the Friends of Susanna dated 29 September 1994 and a letter from the local police indicating that they were investigating the allegations that Mr Owen had made against Father Anderson.

On 16 February 1995, Sister Loch completed a special incident report to CCI on Mr Owen's complaint. She wrote that Mr Owen made allegations of physical abuse against some of the Sisters and there was a suggestion that the Sisters would have known of the sexual abuse and did nothing to stop it.

In July 1995, Sister Loch was advised of a letter from Mr Owen's solicitors dated 29 June 1995 which stated that he intended to seek damages for negligence or a breach of fiduciary duty. On 18 September 1995, Sister Loch received a letter from Mr Owen's solicitors which stated that Mr Owen had instructed them to attempt to settle his claim by way of negotiation.

On 20 September 1995, Sister Loch wrote to Mr Owen's solicitors offering pastoral support and saying that she was willing to discuss the matter.

On 13 October 1995, Mr Owen's solicitors wrote a letter to the Sisters which stated that he required financial damages to compensate him for pain and suffering. On 31 October 1995, Sister Loch responded to Mr Owen's solicitors. She expressed her regret that her offer of pastoral support had not been accepted. She said that the correspondence from Mr Owen's solicitors gave her no indication as to what action they wished the Sisters to take.

Sister Loch did not separately contact Mr Owen, ask him about the allegations or acknowledge his allegations.

In December 2009, Mr Owen received a payment of \$25,000, which was contributed equally by the Diocese and the Sisters. It was described by the Sisters as a 'gesture of support'.

We are satisfied the Diocese and the Sisters failed to provide an adequate or compassionate response to Mr Owen by not contacting him and acknowledging his complaint in a timely manner. In particular:

- From late 1993 until December 1997, Bishop Heenan did not contact Mr Owen directly and speak with him about his experiences, acknowledge his complaint or provide any form of apology to him.
- From 1993 until May 1995, no representative of the Diocese contacted Mr Owen, despite Bishop Heenan being informed of the complaint in late 1993. It was not until 2 May 1995 that Father Hynes wrote to Mr Owen to introduce himself as the contact person for allegations of sexual abuse and to offer his assistance.

- From late 1994 until mid-1995, no representative from the Sisters contacted Mr Owen, despite Sister Loch being made aware of the complaint in October 1994. Sister Loch first offered pastoral support to Mr Owen through his solicitors on 20 September 1995. That offer was accepted around early 1997.

We conclude that, in not contacting Mr Owen and acknowledging his complaint in a timely manner, the Diocese and the Sisters did not follow the Church protocols of June 1994.

We are satisfied that, in failing to provide a compassionate and adequate response, the Diocese and the Sisters exacerbated Mr Owen's pain and suffering.

## AYQ

In October 1993, Bishop Heenan became aware of AYQ's allegations of sexual abuse against Father Anderson and made a report to CCI. In December 1994, AYQ was in contact with Father Hynes.

Bishop Heenan advised Sister Loch of the abuse that AYQ suffered in January 1995, when Bishop Heenan requested information from her about the time frame during which AYQ was resident at Neerkol.

Between March 1995 and approximately 1999, AYQ communicated with the Diocese and the Sisters through his solicitors.

In March 1995, AYQ's solicitors advised the Sisters that AYQ intended to claim compensation for personal injury and asked whether the Sisters would admit the claim. In or around September 1995, AYQ instituted civil proceedings against the Diocese, the Sisters and the estate of Father Anderson. He also sought an extension of time to bring these proceedings. AYQ's claim was defended by each of those three parties.

Both the Diocese and the Sisters, acting on their solicitor's advice, opposed AYQ's application to extend the time in which to bring the proceedings.

In January 1996, AYQ's application for an extension of time under the statute of limitations was unsuccessful and the claim failed.

Bishop Heenan said he could not recall making contact with AYQ after he was notified of his complaint in October 1993 or offering AYQ any pastoral support.

After January 1995, Sister Loch did not make any contact with AYQ to acknowledge the allegations or offer pastoral support. The next contact that the Sisters had with AYQ was by Ms Anne Czekanski of the Professional Standards Office, who wrote to AYQ in June 1999. The Professional Standards Office was established by the Sisters to assist former residents of the orphanage, among other things.

We are satisfied that before 1997 the Diocese and the Sisters failed to provide an adequate or compassionate response to AYQ's complaint of child sexual abuse by not contacting him to acknowledge his complaint and in not offering him any pastoral support.

We are satisfied that, in not contacting AYQ and acknowledging his complaint, the Diocese and the Sisters did not follow the Church protocols of June 1994.

## **AYP**

In or around April 1996, Bishop Heenan was informed by Father John Grace of sexual allegations that AYP made against Father Durham. At the time, Father Grace was the Vicar General of the Diocese, having taken over from Father Hynes in early 1996.

At the time of her complaint, AYP lived in Western Australia. AYP complained to Father Black in Perth, who passed her complaint to Father Grace. Bishop Heenan gave evidence that he believed AYP's complaint was 'in the hands of Bishop Healy, Father Black and the Professional Standards Committee in Perth'. Bishop Robert Healy was the Auxiliary Bishop of Perth at the time.

Father Durham continued to serve as the Administrator of the Neerkol parish, live at the Neerkol presbytery and carry out his ministry as would a parish priest. In this role he had ongoing contact with parishioners and children.

In April 1996, Sister Loch and the Sisters were also made aware of AYP's complaint. Sister Loch spoke to Bishop Heenan about the complaint.

Later in 1996, Bishop Heenan went to the Neerkol presbytery and informed Father Durham of all aspects of the complaint. Bishop Heenan said he did not recall Father Durham making any admissions to the sexual allegations and this is a matter he would recall if Father Durham had done so. At this meeting, Bishop Heenan told Father Durham he was not to approach young children or schools. Bishop Heenan said that he placed this restriction on Father Durham because AYP was the second person who had come forward accusing him of sexually abusing them.

On 10 September 1996, Bishop Heenan received a phone call from Father Durham, who told him that the police had visited him at the presbytery and asked Father Durham to attend the police station. Bishop Heenan again visited Father Durham at the presbytery and advised him to contact a solicitor.

We are satisfied that, after receiving a complaint from AYP in 1996, Bishop Heenan failed to provide an adequate response to AYP's complaint of child sexual abuse and in so doing he placed other children at risk of sexual abuse by Father Durham. In particular:



- a. In May 1997, Bishop Heenan told Father Durham he was not to approach young children or schools. However, he did not monitor or supervise the restrictions and instead relied on Father Durham to obey the direction.
- b. After Father Durham was interviewed by police about AYP in September 1997, Bishop Heenan did not take any further action against Father Durham. He did not suspend his ministry or ask him to vacate the presbytery until Father Durham was charged by police in February 1998. He did not petition to have him laicised.

We are also satisfied that, in failing to suspend Father Durham's ministry, Bishop Heenan did not follow the Church protocols of June 1994.

Sister Loch gave evidence that she did not contact AYP between April 1996 and February 1997, at which time she visited AYP in Perth. Between April 1996 and September 1999, Sister Loch acknowledged the allegations and discussed them with AYP's husband. Sister Loch agreed that the involvement of the Diocese did not preclude Sister Loch from contacting AYP directly to acknowledge the allegations and offer her pastoral support.

We conclude that, before February 1997, Sister Loch failed to provide a compassionate response to AYP by not contacting AYP directly to acknowledge the allegations and by not offering AYP pastoral support. In failing to contact AYP and acknowledge her allegations in a timely manner, Sister Loch did not follow the Church protocols of June 1994.

### **Media attention and public response of the Diocese and Sisters of Mercy**

In addition to the allegations in AYC's book, between 1993 and September 1995 the Diocese and the Sisters became aware of complaints of sexual and physical abuse made by Mr Owen and AYQ about former priests at Neerkol. The Diocese also became aware of the allegations made by AYB. During 1995, other allegations of sexual abuse at the orphanage also became the subject of reports by the media.

On or about 8 September 1995, Sister Loch revised the draft media release prepared by Father Lucas about the complaints raised in relation to the orphanage. The revised media release was in similar terms to the original. It referred to physical discipline as the 'thinking of the day' and said that there was no evidence to 'substantiate the allegations'.

On 27 September 1995, Sister Loch again revised the original draft media release prepared by Father Lucas. In this third draft of the media release, Sister Loch stated for the first time: 'The Sisters of Mercy are aware of their duty and responsibility when the actions of members of the Institute are challenged. They will do all they can to ensure justice to all concerned.'

The amendments serve as an accurate record of how the church, through Father Lucas, and the Sisters, through Sister Loch, acted between 1993 to 1995 despite the Church protocols of June 1994.

## Ministerial statement

On 13 September 1996, the Queensland Minister for Families, Youth and Community Care, Mr Kevin Lingard MLA, made a statement to the Queensland Parliament about the orphanage (the ministerial statement). Mr Lingard informed state Parliament that six calls had been made to the Child Sexual Abuse Hotline about former residents of the orphanage. The Minister said, 'Further allegations continue to be received about abuse to both male and female children'.

Mr Lingard also said:

Callers to the Hotline allege a pattern of incidents of physical and, in some cases, sexual abuse by the priests and nuns at the orphanage. In all but one case, the alleged perpetrators are deceased. Upon their receipt, the allegations against the living person were referred to the Queensland Police Service which is conducting appropriate investigations.

Mr Lingard indicated that he would seek to refer all matters to the Children's Commissioner once that position was established.

After the ministerial statement was made, numerous articles were published about the orphanage. A copy of the ministerial statement was also provided to Sister Loch.

On 24 September 1996, Bishop Heenan sent a letter to all priests enclosing a letter to be read out in all parishes. In his pastoral letter, he referred to allegations being made about the orphanage as 'scurrilous [sic] allegations' and 'slandorous statements'. Bishop Heenan also said in the pastoral letter: 'I am fully conscious that when individual allegations of abuse are made, they must be investigated, and both the Sisters and the Diocese will give every assistance to the appropriate authorities, for justice must be done.'

By September 1996, Bishop Heenan was aware of sexual allegations made by AYC, AYB, Mr Owen, AYQ and AYP. He was also aware of three men in Central Queensland who had reported allegations of sexual abuse by the Catholic clergy to Broken Rites.

Bishop Heenan expressed his regret at having written the letter of 24 September 1996.

We are satisfied that Bishop Heenan's written response on 24 September 1996 to the ministerial statement, in which he referred to the allegations as 'scurrilous' and 'scandalous', was dishonest because at that time Bishop Heenan knew of, and believed the truthfulness of, allegations of sexual abuse made by AYC, AYB, Mr Owen, AYQ and AYP.

The media advised Sister Loch of the ministerial statement on the same day it was read to Parliament. Sister Loch contacted the Minister's office and requested that a copy of the statement be sent to her by facsimile, which she received the same day.

On 13 September 1996, Sister Loch drafted a written response to the ministerial statement which reflected the ‘substances of the responses I have made to date’. In her written response, Sister Loch expressed her dismay that the ministerial statement was made without any notice to the Sisters and ‘without any effort having been made to substantiate the allegations’.

Sister Loch wrote:

we do acknowledge the right and duty of the police to conduct investigations into any matter referred to them. Should they approach us they will be given every proper assistance and co-operation. Over the past three or four years some few allegations have been made about Neerkol. At this stage none have been verified or substantiated. All are being investigated to the best of our ability.

Sister Loch also wrote:

It is our policy and the policy of the Church to respond as honestly and diligently as we can to allegations made to us. The Sisters have the deepest possible regret for any offence suffered by any child in our care ... should it be shown that there is substance to them we will do all we can to make amends.

On 15 September 1996, Sister Loch wrote to all of the Sisters and enclosed a copy of her response to the ministerial statement. In the letter, Sister Loch advised the Sisters that:

forgiveness is what is demanded of all concerned. If we or ours have done wrong we must ask pardon and we deserve to be forgiven only to the extent that we are ready to forgive those who wrong us. Our present experience is in my view one such wrong. It is possible that false allegations have been or will be made and this will be a further wrong.

We are satisfied that Sister Loch, in her written response of 13 September 1996, inappropriately referred to the allegations as ‘unsubstantiated’ and as being ‘investigated to the best of our ability’ because:

- it was both unnecessary and, in some cases, impossible for the Minister to ‘substantiate’ or provide independent support for the complaints before making them public
- Sister Loch was aware of the complaints made by AYC, Mr Owen, AYQ and AYP before September 1996 and had not contacted any of those persons to inquire about their allegations.

We are satisfied that Sister Loch’s written response of 13 September 1996 and her letter to the Congregation on 15 September 1996 were focused on the difficulties to be faced by the Sisters rather than those experienced by the survivors of child sexual abuse and were partly motivated by her desire to protect the reputation of the Sisters and the memory of the orphanage.

## Events of late 1996

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In late 1996, many former residents came forward to the Queensland Police Service, the Sisters and the Diocese to report their abuse. By late 1996, the Queensland Police Service was investigating allegations of child sexual abuse against a number of former priests and lay workers who had worked or provided services at the orphanage. The investigation was known as Operation Sandman.

In November 1996, the Children's Commission of Queensland was established. Mr Norm Alford was appointed as the inaugural Children's Commissioner. The commission almost immediately started receiving complaints of physical and sexual abuse from former residents of the orphanage.

In early 1997, a group of former residents formed the Neerkol Action Support Group (NASG). Many had been motivated to form a support group as a result of the media publicity surrounding the ministerial statement and the responses of the Diocese and the Sisters to the ministerial statement.

The NASG had its inaugural meeting on 30 May 1997. Mr Alford was present at the meeting along with Mr Simon Morrison, a solicitor from Shine Roche McGowan acting on behalf of the former residents.

During 1997 and 1998, there were regular meetings between the NASG; the Children's Commissioner; Mr John Briton, an independent mediator; the Congregational Leader of the Sisters of Mercy, Sister Di-Anne Rowan (as she then was); other Congregational representatives; and, later, Bishop Heenan. The outcomes of those meetings are discussed in section 7.6 of this report.

By early 1997, criminal proceedings started against both Father Durham and Mr Baker. This is discussed in further detail below.

## Response of the Sisters and the Diocese after 1996

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### **Dr Robert Grant**

By mid-1996, Sister Loch was seeking information on how the Sisters and the Diocese could be more proactive with respect to complaints of abuse at the orphanage.

By September 1996, Sister Loch had arranged for Dr Robert Grant, an American expert specialising in the area of childhood abuse and trauma, to present a seminar in Rockhampton on 3, 4 and 5 November 1996. In attendance were Bishop Heenan, personnel from the Rockhampton Catholic Education Office, Rockhampton Centacare, the priests of the Diocese, Sister Loch and many of her Congregation.

### **Sister Cordelia's discussion with Sister Loch**

After Dr Grant's seminar, some Sisters who had attended the seminar approached Sister Loch about their experiences working at the orphanage. On 13 November 1996, Sister Loch made notes of a conversation she had with Sister Cordelia, a former supervisor at the orphanage.

Sister Loch noted that Sister Cordelia told her 'she remembers a senior boy "trying to tell me" about "Kevin" doing things he should not and "his father wanted something done about it"'. Sister Loch also wrote: 'Cordelia was not at all specific and very vague on name, years etc. but she described an older boy who was on staff caring and said he since worked in the railway, married a nice girl etc.'.

Sister Loch also noted that 'it is almost certainly Kevin Baker she is describing'.

Sister Loch noted that, although one or more of the former residents had raised complaints against Mr Baker and the police were investigating, she did not pass the information on to the police because she did not believe the information was likely to be relevant.

We are satisfied that Sister Loch should have provided this information to the police and that a failure to do so was an inappropriate response.

### **Father Durham is charged with criminal offences**

On 6 February 1997, the Queensland police charged Father Durham with 40 sexual offences against six complainants, including AYB, AYE and AYP.

On 12 February 1997 Bishop Heenan asked Sister Rowan, who was the Congregational Leader of the Sisters at that time, if Father Durham could continue to live at the presbytery. On 17 February 1997, Sister Rowan advised that Father Durham should not continue to live there.

On 18 February 1997, Bishop Heenan wrote to Father Durham informing him that as a result of the charges he now required Father Durham to resign from his position as Administrator of the Neerkol parish as soon as possible and leave the presbytery at Neerkol. Bishop Heenan also recommended that Father Durham take an extended leave of absence. He emphasised that it was essential that Father Durham not be seen to continue with his ministry. Bishop Heenan did not give any consideration to or seek to have Father Durham laicised.

On 25 February 1997 Sister Rowan wrote to Bishop Heenan and confirmed her decision. On 20 March 1997, Father Durham vacated the presbytery.

Father Durham was subsequently convicted of sexual offences against AYB. The Diocese paid for Father Durham's legal costs in the criminal proceedings.

During sentencing submissions, a character reference written by Bishop Heenan was tendered to the court. Bishop Heenan agreed in evidence he wrote the character reference even though he

was aware of other sexual allegations against Father Durham (made by AYP) and believed them to be true. In the reference, Bishop Heenan referred to Father Durham's 'unique gift with youth' and wrote, 'I ask that the incredible amount of good he has done will be weighed against the failings that have also been part of his life'. In evidence Bishop Heenan said that he could have overstated Father Durham's character in the last paragraph of his reference.

We conclude that Bishop Heenan, in his support of Father Durham, failed to have regard to the negative impact his show of support would have on the victims of Father Durham's sexual abuse.

### **The Diocese establishes a resource group**

In early 1997, Bishop Heenan implemented the Towards Healing protocol in the Diocese. As part of implementing Towards Healing, Bishop Heenan established a resource group to respond to allegations of sexual abuse made by former residents of the orphanage. This was initially called the Towards Healing Resource Group. Later in 1997 it was renamed the Special Issues Resource Group.

The Sisters and the Diocese decided to maintain separate resource groups due to the number of complaints. However, close contact was had between the two resource groups.

### **The Sisters of Mercy establish the Professional Standards Committee**

In early 1997, the Sisters formed the Professional Standards Steering Committee (PSSC). The role of the PSSC was to formulate processes and guides for the response to and prevention of child sexual abuse, including the provision of assistance to former residents of the orphanage.

Soon after it was formed, the PSSC was renamed the Professional Standards Committee (PSC) and became a permanent committee of the Sisters to receive, process, resolve and review allegations of sexual and physical abuse by Congregation members or employees.

The Diocese's Towards Healing protocol was issued in December 1996 and implemented the following year. The Sisters had regard to the Towards Healing processes, especially in the creation of the PSC as a resource group.

In or around March 1997 a document entitled 'Outline of Allegation Procedures' was drafted, which outlined the procedures for responding to complaints of child sexual abuse. A later version of this document, circulated in March 1997, was entitled 'Outline of Complaints Procedure'. Procedures were modified over the years, particularly with the introduction of the Towards Healing protocol.

In April 1997, the PSC's guidelines for response to allegations of child sexual abuse were circulated and approved.

From 1997, former residents of the orphanage received assistance from the Sisters through the PSC. The types of assistance provided varied and were given in addition to any type of compensation payment made. They included counselling services, payment of phone or electricity bills, funding of trips to conferences such as Breaking the Boundaries, payment for medication, and assistance in making applications to the Queensland Government redress scheme.

The PSC was the forerunner of the Professional Standards Office (PSO). The PSO continues to operate today.

### **Meetings with Neerkol Action Support Group**

On 18 June 1997, Sister Rowan and other representatives of the Sisters met with NASG, representatives of the Children's Commissioner, the solicitors for the former residents, representatives from the Victims of Crime Association and independent mediator Mr Briton to discuss possible steps forward, including compensation and an apology. The commencement of civil proceedings was foreshadowed at this meeting. There were no representatives from the Diocese or the Queensland Government at the meeting.

On 15 July 1997, Sister Rowan attended a second meeting with the NASG, facilitated by Mr Briton. Sister Rowan provided a cheque for \$13,800 for the running of the NASG. Sister Rowan also read out a draft letter of apology, about which there was discussion. At that time, Sister Rowan had already committed to provide \$5,000 to the Victims of Crime Association Queensland.

On 23 September 1997, there was a meeting between Sister Rowan; the NASG; Mr Alford, the Children's Commissioner; the solicitors for the former residents; and the solicitors for the Sisters. The meeting was facilitated by Mr Briton.

At this meeting, the words of the apology were finalised and it was agreed that the apology would be sent to the NASG to be distributed amongst its members. All parties decided that the issue of compensation should be left to be dealt with through the legal framework. However, it was agreed that every endeavour would be made to resolve the compensation issue without recourse to a court of law.

### **Apology by the Sisters of Mercy**

On 25 September 1997, the Sisters apologised unreservedly to the former residents of the orphanage who were victims of physical, psychological, emotional and spiritual abuse.

A copy of the apology was provided to the Children's Commissioner and to Bishop Heenan. The apology was subsequently printed in the *Catholic Leader*, the *Courier Mail* and the *Morning Bulletin*.

On 6 October 1997, the Diocese issued a media release fully supporting the apology given by the Sisters on 25 September 1997.

On 7 November 1997, Sister Rowan (as she then was) wrote to Ms Mary Adams, a former resident and secretary of the NASG, about the request by former residents for a face-to-face apology. In the letter Sister Rowan wrote:

I can assure you and the former residents who have written that I will do all that I can to encourage the Sisters to participate in the face to face meetings as proposed, but it will take a little time to develop a process which will be mutually satisfactory for all participants.

On 19 February 1998, Sister Rowan wrote to Ms Adams and advised her that Sister Mary St Pius was willing to meet with former residents. Sister Rowan attached a letter to AYN in which she let him know that Sister Mary St Pius was willing to meet with him.

Ms Rowan (formerly Sister Rowan) gave evidence that the meeting was very distressing for AYN and difficult for Sister Mary St Pius. Sister Mary St Pius could not recall many of the events at the orphanage and this was disappointing for AYN. Ms Rowan also says that AYN was grateful that the Sister was part of that meeting and he appreciated the time to talk about his experiences with her. AYN does not have an independent recollection of the meeting and in his evidence said that it did not take place.

Ms Rowan said she did not attempt to arrange any further face-to-face apologies because she saw how difficult and painful it was for both Sister Mary St Pius and AYN. Ms Rowan gave evidence that she 'had a lot of reservations about how helpful it was to the people who had been at Neerkol'.

Sister Rowan did not consult with the NASG or any former residents before making the decision not to arrange any further face-to-face meetings between Sisters and former residents of the orphanage. At the time Sister Rowan made the decision, there remained former residents who wished to meet with Sisters.

We accept that Sister Rowan initially encouraged face-to-face meetings. However, we are satisfied that, in deciding to stop those meetings, Sister Rowan did not consult with the NASG or former residents despite her earlier assurances that she would organise face-to-face meetings.

### **Apology by the Diocese**

In February 1998, Bishop Heenan, on behalf of the Diocese, wrote a letter of apology to the former residents of the orphanage. In that letter, Bishop Heenan also stated that he regretted not acknowledging those sufferings when they were first raised and that his first reaction was one of disbelief.



On 27 February 1998, Bishop Heenan sent a letter to the priests of the Diocese enclosing the apology and explaining that he had written to former residents of the orphanage. He asked the priests to read it out in their respective parishes. The apology was also provided to the editor of the *Catholic Leader* for publication.

### **Claims for financial compensation**

The Royal Commission heard evidence about civil claims made by former residents against the Sisters, the Diocese and the Queensland Government for financial compensation. In the public hearing the Royal Commission did not examine the adequacy or otherwise of the amounts that the Sisters and the Diocese paid to the former residents. The evidence was received as material relevant to the broader response by the Sisters, the Diocese and the Queensland Government.

During 1998 and 1999, the Sisters and the Diocese negotiated with the former residents with a view to resolving claims for compensation. The claims included both physical and sexual abuse which occurred between the early 1930s and the 1960s.

On 2 December 1998, Mr Geoff Hancock, a solicitor for the Sisters, wrote a legal advice about the orphanage claims. He advised the Sisters that, at law, their position was a strong one because of the age of the claims. He also provided advice about what he described as ‘the moral issue’.

By June 1999, the Sisters and the Diocese had settled with 72 claimants regarding the abuse that they suffered at the orphanage. The total amount paid to the former residents at that time was \$790,910.

Ultimately, in excess of \$1,000,000 was paid to members of the NASG. The Sisters and the Diocese made equal contributions to the payments. The Queensland Government made it plain it would rely on the statute of limitations and was not involved in any settlement of the civil litigation.

The Sisters funded the continued operation of the PSO and the payment of compensation to former residents through the sale of the whole of the Neerkol property on December 2000. The Sisters initially took a loan against the conference centre and property at Neerkol and eventually sold the whole of the Neerkol property in December 2000 to repay the loan.

The Sisters and the Diocese subsequently settled two other civil claims by former residents of the orphanage – AYR and AYP. These claims were separate from those brought by the NASG.

We are satisfied the Diocese and the Sisters settled compensation claims with former residents despite legal advice they were in a strong position to defeat the claims because of the age of the claims. The Diocese and the Sisters contributed equally to the monetary amounts.

## **Towards Healing**

Towards Healing was circulated to the Diocese on 10 November 1996 and was implemented on 31 March 1997. Towards Healing was revised in 2000 and 2009.

In or about June 2002, AYB (who had not been a resident of the orphanage but had suffered abuse by Father Durham, the former parish priest at Neerkol) decided to go through the Towards Healing process. AYB said she hoped it would bring about some 'healing'.

AYB found the Towards Healing process a very negative one.

## **Other support provided by the Diocese**

On 9 July 2002, Bishop Heenan issued a pastoral letter on sexual abuse outlining the Diocese's response to date and its hopes moving forward. Within that letter, Bishop Heenan offered an apology to the victims and their families for the abuse and expressed his deep sadness and regret that the abuse had occurred. Bishop Heenan also made a commitment to meet with any victim personally to listen to them, offer his concern and provide assistance with counselling or other appropriate therapy; and drew their attention to the Towards Healing processes.

In 2002, Bishop Heenan held a series of public conversations on sexual abuse within the church.

In April 2003, the Diocese provided financial support for a memorial for the orphanage.

## **Development of guidelines and policies**

After 1996, the Diocese also implemented training, developed resources and promoted professional development to engage the Diocese's policy response to child protection and complaint handling.

On 29 May 2014, Bishop Michael McCarthy took up the duties of the Bishop of the Diocese.

The Diocese continues to adopt and implement the Towards Healing processes under Bishop McCarthy.

In a statement to the Royal Commission, Bishop McCarthy set out the steps he has taken since 2014 to contribute to the safety of the children in the Diocese. Bishop McCarthy also said in his statement to the Royal Commission that he is implementing what is referred to as a 'zero tolerance approach' to child sexual abuse.

In 2011, the Sisters joined with 14 other Mercy groups to form ISMAPNG. Sister Loch was elected the Institute Leader in 2011 and will remain leader until 2016.

In early 2012, ISMAPNG adopted a professional standards policy which sets out the processes for dealing with complaints of physical, emotional and sexual abuse relating to children and vulnerable adults in ISMAPNG's new and former ministries. ISMAPNG adopted the most recent and revised version of this policy on 18 March 2015.

The policy includes provisions for specific regional responses and prevention activities as well as setting out the responses and assistance that ISMAPNG offers, including the provision of apologies, pastoral presence, funding for support and counselling, and mediated settlements.

### **Ongoing role of the Sisters of Mercy Professional Standards Office**

Today, the Sisters also continue to operate the PSO. It provides assistance to former residents who experienced physical and sexual abuse at the orphanage. The support and assistance that the PSO provides to former residents is endeavouring to be responsive to their needs.

The total cost of operating the PSO from 1997 until 2011 was at least \$1,232,435, not including lump sum payments of compensation, which amounted to a further \$646,000. The total costs of operating the PSO includes expenditure on practical measures for former residents, including counselling; financial assistance to help with immediate needs, such as payment of utilities, rent travel and food; purchase of household items, such as refrigerators and computers; assistance with medical and dental bills; and education expenses. The total does not include subsidised housing and interest-free loans which are provided from time to time to former residents.

From 2011 to February 2015, the cost of funding the PSO was \$278,337.

## **The criminal proceedings**

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The Royal Commission received evidence about criminal proceedings relating to the prosecutions of Father Durham and Mr Baker. This evidence provides background to the factual context within which the Diocese and Sisters responded to former residents' complaints of child sexual abuse. The evidence that the Royal Commission received will also provide information for our Criminal Justice Project – in particular, the efficacy of the relevant Queensland legislative provisions for prosecuting child sexual offences in relation to the requirement for particulars and the joinder of charges involving multiple complainants.

The Royal Commission heard evidence from Mr Daniel Boyle, a consultant with the Queensland Office of the Director of Public Prosecutions (ODPP), on the current laws in Queensland relating to the prosecution of child sexual offences and whether the ODPP considers there is a need for legislative reform.

The Royal Commission did not examine the correctness of forensic decisions taken by the Queensland ODPP during the prosecution of Father Durham or Mr Baker.

## Response of the Queensland Government

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### Report of the Queensland Children's Commissioner

In July 1998, Mr Alford, the Children's Commissioner of Queensland, published a report entitled *A preliminary report on allegations of abuse of former residents of St Joseph's Orphanage at Neerkol, Rockhampton in the 1940's, 1950's and 1960's*, dated July 1998.

The report was published before the Forde inquiry was established in August 1998.

The Forde inquiry had far broader terms of reference than the Children's Commission of Queensland report and inquired into whether there had been any abuse, mistreatment or neglect of children in 159 Queensland institutions from 1911 to 1999.

In contrast, the Children's Commission of Queensland report provided a contextual background to the allegations of abuse at one institution – the orphanage – in the postwar years.

The report was tabled in the Queensland Parliament on 4 August 1998.

### Queensland Government redress

In May 2007, in response to the recommendations of the Forde inquiry, the Queensland Government introduced a \$100 million redress scheme.

The Queensland Government redress scheme has been considered in the Royal Commission's work on redress and is discussed in the Royal Commission's *Redress and civil litigation report*, published in September 2015.

# 1 St Joseph's Orphanage, Neerkol

## 1.1 Establishment and operation

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St Joseph's Orphanage, Neerkol, was located about 20 kilometres outside the city of Rockhampton in Queensland. The orphanage was situated within the parish of St Joseph's, Neerkol, which in turn was part of the Catholic Diocese of Rockhampton (the Diocese).

The orphanage was run by the Sisters of Mercy, Rockhampton (the Sisters), from 1885 until 1978. At the relevant times, the Sisters were an autonomous congregation within Australia. As such, they were independent from the Diocese.

The children who were resident at the orphanage were mostly 'state wards', which included Indigenous children. They were admitted to the orphanage under Queensland Government authority by either care and protection orders or care and control orders.<sup>1</sup> The orphanage also received a number of private admissions and acted as a quasi boarding school for children who were not in state care.<sup>2</sup> The orphanage also accepted a small number of British Child Migrants.<sup>3</sup>

The age of children at the orphanage ranged from newborn babies to 18 years.<sup>4</sup> The number of children who lived at the orphanage at any one time varied from 180 to 500 depending on the year.<sup>5</sup>

Children at the orphanage were housed in dormitories. Boys were separated from girls and older children from younger children. There was also a nursery which housed infants.

There was a school at the orphanage which was approved by the Queensland Department of Public Instruction. The teaching was carried out by the Sisters and children were provided with employment once they reached 14 years of age unless they had been identified as suitable to undertake training for a trade or had passed the scholarship which was required for any student to complete further education in Queensland.<sup>6</sup>

Religious instruction was provided by the Sisters, with a mass held by a Catholic priest at the orphanage. A resident Catholic chaplain assisted in caring for the welfare of the children.

In 1975, the orphanage took no more children and by 1978 it had closed its doors. At that time, alternative living arrangements were made for the children who remained at the orphanage. It appears this was part of a move to deinstitutionalise the care of children.<sup>7</sup> The last children in care left the orphanage in 1978.<sup>8</sup>

From its opening to closure, about 4,000 children passed through the doors of the orphanage.<sup>9</sup>

## 1.2 Sexual and physical abuse at the orphanage

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The Royal Commission heard evidence from 12 former residents about the harsh conditions, the physical punishment inflicted upon them and the sexual abuse they suffered from nuns, priests and employees while living at the orphanage. The Royal Commission also heard evidence from a survivor about sexual abuse inflicted upon her by a priest who lived at the presbytery at the orphanage.

The experiences of the former residents and former survivors of child sexual abuse are discussed in detail later in the report.

## 1.3 Previous inquiries

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### Forde inquiry

In August 1998, the Queensland Government Minister for Families, Youth and Community Care established a Commission of Inquiry into Abuse of Children in Queensland Institutions (commonly known as the Forde inquiry).<sup>10</sup> It was presided over by Ms Leneen Forde AC, a former Governor of Queensland. Assisting Ms Forde were Dr Jane Thomason and Mr Hans Heilperm.

The Forde inquiry was commissioned to inquire into institutions established or licensed under the *State Children Act 1911* (Qld), the *Children's Services Act 1965* (Qld) or the *Juvenile Justice Act 1992* (Qld) and institutions registered under the *Infant Life Protection Act 1905* (Qld).<sup>11</sup>

In broad terms, the purpose of the Forde inquiry was to examine whether there had been any abuse, mistreatment or neglect of children in Queensland institutions.<sup>12</sup>

The inquiry covered 159 institutions from 1911 to 1999 and found abuse, mistreatment and neglect had occurred. It made 42 recommendations relating to contemporary child protection practices, youth justice and redress of past abuse.<sup>13</sup> The inquiry resulted in reconciliation initiatives including apologies, commemorative memorials and events, establishment and delivery of the Queensland Government redress scheme, establishment of the Forde Foundation Trust Fund, and establishment of community-based support services.<sup>14</sup>

The Forde inquiry also heard evidence from former residents of the orphanage and some of the Sisters who had been on staff at the home.

On 8 June 1999, the Queensland Minister for Families, Youth, and Community Care, the Hon. Ms Anna Bligh MLA, tabled the report of the inquiry, entitled *Commission of Inquiry into Child Abuse in Queensland Institutions*, in the Queensland Parliament.<sup>15</sup> This did not include a closed section of the report (see below).

The Queensland Government accepted and implemented 41 of the 42 recommendations.<sup>16</sup> Oversight of the government's implementation of the recommendations was provided by the Forde Implementation Monitoring Committee, which was required to report annually to Parliament until 2001.<sup>17</sup>

In giving evidence during this public hearing, the Sisters, the Queensland Government and the Diocese accepted each of the Forde inquiry's findings.

### Neerkol closed section

At the time of the Forde inquiry, two alleged perpetrators at the orphanage – Mr Kevin Baker and Father Reginald Durham – were the subject of criminal proceedings and therefore no findings were made on their actions or conduct and the closed section of the report was not released until after the criminal proceedings were finalised.

In or about November 2000, the closed portion of the Forde report, entitled 'Neerkol closed section', was released.<sup>18</sup>

The closed section made findings about the environment, abuse and reporting mechanisms at the orphanage.

The closed section observes that child sexual abuse was perpetrated by a range of persons at the orphanage, including:<sup>19</sup>

- members of foster families to whom children were sent on holidays
- male workers at the orphanage
- regular male visitors to the orphanage
- priests stationed at the orphanage.

## 2 Governance of St Joseph's Orphanage, Neerkol

### 2.1 Queensland Government

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#### Statutory supervision and oversight

##### 1885–1911

The orphanage was first licensed under the *Orphanages Act 1879* (Qld). On 11 December 1885, the Sisters were 'invited' to staff the orphanage.<sup>20</sup>

The Queensland Government authority was the legal guardian of the children, apart from those children privately admitted to the orphanage. The governing authority of the orphanage was designated by the state government to be the Sisters, and the Mother Superior of the Sisters of Mercy was the approved 'carer'.<sup>21</sup>

Under the *Orphanages Act 1879* the management and supervision of licensed orphanages were subject to such control as the Minister prescribed, including regular inspection by the Inspector of Orphanages.<sup>22</sup>

##### 1911–1965

In 1911, the *State Children Act 1911* (Qld) repealed the *Orphanages Act 1879*. Notwithstanding these legislative changes, the orphanage retained its licence under the *State Children Act 1911*.<sup>23</sup>

The *State Children Act 1911* established the State Children's Department and the position of Director of the State Children's Department. The Director became guardian of all state children until the age of 18 years and had control of their property until they were 21.<sup>24</sup> The Director, through the departmental officers, exercised a legal responsibility for the children.<sup>25</sup>

Under the State Children Act, the Director, on the advice of the Governor in Council, could cancel an institution's licence at any time if dissatisfied with its condition, management or maintenance.<sup>26</sup>

An officer of the department was required to visit every state child at least once every three months to ensure their treatment was satisfactory. An inspection of each institution was required at least once every month.<sup>27</sup>

The governing authority of each institution (in this case, the Sisters) was, subject to the Minister, responsible for management of the institution and appointment of all staff.<sup>28</sup>

The *State Children Act 1911* was supplemented by the *Children's Protection Act 1896* (Qld) to provide for the protection of children. Under this Act, it was an offence for any person with



the custody, control or charge of a child to ill-treat, neglect, abandon or expose such a child to unnecessary suffering or injury to their health.<sup>29</sup>

## 1965–1978

In 1966, the *Children's Services Act 1965* (Qld) replaced the *State Children Act 1911*. Under the new Act, the orphanage retained its licence but was expected to meet higher standards of care.<sup>30</sup>

Under the new Act, the State Children's Department was renamed the Department of Children's Services and the Director of the State Children's Department was now called the Director of the Department of Children's Services (the Director of Children's Services). The Director of Children's Services was guardian of all state children until the age of 18 years. The governing authority (in the case of the orphanage, the Sisters), subject to the Director, had the sole management and supervision of their institution and control of the appointment of all persons employed at the institution.<sup>31</sup>

The Director of Children's Services was to supervise the standard of care attained. If the Director was dissatisfied with the management, maintenance or condition of any licensed institution, they could provide written notice of that fact to the governing authority asking the institution to show cause why they should not cease to be a licensed institution. If the institution did not show sufficient cause within two months, the Director could recommend that the Minister revoke an institution's licence.<sup>32</sup>

The new Act also required persons in charge of institutions to:

- a. provide such child with adequate food, clothing lodging and care;
- b. maintain every part of such institution at all times in a fit and proper state for the care of a child;
- c. secure for such child adequate education and religious training of such a type and form as is approved by the director or, in the absence of such an approval, as is in the best interests of such child; ...
- d. do, observe and carry out all acts, requirements and directions prescribed by this Act or by any order of the director in relation to the institution and the care of such child.<sup>33</sup>

The new Act made it clear that the governing authority of each institution was responsible for its actions and omissions and for those of any of its staff, so it was no longer possible to say that they did not know about the misdeeds or omissions of staff or to say they had instructed staff not to do such things.<sup>34</sup>

Under the new Act, it was also an offence for a person who had a child in their charge to ill-treat, neglect, abandon or expose a child in a manner likely to cause unnecessary suffering or injury of

physical or mental health.<sup>35</sup> There was no specific recognition of sexual abuse in the new Act.

The new Act was supplemented by the *Children's Services Regulations 1966* (Qld). The Children's Services Regulations laid down standards for the punishment of children who were considered to have engaged in misbehaviour or misconduct.<sup>36</sup> The regulations provided that a child could be punished for a range of misconduct by special duties, forfeiting privilege, properly supervised physical exercise or corporal punishment.<sup>37</sup> The manner and nature of corporal punishment permitted was also specified in the regulations.<sup>38</sup>

The regulations also required that the governing authority report promptly to the Director of Children's Services any illness or injury suffered by a child in a care residence.

### British Child Migrants

The orphanage also had the care of a small number of British Child Migrants.

The Director of Children's Services was also the guardian of the British Child Migrants as a result of the delegation by the Commonwealth Minister for Immigration and his powers as guardian under section 6 of the *Immigration (Guardianship of Children) Act 1946* (Cth). Custodianship of British Child Migrants was given to the Bishop of Rockhampton rather than the Sisters.<sup>39</sup>

### Indigenous children

The Royal Commission heard evidence that many of the children resident at the orphanage were Indigenous children.<sup>40</sup>

From 1965, the primary power of removal of Indigenous children from their families was the *Children's Services Act 1965*. This Act provided that children found to be 'in need of care and protection' or 'in need of care and control' could be removed from their families and placed in an institution or in foster care.

Under the Act as relevantly in force from 1965 to 1982:<sup>41</sup>

- a child could be admitted to the Director's 'care and protection' either voluntarily or by court order.<sup>42</sup> A child could only be so admitted if the child was 'in need of care and protection' and, if admitted voluntarily, this care and protection could not be 'secured to such child by the giving of assistance under Part V of [the] Act', which dealt with 'Children in Need of Assistance'.<sup>43</sup> The Director had a duty to use his powers and the resources of the Department of Children's Services to further the best interests of a child admitted to his care and protection.<sup>44</sup> Among other things, he could place 'such child in care in an institution established or licensed' under Part IV of the Act.
- a child 'in need of care and *control*' could be 'committed to the care and control of the

Director' by court order so long as the court was satisfied that such care and control could not be secured to the child by 'any other order it may make'.<sup>45</sup> The Director also had a duty to use his powers and the resources of the department to further the best interests of a child committed to his care and control. Among other things, he could place 'such a child in care in an institution established or licensed' under Part IV of the Act.

It was pursuant to these provisions that Indigenous children were admitted to Neerkol.<sup>46</sup>

## Corporal punishment

At various times throughout the operation of the orphanage, there were specific legislative and regulatory provisions in place for the punishment of children.<sup>47</sup>

Section 9 of the *Children's Protection Act 1896* (Qld) outlined the legal right of any parent, teacher or other person having lawful control or charge of a child to administer 'reasonable punishment'. There was no express definition of 'reasonable punishment'. Under this Act, an offence was committed where 'Any person who having custody, control or charge of a child ... wilfully ill-treats, neglects, abandons or exposes such child ... in a manner likely to cause such child unnecessary suffering, or injury to its health'.<sup>48</sup>

Regulations under the *State Children Act 1911* included regulations providing for the punishment of children in state institutions. Regulation 24 provided that corporal punishment was to be administered as seldom as possible and only resorted to when absolutely necessary for discipline and not for first offences unless they were of a grave nature. No corporal punishment was to be inflicted except by direction and in the presence of the superintendent.

From 1966, the *Children's Services Regulations 1966* (Qld) applied and set out the relevant provisions concerning the punishment of children in state care. The regulations expressly set out the circumstances in which a person in charge of an institution may punish a child for 'misconduct'.<sup>49</sup>

'Misconduct' included, amongst other matters, absconding or attempting to abscond,<sup>50</sup> 'conducting himself in such manner as to prejudice the order and discipline at the institution',<sup>51</sup> and failing to comply with the rules of the institution.<sup>52</sup>

The person in charge, the Mother Superior in the case of the orphanage, was able to punish any child guilty of misconduct by one or more of the following methods:<sup>53</sup>

- forfeiture of rewards or privileges, forfeiture or reduction of status or temporary loss of recreation
- special duty for any period not exceeding seven days
- physical exercise, with proper rest under supervision, for a period not exceeding 30 minutes on any one day and not extending beyond a total period of seven days
- corporal punishment.

Every complaint received about a child and punishment inflicted were required to be recorded in a punishment book, which could be produced to the Director or officer of the department on demand.<sup>54</sup> The Queensland Government could neither locate nor produce copies of the punishment books from the orphanage at the time of the public hearing.<sup>55</sup>

Corporal punishment was only to be inflicted by the person in charge or under his or her direction, and only by an approved leather strap applied over a child's ordinary clothes. It was not to be inflicted on girls, or in the presence of other children, and was to be used as seldom as possible. It was a requirement that there be a suitable witness and the infliction of corporal punishment was required to be recorded on a register.<sup>56</sup>

The regulations required every effort to be made to enforce discipline without the use of corporal punishment.<sup>57</sup>

The Royal Commission heard extensive evidence about the infliction of corporal punishment by the Sisters and other employees at the orphanage in contravention of the relevant provisions. This is discussed later in the report.

## Policies and procedures

The departmental records do not provide any details of any state policies or procedures which applied to child protection or the handling or reporting of child sexual abuse before the closure of the orphanage in 1978.<sup>58</sup> The handling and reporting of allegations of child sexual abuse appear to have been governed by legislation/regulation alone.<sup>59</sup>

The Royal Commission heard oral evidence about the relevant legislation from Ms Majella Ryan, the Executive Director of Child Safety in Queensland. Ms Ryan gave evidence that, pursuant to the *Children's Services Regulations 1966*, the governing authority was required to report promptly to the Director of Children's Services any illnesses or injury suffered by a child in a care residence, including at the orphanage.<sup>60</sup>

Ms Ryan confirmed that it follows that, if a person complained of physical abuse or sexual abuse, the governing authority would be required to promptly report that to the Director of Children's Services.<sup>61</sup> Ms Ryan also gave evidence that she could not find any policy or procedure that showed how the governing authority of the orphanage should implement its obligation to report abuse to the Director of Children's Services.<sup>62</sup> Ms Ryan accepted that it follows that, in her records search, she did not find any evidence of the relevant regulatory sections ever being actioned.<sup>63</sup>

The Queensland Government also undertook other searches for relevant policies and procedures applicable until the orphanage was closed in 1978. No other policies or procedures were able to be located.<sup>64</sup>

Ms Ryan gave evidence that the department's archived records are incomplete and that 'a substantial number of archived records of the Department were destroyed when the basement of the Brisbane headquarters of the Department, where they were stored, was flooded in the 1974 floods'.<sup>65</sup> Ms Ryan could not tell us what records were destroyed or to what they related. She said 'it appeared to be at random'.<sup>66</sup>

The State of Queensland accepts that there were no policies or procedures for reporting physical abuse or sexual abuse before the commencement of the *Children's Services Act 1965*. From August 1966, the relevant standards were set out in the *State Children Act 1911*.<sup>67</sup>

The State of Queensland submits that before 1966 there was no statutory obligation to report suspected physical and sexual abuse of children to the Director or any other person or authority.<sup>68</sup> In those circumstances the State of Queensland submitted that the absence of a specific policy or procedure for doing so accords with the standards of the time.<sup>69</sup> In response, counsel for Ms Mary Adams, Ms Diane Carpenter, Mr Thomas Murnane and Ms Margaret Campbell submitted that there was nonetheless a statutory duty of care vested in the Queensland Government with respect to 'state wards'. In those circumstances it was submitted that the absence of a statutory provision requiring mandatory reporting does not make it reasonable that there was no policy or guideline for reporting or responding to complaints of child sexual abuse.

The State of Queensland submits that the fact they could locate no departmental record of any policies or procedures for reporting child sexual abuse to the Director from 1966 until 1978 can be explained by the destruction of documents in the floods and does not necessarily mean they did not exist. The State could also not locate any departmental records which referred to, or discussed, any such policy or procedure even though documents were located which referred to other aspects of the running of the orphanage.<sup>70</sup>

Given that:

- i. there was no evidence of any written reports of suspected physical or sexual abuse of children being received by the State up and until the time of closure of the Orphanage
- ii. there was no evidence of any action taken which could or may relate to the receipt of any report (written or otherwise)
- iii. the state could not locate any records which referred to or discussed any policies and/or procedures for the reporting of physical or sexual abuse of children up and until the closure of the orphanage in 1978 (despite having found a range of other documents relating to the running of the orphanage),

we are satisfied it is likely there were no departmental policies or procedures issued by the Queensland Government for how institutions, such as the orphanage, should carry out their obligations to report abuse.

## Reporting and inspection

The Queensland Government, in its supervisory role over the orphanage, prepared basic reports outlining a general level of satisfaction with the operation of the orphanage.<sup>71</sup>

During the 1950s, the State Children's Department employed four officers in Rockhampton. Their duties included liaison with the orphanage and regular inspection of the home.<sup>72</sup> Between the 1920s and the 1970s, there was also a state children's inspector (or district officer, as they were later known) stationed in Rockhampton.<sup>73</sup>

There was only one inspector or district officer in the Central District Office, Rockhampton, from approximately 1938 until 1962, at which time an additional child welfare officer was appointed following an investigation by the Public Service Commissioner. Records indicate during this period there were four staff, including three administration staff.<sup>74</sup>

The 1962 annual report of the State Children's Department notes that the outdated title of 'inspector' was discarded and the position was then referred to as 'child welfare officer'.<sup>75</sup> The report also notes that a child welfare officer worked directly under a senior child welfare officer.<sup>76</sup> The 1963 annual report notes there was one senior child welfare officer for the department.<sup>77</sup>

During the public hearing, the Royal Commission heard evidence that very few of the former residents could remember actually speaking to an inspector or child welfare officer.

The Forde inquiry found that:<sup>78</sup>

- Neerkol was an entirely inappropriate location for an orphanage. The isolated setting gave rise to a closed community with a culture of its own.
- The Department of Children's Services failed to ensure that staff with training in child care and protection were employed in its Rockhampton office.
- No attention was given to the needs of individual children; there was insufficient scrutiny of the circumstances in which the children were kept; and there was no opportunity for children's complaints to be heard.
- When some children did attempt to complain of abuse to departmental officers, the response was disbelief and anger and in some instances the complaint was relayed to the Sisters, resulting in further reprisal.

Records received by the Royal Commission show that Mr J Paterson is recorded as the inspector of the State Children's Department, Rockhampton, between 1915 and 1953.<sup>79</sup> Mr Timothy O'Connor is recorded as the district officer for Rockhampton between 1966 and 1980.<sup>80</sup> Both men had died by the time of the public hearing.

There are no records of Mr O'Connor or Mr Paterson having received or reported complaints of child sexual abuse to the Director of the State Children's Department or to the Department of

Children's Services.<sup>81</sup> During the public hearing, Ms Ryan, on behalf of the State of Queensland, gave evidence that the Queensland Government accepts the findings of the Forde inquiry that the state failed in its care of the children of which it was, through the Director of the department, guardian. Ms Ryan gave evidence that the Queensland Government has acted, and continues to act, on the Forde inquiry recommendations.<sup>82</sup>

We are satisfied that the Queensland Government failed to adequately supervise and protect from harm the children for whom it was guardian in the orphanage by:

- not ensuring adequately trained staff were employed as department inspectors
- not ensuring that it provided adequate scrutiny over the circumstances in which the children were living.

## 2.2 Sisters of Mercy, Rockhampton

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The Sisters staffed, supervised and operated the orphanage from 1885 until it had no further child residents in 1978.

From 1885 the Queensland Government designated and licensed the Sisters to operate the orphanage. The Sisters were led by a 'superior', who was responsible for the running of the orphanage.<sup>83</sup> The superior reported to a major superior of the Congregation, who was head of the Sisters in Rockhampton.<sup>84</sup>

As such, the superior at the orphanage reported to both the major superior of the Congregation and also the state department.<sup>85</sup>

### Appointment and training of staff

The Sisters were responsible for appointing and managing all staff employed at the orphanage, subject to the Director of the department. There are no records held by the Sisters or the department which outline the recruitment processes of staff or training that the Sisters or the department provided to staff.<sup>86</sup>

There were staff other than the Sisters working at the orphanage who were employed as gardeners, maintenance workers and in the bakehouse, dairy and farm on the grounds of the orphanage. Employees at the orphanage had varying levels of contact with the children. The Royal Commission heard evidence that employees perpetrated significant acts of sexual and physical abuse on children at the orphanage.

The Forde inquiry found that the orphanage was poorly staffed and was heavily dependent on the work undertaken by children from an early age.<sup>87</sup> The ratio of children to staff was grossly inadequate and made individualised attention to the residents impossible.<sup>88</sup>

There were some Sisters who were unsuited to working with children in need but, because of the vow of obedience, they had no choice but to go where they were directed.<sup>89</sup>

Sister Berneice Loch, the current Institute Leader of the Institute of Sisters of Mercy of Australia and Papua New Guinea (ISMAPNG), accepted in oral evidence that many of the nuns who were given the responsibility of looking after children were not properly trained to do so.<sup>90</sup>

The Forde inquiry concluded that the orphanage was underfunded and understaffed and that the Sisters were required to take in every child notwithstanding a lack of resources.<sup>91</sup>

## General conditions and treatment of children

The Royal Commission heard evidence of the degrading treatment of children by some of the Sisters and employees at the orphanage and the appalling conditions in which the children lived. Much of the evidence of the survivor witnesses is set out in detail later in the report and is consistent with the findings of the Forde inquiry. In particular:

- The levels of education that the residents received were ‘lamentable’. Some children left the orphanage barely literate and there was a lack of specialist assistance available to children even until the 1970s.<sup>92</sup> The children were not provided with adequate sexual education and as a result children and young people were vulnerable to abuse, particularly when placed in employment.<sup>93</sup>
- Children had personal possessions, including their clothing, removed from them on entry into the orphanage.<sup>94</sup> Children were assigned numbers and were generally referred to by their surnames. Individual birthdays were not recognised.<sup>95</sup>
- The orphanage had a rigid separation of the sexes well into the 1960s, which resulted in a separation of brothers and sisters and caused considerable distress.<sup>96</sup>
- There was a practice at the orphanage of humiliating children for bedwetting. This was particularly harmful to children’s self-esteem and created a long-term cycle of anxiety in many of the children involved.<sup>97</sup>
- There was insufficient and inadequate food<sup>98</sup> and a lack of appropriate medical attention and treatment.<sup>99</sup>

## Physical punishment by the Sisters of Mercy at the orphanage

Physical punishment at the orphanage was to be administered in accordance with the relevant legislative and regulatory provisions in operation at the time.

The Royal Commission heard extensive evidence about the excessive, sadistic and often cruel punishment inflicted on the former residents by the Sisters and employees at the orphanage. The survivor witnesses described in detail the physical punishment inflicted on them while they were children and living at the orphanage.<sup>100</sup> That evidence is described in detail later in the report and is consistent with the findings of the Forde inquiry. In particular:



- the punishments administered at the orphanage were excessive by any standard and did not accord with the regulations in place under the relevant legislative framework<sup>101</sup>
- during the period 1920 to 1960, the management practices were designed to suppress individuality and there was a climate of fear at the orphanage.<sup>102</sup>

Some of the survivor witnesses also gave evidence about the physical punishment they endured while living at the orphanage after 1960.<sup>103</sup>

Sister Loch, the current Institute Leader of ISMAPNG, accepted in oral evidence that some of the nuns were very cruel to the children at the orphanage.<sup>104</sup>

Ms Di-Anne Rowan, the former Congregational Leader of the Sisters of Mercy, gave evidence that Sisters to whom she had spoken, who were present at the orphanage during the same time as many of the former residents, acknowledged that the physical punishment could be excessive on occasion and that it involved the use of instruments or canes or some sort of implement.<sup>105</sup>

The Forde inquiry findings were not disputed by the Sisters or the Diocese and are relied upon as accurate and correct findings of fact for the purposes of this report.

As set out above, the Sisters accepted the Forde inquiry findings and, in relying on those findings and the evidence before the public hearing, we are satisfied that during the period that the orphanage was in operation the punishment administered by some nuns and employees was cruel and excessive and did not accord with the regulations in place under the relevant legislative framework.

## 2.3 Catholic Diocese, Rockhampton

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The orphanage was located within the Diocese. The orphanage and the land on which it was built were the gift of the Bishop of Rockhampton to the Congregation of the Sisters of Mercy in the 1880s.<sup>106</sup> The orphanage was located within the parish of St Joseph's, Neerkol, within the Diocese.<sup>107</sup>

The parish of St Joseph's, Neerkol, was governed, as is the normal practice, by the parish priest. The parish priest enjoyed a considerable amount of autonomy and was subject only to the authority of the Bishop of Rockhampton.<sup>108</sup>

While the Sisters were independent of the Diocese and the bishop, they exercised their ministry with the permission of the bishop.<sup>109</sup> The bishop and the parish priest did not have any formal responsibility for or role in the day-to-day care of the children at the orphanage.<sup>110</sup> At law, the parish priest did not have any formal responsibility for the children in state care residing at the orphanage.<sup>111</sup>

The Sisters and the children at the orphanage received pastoral support from the parish priest. There was frequent day-to-day contact between the priest and the children at the orphanage. There was a chapel on the grounds of the orphanage which was also the church for the local Neerkol

community. Adjacent to the chapel was the presbytery for the priest serving the Neerkol parish. The Sisters accommodated the priest by cooking, cleaning and doing other chores on his behalf.<sup>112</sup> Children at the orphanage also did chores for the priest from time to time.<sup>113</sup>

The priest exercised influence on the orphanage.<sup>114</sup>

## 3 Experiences of sexual abuse

The Royal Commission heard evidence from 12 former residents of the orphanage, who detailed the serious emotional, physical and sexual abuse by priests, nuns and grounds workers that they suffered while they were living there. Another survivor, who was not a former resident at the orphanage, also gave evidence of the sexual abuse by Father Durham that she suffered when he was her parish priest at Rockhampton.

All of the survivors described the devastating impact their experiences have had on their family life, employment prospects and mental health.

The evidence of sexual abuse given by the survivors related primarily to abuse perpetrated by Father John Anderson, Father Durham, 'Father Cahill', 'Father John', nuns, grounds workers, and former employee Mr Baker.

Only Mr Baker was alive at the time of the public hearing. He was represented at the public hearing and, through his counsel, denied the allegations against him of both physical and sexual abuse.

### 3.1 AYB

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AYB was born and grew up in Rockhampton. Father Durham was her parish priest.<sup>115</sup> AYB said that Father Durham was enmeshed in her family and he would regularly visit her family home.<sup>116</sup> From the age of 11, AYB was groomed and sexually abused by Father Durham on a regular basis at the Neerkol presbytery and at other locations. This abuse included digital and vaginal penetration and progressed to penetration with various items.<sup>117</sup>

AYB gave evidence that on a number of occasions Father Durham sexually abused her on the back seat of a van that he used to transport the children to the school in the next parish. AYB said that, after Father Durham sexually abused her, he would take a thin purple stole with gold crosses out of his pocket, kiss it and put it around his neck before he heard her confession.<sup>118</sup> AYB said that she was always asked if she was sorry for '[her] sin'.<sup>119</sup>

AYB gave evidence that after each occasion she was sexually abused she had to go to confession with Father Durham and confess '[her] sin' of impurity.<sup>120</sup>

The Royal Commission also heard evidence that Father Durham told AYB that she was his 'special girl' and that she thought that 'this was what special girls did'. AYB said that sometimes Father Durham bought her jewellery and clothes that her parents could not afford.<sup>121</sup>

The Royal Commission heard evidence that at the age of 17 AYB left home and joined the Sisters in Rockhampton.<sup>122</sup> After a time, AYB left the Sisters. AYB had difficulties finding employment, so AYB's mother and Father Durham suggested she go to work at the orphanage and teach the preschoolers.<sup>123</sup> AYB started work at the orphanage and lived in the presbytery with Father Durham and his mother, as AYB's mother considered them to be like family. Father Durham continued to sexually abuse her while she lived at the presbytery.<sup>124</sup>

AYB gave evidence that on a number of occasions Father Durham told her that she was '[the] only one'. Father Durham would say to AYB, 'cross my heart and swear to Almighty God, really and truly you are the only one, you are my special girl'.<sup>125</sup>

AYB gave evidence that it was only when Father Durham was involved in a serious car accident that the sexual abuse stopped.

The Royal Commission also heard evidence from AYB about the devastating impact that the sexual abuse had on her, including on her education and her physical, spiritual and mental health.

AYB said that she had spent the majority of her life struggling with the impact of sexual abuse that began when she was just a little girl of 11.<sup>126</sup> AYB also gave evidence that her husband, children and extended family had been violated by Father Durham. She said that they had suffered so much by his betrayal.<sup>127</sup>

AYB said that her personal journey to 'find inner peace had seen [her] read many books, attend years of counselling and therapy and participate in many retreats'.<sup>128</sup> AYB gave evidence that she had worked very hard to turn her life around.<sup>129</sup>

## 3.2 Ms Mary Adams

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Ms Adams was placed at the orphanage when she was aged nine months. She was placed there with her brother and sister. She gave evidence that when she first arrived she was placed in the nursery.<sup>130</sup> She was later moved into the 'big girls' dormitory'. When she was aged 13 she was made to leave school and work on a property as a domestic helper until she left the orphanage. She remained at the orphanage until she was 18 and released from care.<sup>131</sup>

Ms Adams gave evidence that during her time at the orphanage she was emotionally, physically and sexually abused.<sup>132</sup>

Ms Adams said that, as a child, she regularly wet the bed and was punished for it each time it occurred. She said that each morning the nuns or the staff in charge would do their rounds and check to see who had wet the bed. Those who had were made to carry their wet sheets to the dining room, where they were made to stand with their sheets draped over their heads.<sup>133</sup> After the meal was finished, she was made to stand with her arms extended to receive the cane.<sup>134</sup>

The Royal Commission also heard evidence that Ms Adams was physically beaten on a number of occasions as a form of punishment.<sup>135</sup> Ms Adams gave evidence that she was slapped across the face, punched and dragged around by her hair by a nun.<sup>136</sup> Ms Adams also gave evidence about a particular incident after which she was belted with a rubber rope by Sister Frances Regis. She said that she had welts on her body for days after.<sup>137</sup>

Ms Adams also gave evidence about severe physical abuse that she had witnessed, including public floggings<sup>138</sup> with a horse whip and cane, children being forced to fight one another<sup>139</sup> and her brother being hit over the back with a hammer by a grounds worker.<sup>140</sup>

The Royal Commission also heard evidence from Ms Adams about being sexually abused at the orphanage by a visiting priest named 'Father John' when she was about 12 years old and by another priest, Father Cahill, when she was billeted out to a home in Mackay during the holidays.<sup>141</sup>

Ms Adams gave evidence about the long-term impact that the physical and sexual abuse has had on her life. Ms Adams said that her education had been 'marred with violence' and the environment at the orphanage made it impossible to learn.<sup>142</sup>

The Royal Commission also heard from Ms Adams how her abuse had a negative impact on multiple generations of her family. She also gave evidence that when she left the orphanage she was virtually illiterate, had very little self-esteem and would suffer anxiety attacks and endless worry.<sup>143</sup>

### 3.3 Ms Diane Carpenter

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Ms Carpenter was placed in the orphanage when she was aged three or four. She was placed there with her brothers and sisters. She lived there for one year and then returned home. Ms Carpenter was again placed in the orphanage when she was aged seven or eight after her father died. She remained at the orphanage until she turned 17.

Ms Carpenter is Indigenous and was removed from her mother and placed at the orphanage pursuant to the *State Children Act 1911* and the *Children's Services Act 1965*. Documents tendered into evidence note that Ms Carpenter was removed because she was considered to be 'neglected'.<sup>144</sup> It is not clear from the documentary evidence if the authorities found her to be 'neglected' because of her Aboriginality. Ms Carpenter gave evidence that approximately 75 to 80 per cent of the children at the orphanage were Indigenous.<sup>145</sup>

Ms Carpenter gave evidence about the physical abuse she suffered at the orphanage. She described in oral evidence witnessing children being kicked and shaken while they were taking their afternoon nap in the nursery.<sup>146</sup> She said that because of this she was too scared to take an afternoon nap.<sup>147</sup>

Ms Carpenter said that physical abuse came out of nowhere in reprisal for doing things that the children did not know were wrong.<sup>148</sup> She also said that on one occasions she was locked in an extremely hot room and forced to drink her own urine to stay hydrated.<sup>149</sup>

Ms Carpenter also gave evidence that on one occasion, after attempting to run away from the orphanage, she was forced to remove her pants in front of Sister Frances Regis and Mr Baker before being beaten with a cane on her bare bottom. Ms Carpenter said that Sister Frances Regis and Mr Baker laughed while this occurred and the whole experience was extremely humiliating and distressing.<sup>150</sup>

Ms Carpenter also gave evidence about the inadequate medical treatment that she received and how she was often publicly shamed for being 'stupid'.<sup>151</sup>

The Royal Commission also heard evidence about the sexual abuse that Ms Carpenter suffered by Father Michael Hayes, a visiting priest at the orphanage, who repeatedly indecently touched her and who digitally penetrated her.<sup>152</sup> Ms Carpenter said that she also saw Mr Baker sexually abuse other children.<sup>153</sup>

Ms Carpenter explained that the abuse that she suffered at the orphanage has had a significant negative impact on her life. She said that she has had a great deal of difficulty in trusting people, particularly people in authority, and that she has had ongoing health issues.<sup>154</sup>

### 3.4 AYN

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AYN was placed at the orphanage along with his siblings when he was aged about seven. AYN gave evidence that when he arrived at the orphanage he was wearing a ring that his mother had given him. AYN said that upon his arrival the ring was confiscated from him and he was separated from his siblings. After that, he was not allowed to mix with his siblings and he hardly saw them.<sup>155</sup>

The Royal Commission heard evidence from AYN about the physical abuse that he suffered at the orphanage. AYN said that on one occasion one of the nuns broke his knuckles in his left hand by caning him. AYN said the caning was because he was left-handed.<sup>156</sup> AYN also described the lack of education and medical attention that he received at the orphanage. He said that by the age of 12 he received no formal education and was left to sit outside on the verandah and make baskets.<sup>157</sup>

AYN also gave evidence that he was sexually abused by Mr Baker while he lived at the orphanage.<sup>158</sup>

AYN said that because of the physical and sexual abuse he felt that his childhood had been taken away from him and that he lacked confidence and had trouble interacting with his peers.<sup>159</sup>

AYN also gave evidence about the long-term adverse impact the physical abuse has had on his physical health. AYN said that he had panic attacks and had been on medication for most of his life. AYN has lived with depression and anxiety and has lived for many years isolated in the bush. AYN said that he did not like mixing with the rest of society.<sup>160</sup> AYN gave evidence that the effects of the orphanage 'stay with [you] for a life time'.<sup>161</sup>

### 3.5 Mr Joseph Kiernan

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At the time of the public hearing, Mr Joseph Kiernan was 54 years old. He was placed at the orphanage when he was a baby aged seven weeks.

Mr Kiernan gave evidence about the physical abuse that he suffered at the orphanage from the nuns and other members of staff, including Mr Baker. Mr Kiernan said that as a child he regularly wet the bed. On one occasion Sister Pius noticed and locked him in a storeroom all day. He was unable to get out, so he wet himself again.<sup>162</sup>

Mr Kiernan also gave evidence about one occasion when he was pushed down the stairs by Mr Baker.<sup>163</sup> He said that after he was pushed down the stairs he was very unwell for a few days. Mr Kiernan said that early on the following Saturday morning he got up and started to vomit. Sister Pius forced him onto his hands and knees and made him lick up all the 'sick'. As he got up to leave, she hit him across the head with a stick and split his head open.<sup>164</sup>

Mr Kiernan said that the next day in church he was having trouble kneeling down and Mr Baker was sitting behind him. Mr Baker leaned over and 'clobbered him one' and then he fell on the floor.<sup>165</sup> Mr Kiernan was not taken to hospital.<sup>166</sup>

The Royal Commission also heard evidence about how Father Durham, on more than one occasion, indecently touched Mr Kiernan and attempted to have anal sexual intercourse with him.<sup>167</sup> Mr Kiernan also gave evidence about sexual abuse that he suffered from an unnamed nun.<sup>168</sup>

Mr Kiernan gave evidence that after Father Durham abused him he told him not to tell anybody about it. He said, 'you can't say anything because we are doing God's work'.<sup>169</sup> Mr Kiernan said that when he went to confessions that he would tell Father Durham that he had committed a sin.<sup>170</sup>

Mr Kiernan explained the long-term physical impact that the abuse had had on him. Mr Kiernan said that because of the poor care he received at the orphanage he now suffered a lot of health issues.<sup>171</sup> Mr Kiernan said that one of his biggest problems was meeting his medical costs.<sup>172</sup>

### 3.6 Ms Margaret Campbell

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Ms Campbell, also known as AYL during the public hearing, is now 64 years old. In 1961, when she was aged 10, she and her six siblings were placed at the orphanage as wards of the state. She lived there on and off until she was aged 18.

Ms Campbell is Indigenous and was removed from her parents' care and placed at the orphanage pursuant to the *State Children Act 1911* and the *Children's Services Act 1965*. The documents note that Ms Campbell was removed because she was considered to be 'neglected'.<sup>173</sup> It is not clear from the documentary evidence if the authorities found her to be 'neglected' because of her Aboriginality.

Ms Campbell gave evidence that while she was living at the orphanage she was sexually abused by Mr Baker and other men who worked there. She also gave evidence that she saw Mr Baker sexually abusing another boy.<sup>174</sup>

Ms Campbell said that Mr Baker raped her with a broom handle and digitally penetrated her.<sup>175</sup> Ms Campbell gave evidence that when Mr Baker was done he told her, 'if you say anything, it won't be a few inches but a few feet next time'.<sup>176</sup> Ms Campbell said that Mr Baker continued to sexually abuse her in the years which followed by forcing her to have vaginal sexual intercourse with him.<sup>177</sup>

Ms Campbell also gave evidence about an occasion where she was gang raped by three men who tied her to a wooden cross behind the pump shed.<sup>178</sup>

The Royal Commission heard evidence that as a result of the sexual assault Ms Campbell suffered at the orphanage she became pregnant<sup>179</sup> and gave birth to a child at the Good Shepherd Home for Girls in Brisbane. Ms Campbell said that the baby was taken from her by one of the nuns who assisted in the delivery and Ms Campbell does not know what happened to the baby.<sup>180</sup>

Ms Campbell also explained the long-term negative impact that her abuse has had on 'every aspect of [my] life'.<sup>181</sup>

### 3.7 Mr Thomas Murnane

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Mr Murnane was 74 years of age at the time of the public hearing. Mr Murnane was placed at the orphanage when he was aged 10. He was told by his father that he was going to a nice boarding school.<sup>182</sup> Mr Murnane left the orphanage in 1954 at the age of 14.

When Mr Murnane arrived at the orphanage he was immediately separated from his father and had all of his clothes, shoes and other personal items confiscated. He was placed in the senior boys' dormitory.<sup>183</sup>

Mr Murnane gave evidence about the physical abuse that he suffered while at the orphanage. He described in oral evidence the treatment of him and others by some of the Sisters as vicious and sadistic.<sup>184</sup> Mr Murnane said that he tried to run away from the orphanage on two occasions. After one occasion he was returned to the orphanage and severely beaten with a cane. On the second occasion he was beaten with a broomstick on his bare skin.<sup>185</sup>

Mr Murnane also gave evidence about being forced to line up on the verandah with the other boys, where they were forced to take off their pants and stand naked from waist down.<sup>186</sup> One of the nuns proceeded to touch and inspect his penis with a ruler and each of the other boys in turn, in the presence of other Sisters.<sup>187</sup>

Mr Murnane gave evidence that as a result of his experiences at the orphanage he suffers from depression from time to time and that he still has nightmares about the nuns and the way that he was treated.<sup>188</sup>



### 3.8 AYA

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The Royal Commission also heard evidence from AYA. In 1973, at the age of 11, she was sent with her younger brother to live at the orphanage as a boarder. She lived at the orphanage for one year before she returned to live with her mother.<sup>189</sup>

AYA gave evidence that the treatment and conditions were the same for boarders and orphans.<sup>190</sup> She described being forced to eat food while being held down by other residents and also being made to brush her teeth with soap.<sup>191</sup>

The Royal Commission heard that on AYA's 12th birthday Father Durham invited her to the dining room in the presbytery, enticing her with food. AYA went into his room with another girl. When she got there, Father Durham took her into another room. He said to her that he was going to give her a birthday present. Father Durham then gave AYA a huge hug and a kiss. Father Durham stuck his tongue down AYA's throat. AYA said that this happened on three occasions and on each occasion Father Durham would grab her on the bottom and push her really close to his body.<sup>192</sup> AYA also said that Father Durham would say to her, 'it was okay, because if it was wrong, God wouldn't let it happen'.<sup>193</sup>

AYA gave evidence that she was sexually abused by another female resident for the duration of the time that she was at the orphanage.<sup>194</sup>

AYA also gave evidence about the impact that her sexual abuse as a child has had on her. She said that she has become a very private person and that she does not have relationships because she does not trust men.<sup>195</sup> She also said that she cannot be around religious people.<sup>196</sup>

### 3.9 Mr David Owen

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Mr David Owen was 76 years old at the time of the public hearing. He was placed at the orphanage when he was about five months old and lived there until 1954, when he was aged 15.

The Royal Commission heard evidence from Mr Owen about the physical abuse he suffered from the Sisters and other employees at the orphanage, including being beaten with a cat of nine tails, stockwhips, machine belts, bamboo canes, belts, straps and lantana branches as well as with hands and fists.<sup>197</sup> Mr Owen said that on one occasion, after attempting to run away, he was stripped of his clothes, put over a desk in front of the entire school and flogged with a whip.<sup>198</sup> Mr Owen also explained that he was physically punished for what was said to be bad behaviour, including a failure to be able to recite the catechism from memory.<sup>199</sup>

Mr Owen also gave evidence that he was repeatedly sexually abused by Father Anderson during the time he lived at the orphanage.<sup>200</sup>

Mr Owen said that the first time that he was sexually abused was when he accompanied Father Anderson to Kabra, a town about five miles away. He said that while Father Anderson drove he told Mr Owen to put his hands on his penis, which became erect. Mr Owen reported that he told Father Anderson that it was a 'mortal sin'. Father Anderson replied that he would forgive him.<sup>201</sup>

Mr Owen gave evidence about a separate occasion when Father Anderson called him to the presbytery to 'improve his Latin'. When he went there, the nun who was present left the room. Father Anderson led Mr Owen into his bedroom and sodomised him.<sup>202</sup>

Mr Owen said that after this Father Anderson continued to sodomise him as frequently as twice a week for the next two or three years. He would regularly force Mr Owen to fondle his penis, cause him to masturbate him and have anal sexual intercourse with him.<sup>203</sup>

Mr Owen told the Royal Commission that Father Anderson told him that it was not a sin for a child to have impurity with a priest, but it was a mortal sin to tell anyone about it and if Mr Owen did so he would go to hell.<sup>204</sup>

Mr Owen gave evidence about telling a number of the Sisters about his abuse. He said that each time he was punished for being 'evil'. On one occasion his head was shaved in punishment.<sup>205</sup> He also said that Mr Paterson, who was the inspector for the State Children's Department, also knew about the abuse and told Mr Owen that he could not go back out to (work) service until he stopped bleeding from his backside.<sup>206</sup>

Mr Owen also gave evidence about one occasion after he had been abused by Father Anderson, when he was bleeding from his bottom. Mr Owen said that he told Sister Amelia Griffin that he was bleeding as a result of being sexually assaulted.<sup>207</sup> The Royal Commission heard evidence that Mr Owen was cleaned up and given a nappy to wear because of the bleeding.<sup>208</sup> Mr Owen said that this occurred on a number of occasions.<sup>209</sup>

The Royal Commission also heard evidence about the long-term impact of the physical and sexual abuse that Mr Owen suffered. Amongst other things, he said that he had been diagnosed as suffering from post-traumatic stress disorder and exhibiting symptoms consistent with child sexual abuse syndrome.<sup>210</sup> He also said that he was illiterate and had been forced to rely on others when dealing with written material.<sup>211</sup>

### 3.10 AYD

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AYD was 82 years old at the time of the public hearing. He was placed at the orphanage when he was very young, along with his siblings. When AYD arrived at the orphanage he was separated from his brothers and sisters. He was put in the bigger boys' dormitory, his brothers were put in the smaller boys' dormitory and his sister was placed in the girls' dormitory.<sup>212</sup> AYD had no contact with his siblings while he was at the orphanage.<sup>213</sup>

The Royal Commission heard evidence from AYD about physical abuse he suffered at the hands of an employee of the orphanage, Mr Tom Pattle.<sup>214</sup> He recounted one incident where he was beaten so badly by Mr Pattle with a belt buckle that he had no skin left on his behind or penis, his arms were covered in cuts and his legs were raw. After the beating was finished he could hardly walk and was unable to sleep that night.<sup>215</sup>

On another occasion, Mr Pattle flogged him with a cactus while he was working out amongst the rows of vegetables near Kabra Creek.<sup>216</sup> AYD also gave evidence about a separate time when Mr Pattle made AYD drink milk off the floor in the milking shed which was mixed with cow dung and urine.<sup>217</sup>

AYD gave evidence that a few nights after his first beating by Mr Pattle he was told that Father Anderson wanted to see him later that night in the presbytery.<sup>218</sup> He said that when he arrived at the presbytery Father Anderson asked him to get undressed so he could look at the damage. He asked AYD where he was hurt and AYD told him that he was mainly hurt on his behind and legs. Father Anderson asked AYD to lie on the banana lounge and he proceeded to rub ointment between AYD's legs, penis and testicles for about 15 minutes. AYD said that while this happened he felt something warm going up and down his arm.<sup>219</sup>

Eventually, when AYD rolled over, he said that Father Anderson was standing in front of him with his penis fully erect. He said that he realised that what he had felt rubbing along his arm was Father Anderson's penis.<sup>220</sup> AYD said that he then ran out of the presbytery.

The Royal Commission also heard evidence from AYD about the impact of the abuse that he suffered, which he described as 'profound'.<sup>221</sup> AYD gave evidence that, because he had to work most days on the farm, he missed a lot of school. AYD said that when he left the orphanage he had huge problems reading and writing.<sup>222</sup> AYD gave evidence that 'he had tried not to let the abuse affect [him]' and when he was about 20 he decided to put himself through night school.<sup>223</sup>

AYD gave evidence that he did not think anyone will or can ever realise the scars that the abuse leaves on one's mind and that he cannot ever forget it.<sup>224</sup>

### 3.11 AYE

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AYE was 77 years old at the time of the public hearing. In 1938, at the age of one, he was placed at the orphanage. The Royal Commission heard evidence from AYE that while living at the orphanage he was physically, emotionally and sexually abused.<sup>225</sup>

AYE gave evidence that the 'nuns were wicked and cruel'.<sup>226</sup> AYE said the nuns would brutally punish the children on a regular basis and that they would 'beat [us] relentlessly with leather sewing machine straps'.<sup>227</sup>

AYE also gave evidence that while he was at the orphanage he was a bad bedwetter. He said that it was made worse by his fear of the Sisters. He described them as 'worse than witches'.<sup>228</sup> AYE said

that as soon as he heard the Sisters' voices he would wet himself. He could not control it. He said that, when they wet the bed, the children were made to stand in big tubs while the sister threw cold water over them to wash them down. He said the children would then wash the sheets and be made to stand in the refectory with the sheets over their heads for all of breakfast.<sup>229</sup>

The Royal Commission also heard evidence from AYE that he was sexually abused by Father Anderson from the age of nine or 10 until he was 12 or 13.<sup>230</sup> AYE gave evidence that Father Anderson indecently touched him, caused him to perform oral sex on him and tried to anally penetrate him.<sup>231</sup> AYE gave evidence that the sexual abuse only stopped when Father Anderson took a four- or five-month holiday to Ireland. AYE said that during that time Father Durham replaced Father Anderson.<sup>232</sup>

AYE gave evidence that he was also sexually abused by Father Durham, who indecently touched him and tried to anally penetrate him on more than one occasion.<sup>233</sup> AYE said that the sexual abuse continued until he left the orphanage aged 14.<sup>234</sup>

AYE also described being indecently touched by one of the Sisters while at a holiday house in Emu Park.<sup>235</sup>

AYE gave evidence about the terrible impact that the physical and sexual abuse had on his education<sup>236</sup> and his relationships with other people.<sup>237</sup> AYE explained that he still had horrible nightmares and bad memories about what happened to him at the orphanage. He said that, even when he was able to sleep, he would wake up during the night and would not be able to get back to sleep.<sup>238</sup>

The Royal Commission heard evidence that the abuse had had a lifelong impact on AYE that he felt he could not fully explain.<sup>239</sup>

### 3.12 AYK

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At the time of the public hearing, AYK was 49 years of age. At the age of six she was placed in the orphanage as a ward of the state along with her sister, AYO. She lived at the orphanage until around 1977, when she was aged 13. It was at this time that the orphanage closed.

AYK gave evidence about the culture at the orphanage. She said that 'life at Neerkol was hell'.<sup>240</sup> She said that the nuns displayed no love or affection and the children were made to feel like a number. She said that, on the rare occasions when her family would visit, after they left the nuns would say things like, 'Well, your family doesn't want you, what do you want us to do?'<sup>241</sup> AYK also described the physical abuse she suffered, which included being hit with a cane, punched and slapped and hit with a dustpan and brush.<sup>242</sup>

She also described being punished by being locked in a dark room off the main dormitory and left for a full day without food or water. AYK said that they were told if they cried they would be beaten.

She said that ‘even if we didn’t cry, the nuns would enter the room now and then and beat us once’.<sup>243</sup>

AYK also gave evidence that on one occasion she and AYO heard another female resident screaming. When they arrived to see what was happening, they saw a boy who lived at the orphanage raping the girl.<sup>244</sup>

The Royal Commission also heard evidence about the sexual abuse by Father Durham that AYK suffered on numerous occasions when she was aged seven or eight. AYK said that the abuse would take place when the nuns would tell AYK to take Father Durham morning tea in the presbytery.<sup>245</sup> AYK said that Father Durham would make her touch his penis until he got an erection. Father Durham said to AYK that it was ‘[our] little secret’ and, if AYK revealed it to anyone, she would be punished by the devil.<sup>246</sup>

AYK gave evidence about one occasion on her birthday when Father Durham gave her a necklace and said, ‘Happy Birthday my special girl’. When AYK showed the necklace to a younger nun she became very upset and told AYK that she was not allowed to go with Father Durham unaccompanied again. AYK said she remembered thinking that this proved the nuns knew that Father Durham was abusing her.<sup>247</sup>

AYK also gave evidence about the long-term impact that her sexual abuse had on her. She described the medical conditions which are related to her time at the orphanage. AYK said that she had regular nightmares and her participation in the Royal Commission had placed a significant stress on her marriage.<sup>248</sup> She said that she had struggled with intimacy and that she was unable to trust anyone.<sup>249</sup>

### 3.13 AYO

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The Royal Commission also heard evidence from AYO. She was placed at the orphanage when she was aged four and lived there until it closed in 1977, when she was 11 years old.

AYO gave evidence that when she arrived at the orphanage she and her sister AYK were separated from their younger siblings and were sent to live in a separate dorm room. The Sisters never explained why they separated AYO from her siblings and never gave AYO the opportunity to spend time with them. AYO said that she would occasionally hold hands with her siblings through the fence. This was the only time she would see her siblings.<sup>250</sup> AYO said that when the Sisters would see them holding hands they would say things like ‘you have to learn to live apart’.<sup>251</sup>

AYO also gave evidence about the physical abuse inflicted on her by the Sisters at the orphanage. AYO said that she would be put in a cupboard if she played up and that she would be hit across her head and the back of the legs with a dustpan and brush if she cried while locked in the cupboard.<sup>252</sup> She said that after they would hit AYO the nuns would say, ‘There is something to cry about’.<sup>253</sup>

AYO also gave evidence about sexual abuse by Father Durham, which occurred when AYO was seven or eight years old. She described how he would repeatedly indecently touch her when she was sent to the presbytery to take him tea.<sup>254</sup>

AYO described her experiences at the orphanage as impacting on her entire life.<sup>255</sup> Her education has suffered, she has had low self-esteem and she has self-doubts.<sup>256</sup> AYO said that she also suffered from drug abuse for a period of time.<sup>257</sup>

## 4 Reporting of sexual abuse

### 4.1 Difficulties in reporting at the time of the abuse

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The Royal Commission heard evidence from many of the former residents that they did not tell anyone about the sexual abuse at the time it was occurring.<sup>258</sup> Some of the former residents gave evidence that this was because they were fearful that they might be physically punished or ostracised by the Sisters if they complained of the sexual abuse.<sup>259</sup> Other former residents gave evidence that they did not tell anyone because they had no-one to tell and did not think they would be believed.<sup>260</sup>

### 4.2 Residents accused of telling lies

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Some former residents who reported their abuse to the nuns at the orphanage were not believed and accused of telling lies.<sup>261</sup>

Ms Campbell gave evidence that she told one of the nuns about witnessing Mr Baker abuse one of the boys in the bakehouse. She was slapped and the nun got angry at her for 'making up lies'.<sup>262</sup>

AYD said that he told Sister Regis what Father Anderson had done to him, but she told him that it was the 'biggest lie', that Father Anderson was a man of God and that it would not have happened.<sup>263</sup> AYD said that Sister Regis told him that in his next confession he had to tell 'father' how he lied.<sup>264</sup>

AYN said that he reported the abuse on one occasion to Mother Clare, who was the Mother Superior at the time.<sup>265</sup> He said that Mother Clare told him to 'go away'. AYN also gave evidence that he reported the abuse to another nun and he was again told to go away and not to tell lies.<sup>266</sup>

### 4.3 Physical punishment

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Some former residents reported being physically punished after they told a Sister, staff at the orphanage, a priest or a departmental officer of the sexual abuse.<sup>267</sup>

AYN and Ms Campbell gave evidence of having reported their allegations of abuse by Mr Baker to Father Anderson during confession. AYN said that he reported his allegations of sexual abuse by Mr Baker to Father Anderson in confession on at least three occasions. AYN said that Father Anderson responded by giving him penance.<sup>268</sup>

Ms Campbell said that she told Father Anderson of her abuse during confession and that he replied by giving her 'so many Hail Marys and Our Fathers'.<sup>269</sup> Ms Campbell gave evidence that she believed that Father Anderson told 'Mother Regis or Clare' about her confession because after this point in time Ms Campbell was made to scrub the floors<sup>270</sup> and the 'beltings got more often'.<sup>271</sup>

## 4.4 Repercussions for reporting

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AYN said that he believed that he was transferred from the orphanage to Westbrook Farm Home for Boys because he went to confession and told Father Anderson what Mr Baker was doing to him and also to some of the girls<sup>272</sup> and had complained about the sexual abuse to Mother Clare.<sup>273</sup>

At the time of his transfer, section 11 of the *State Children Act 1911* permitted a child to be 'transferred with the approval of the Minister, from one institution to another'. Both the orphanage and Westbrook were 'institutions' for the purposes of the Act.

AYN was admitted to Westbrook on 18 August 1960.<sup>274</sup>

In a report of Stipendiary Magistrate Schwarten, dated 27 September 1961, the reason for AYN's transfer was said to be as follows: 'Transferred from St Joseph's Home as State ward. Said to be surly, abusive and conduct intolerable.'<sup>275</sup> Stipendiary Magistrate Schwarten noted in his report:<sup>276</sup>

Though the primary purpose of Westbrook is to help the inmates overcome the defects of character and counteract the environmental and other influences which cause them to offend, it is to be remembered ... that in its nature it is also punitive in that it is a place of detention for payment of a debt owing to society for offences against society. However the punitive angle is not the dominant influence and in my opinion its influence should be directed only towards determining the minimum period an inmate is to be detained.

AYN's counsel submitted that it is impossible to reconcile AYN's transfer to Westbrook with the purpose of detaining children at Westbrook as set out in the Stipendiary Magistrate's report.

AYN's counsel submitted that the Royal Commission should accept that AYN was transferred to Westbrook because of his disclosure about Mr Baker to Father Anderson and Mother Clare because:<sup>277</sup>

- AYN gave evidence he did not get into any trouble that would have led to his transfer to Westbrook<sup>278</sup> and he was not informed of misconduct being the reason for his transfer at the time.<sup>279</sup> Rather, he was told by the Mother Superior of the orphanage that he was going to a farm to work and earn money.<sup>280</sup>
- A district officer attended the orphanage with AYN's father shortly before AYN's transfer to Westbrook and did not disclose to AYN's father that AYN was to be transferred to Westbrook.<sup>281</sup> Ms Ryan, on behalf of the State of Queensland, was unable to provide any explanation as to why this information would not be provided to AYN's father.<sup>282</sup>
- AYN gave evidence in his supplementary statement that correspondence from 1960 relating to his transfer contained false information – namely, that he had misbehaved when he worked on a farm in 1960 before his admission to Westbrook.<sup>283</sup>

The Royal Commission did not hear evidence from Mother Clare or Father Anderson about the circumstances of AYN's transfer because both had died well before the public hearing.



In response to AYN's submissions, the State of Queensland submits that there is inadequate evidence to find that AYN was transferred to Westbrook because he had disclosed his sexual abuse by Mr Baker.

The State of Queensland submits that such a finding would require some objective evidence, or at least the absence of any other plausible explanation, and neither circumstance exists to support such a finding. The State submits that, while AYN's belief that he was transferred to Westbrook because of his disclosure of sexual abuse is understandable, it is not a basis for a finding. We accept that submission because we have insufficient evidence to hand to make a finding about AYN's transfer to Westbrook.

## 4.5 Reporting to state department inspectors

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As discussed above, from 1911 until 1965 under the relevant legislation an officer of the department was required to visit every state child at least once every three months and ensure their treatment was satisfactory. An inspection of each institution was required at least once a month. From 1965 until 1978, the Director of the State Children's Department was legislatively required to supervise the standard of each institution in achieving the purpose for which it was created. The duties of the state department inspectors included the inspection of the orphanage, which was ostensibly to facilitate the government's supervisory role over the orphanage and ensure that the children were being cared for and not mistreated.

The Royal Commission received evidence from former residents of the orphanage that they rarely saw state department inspectors and, when they did so, they were not allowed or encouraged to speak with them.

AYD and Mr Murnane said that the children were not allowed to talk to the inspectors when they came to the orphanage.<sup>284</sup>

Other former residents also said they told a department inspector about the sexual abuse, but nothing changed. Ms Carpenter and AYE both gave evidence that the sexual abuse continued despite their disclosure to an inspector.<sup>285</sup> Ms Carpenter gave evidence that she told 'Mr Connor' that she was sexually abused by the son of the property owner to which she was billeted and upon her return to the orphanage she was beaten by the nuns for mentioning it to him.

AYE gave evidence that he told Mr Paterson of the sexual abuse inflicted upon him by Father Durham. Mr Paterson told him it was lies and 'not to say such things about the priests and nuns'.<sup>286</sup> AYE said Mr Paterson told Mother Clare, and AYE was beaten by Mother Clare and Mr Bill Kelly, an employee, for reporting his abuse.

Ms Carpenter gave evidence that she told the inspector for the State Children's Department, 'Mr Connor [sic]', about the sexual abuse which was being inflicted upon her at the orphanage.<sup>287</sup> Ms

Carpenter said that upon her return to the orphanage she was beaten by the nuns for mentioning it to him.<sup>288</sup>

Ms Adams described being interviewed by Mr O'Connor after she and some other girls had run away from the orphanage. When asked if she had been able to communicate with Mr O'Connor about the physical abuse she suffered, Ms Adams said, 'I can't really remember that, but I do remember – I remember being frightened of telling him anything because that nun was present'.<sup>289</sup>

There was also evidence demonstrating a lack of independence between the department inspector and the Sisters and clergy. Mr Owen described his impression of a close friendship between Mr Paterson and Father Anderson, the priest who had offended against him.<sup>290</sup> This perceived lack of independence between government staff and the Sisters and clergy meant that some children felt they had no-one to whom they could report their allegations of child sexual abuse.<sup>291</sup>

The State of Queensland submits that the evidence of Ms Adams and Ms Carpenter suggests that, even when the department officers did have the opportunity to speak directly to the children at the orphanage, it is unlikely that the residents would have disclosed their experiences of sexual and/or physical abuse because of a fear of punishment from the Sisters. In response, counsel for Ms Adams and Mr Murnane submit that the lack of disclosure resulted from the departmental officers failing to maintain a sufficient independence from the Sisters and clergy or at least failing to interview children without the Sisters or clergy present at the time.

We are satisfied that the departmental officers did not provide a system of supervision for the delivery of care to children in the orphanage which would properly guard against the children being mistreated and thereby suffering harm.

## 4.6 Reporting to police

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Mr Murnane and Ms Campbell gave evidence that they reported their abuse to the police. Mr Murnane said the police did not believe him. Ms Campbell gave evidence she was told by a police officer to 'put it behind her'.<sup>292</sup>

The oral evidence received by the Royal Commission on the range of barriers to children being able to report their abuse was consistent with findings made by the Forde inquiry. In particular:

- No child at the orphanage could have faith that a complaint of abuse would be received by the nuns with compassion and concern and the priests refused to entertain such complaints.<sup>293</sup>
- Few residents could remember having been spoken to by an inspector. Children were not encouraged to talk to the inspectors. There was no opportunity for children to report their concerns to inspectors.<sup>294</sup>
- There was no real interest on the part of the department inspectors in exploring the

conditions in which the children lived. The view that department inspectors held was that the nuns should not be challenged in any way.<sup>295</sup>

In addition to the Forde inquiry findings as to barriers to reporting, we are satisfied that some children at the orphanage did not report the sexual abuse to anyone at the time it was occurring for one or more of the following reasons:

- they had little or no opportunity to speak with the state department inspectors because their visits were infrequent
- they did not think they would be believed
- they were frightened of reprisals from the Sisters or employees at the orphanage if they complained of sexual and physical abuse.

We are also satisfied that children who did complain to a department inspector, a Sister, a priest or police were either not believed and/or were often punished by the Sister or priest for reporting the physical and/or sexual abuse. For those who made reports and were punished or not believed, not only is there evidence that this caused those children further mental and emotional harm but also it placed all children in the home at risk of ongoing sexual abuse. We are satisfied that the failure to properly respond to the children's complaints caused them further mental and emotional harm and placed the children at further risk of sexual abuse.

## 5 Response by the Diocese and Sisters of Mercy to allegations of child sexual abuse from 1993 to 1996

In the early 1990s allegations of sexual abuse by former residents of the orphanage began to receive media attention. Former residents also raised allegations of sexual abuse directly with the Diocese, the Sisters and the Queensland Police Service.

Between 1993 and 1996, four former residents of the orphanage brought their experiences of sexual abuse directly to the attention of Bishop Brian Heenan, who was the Bishop of the Diocese, and Sister Loch. Additionally, in 1993, AYB, who had not resided at the orphanage but had been sexually abused by Father Durham, complained to Bishop Heenan. Sister Loch and the Sisters were not made aware of the abuse that AYB had suffered until sometime after September 1996.<sup>296</sup>

It was in this context that the Sisters and the Diocese started to undertake training and develop protocols for responding to allegations of child sexual abuse.

### 5.1 Training and protocols for responding to allegations of child sexual abuse

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#### Training

Bishop Heenan was the Bishop of the Diocese from 1991 until 2013.<sup>297</sup> Bishop Heenan gave evidence that before becoming Bishop of Rockhampton he did not have any training in understanding or responding to allegations of child sexual abuse.<sup>298</sup> From 1991 to November 1996, Bishop Heenan did not receive any training in child sexual abuse and did not organise any such training for priests or employees of the Diocese.<sup>299</sup>

Bishop Heenan accepted in evidence that his knowledge and understanding of the nature of child sexual abuse and its impact on survivors of the abuse was not adequate at the time he became Bishop of Rockhampton.<sup>300</sup>

Bishop Heenan gave evidence that he developed a better understanding of child sexual abuse as he was exposed to more information from survivors of child sexual abuse and experts.<sup>301</sup>

Sister Loch became the Congregational Leader of the Sisters of Mercy in 1991. She gave evidence that as of 1991 she had not had any specific training in understanding or responding to allegations of child sexual abuse.<sup>302</sup> Before October 1994, Sister Loch had not received any complaint of child sex abuse.<sup>303</sup>

By mid-1996, Sister Loch sought out information on how the Sisters and the Diocese could be more proactive with respect to complaints regarding abuse at the orphanage. Sister Loch gave evidence that the first training she received in child sexual abuse was a seminar given by Dr Robert Grant in November 1996, which she attended along with other Sisters.<sup>304</sup> As Congregational Leader, Sister

Loch did not organise any other training in child sexual abuse for members of her congregation before November 1996.<sup>305</sup>

Sister Loch agreed her lack of training adversely affected her capacity to respond to the allegations of child sexual abuse by former residents of the orphanage.<sup>306</sup>

Before mid to late 1996, Bishop Heenan, as the Bishop of Rockhampton, and Sister Loch, as the Congregational Leader of the Sisters of Mercy, received little or no training in understanding child sexual abuse and responding to complaints of child sexual abuse.<sup>307</sup>

We are satisfied that Bishop Heenan and Sister Loch's lack of training in detecting and responding to child sexual abuse undermined their capacity to deal effectively with complaints of sexual abuse by former residents of the orphanage from 1993 until mid to late 1996.

## Church protocols for responding to allegations of child sexual abuse

### Special Issues Committee

At the ACBC in 1988, the Catholic Church considered the implications of allegations of child sexual abuse made against the clergy. It established a Specials Issues Committee to provide advice on national principles to be observed by bishops and major superiors.<sup>308</sup>

### The Church protocols of June 1994

In June 1994, the Queensland Catholic Bishops' Conference and the Queensland chapter of the Australian Conference of Leaders of Religious Institutes released a trial edition of the protocol "Pastoral action in response to allegations of sexual abuse by people who work on behalf of the church in Queensland" (the Church protocols of June 1994). It sought to set out the responsibilities, requirements, procedures and guidelines for dealing with allegations of child sexual abuse over a trial period of 12 months.<sup>309</sup>

It was for the Diocese and the Sisters to implement the Church protocols of June 1994 and, as such, compliance with its terms was not mandatory.<sup>310</sup>

Bishop Heenan said that he was aware of and endorsed the Church protocols of June 1994 for responding to allegations of child sexual abuse.<sup>311</sup>

Sister Loch gave evidence that she was aware of the debate within the church of the appropriate response to allegations of child sexual abuse from the time she became Congregational Leader in 1991.<sup>312</sup> Sister Loch was also aware of the Church protocols of June 1994. However, before November 1996, Sister Loch did not organise any training or seminars about the implementation of the protocols or about responding to allegations of child sexual abuse generally.<sup>313</sup>

## Towards Healing

In December 1996, the ACBC and the Australian Conference of Leaders of Religious Institutes introduced the 'Principles and Procedures in Responding to Complaints of Sexual Abuse against Personnel of the Catholic Church of Australia' (Towards Healing protocol), which subsumed the Church protocols of June 1994. Bishop Heenan implemented the Towards Healing protocol in the Diocese in early 1997 as the principles and procedures for responding to complaints of sexual abuse against personnel of the Catholic Church in Australia.<sup>314</sup>

## 5.2 The initial complaints by former residents and others

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### AYC

In 1993, AYC a former resident of the orphanage, wrote and published a book which was the subject of media attention. AYC did not give evidence at the public hearing about her experiences at the orphanage.

AYC was a resident at the orphanage from 1953 until 1968.

The book was featured in an article in the *Queensland Times* on 27 May 1993 and an article in the *Rockhampton Morning Bulletin* on 1 July 1993.<sup>315</sup> The articles set out that AYC described having suffered a miscarriage at the age of 11 whilst living at the orphanage and that AYC said in her book that child abuse (not sexual abuse) was prevalent at the orphanage.<sup>316</sup>

The media reporting of AYC's book was brought to Sister Loch's attention. AYC did not contact the Sisters directly about the allegations.<sup>317</sup>

In response to AYC's book, Sister Loch made inquiries about the veracity of the allegations contained in the book. Sister Loch did not read the book.<sup>318</sup> Sister Loch spoke with former residents and nuns who had worked at the orphanage, none of whom recalled AYC's pregnancy.<sup>319</sup> Sister Loch made a note of her inquiries which was dated 24 June 1993.<sup>320</sup>

Sister Loch noted amongst other matters that AYC had not contacted the Sisters directly and that she had heard of only one Sister (Peg Walsh) being contacted by AYC and it was to tell Sister Walsh that she was coming up to promote the book. Sister Loch also said in her note that:<sup>321</sup>

Discipline at Neerkol would at times have been considered harsh by present day standards, however my enquiries (very limited but of people with significant knowledge of Neerkol) have not revealed any hint or suggestion of sexual abuse of children in the period during which AYC was at Neerkol or at any other time.

Sister Loch said in evidence that she took the allegations seriously but could not find any support for the allegations.<sup>322</sup>

By way of response, Sister Loch contacted Sister Margaret Dixon, the then Vicar for the Sisters. On 25 June 1993, Sister Dixon, on behalf of Sister Loch, sent a copy of her notes to Mr John Taylor of Catholic Church Insurance (CCI), Father John Spence and Bishop Heenan. On 2 July 1993, Sister Loch sent the article from the *Morning Bulletin* to Father Spence by facsimile.<sup>323</sup>

Bishop Heenan said that he first became aware of AYC's book in 1993, but he now has no recollection about how the media articles were brought to his attention.<sup>324</sup> Bishop Heenan understood at the time that AYC's book contained allegations of sexual abuse but not against parish priests at the orphanage.<sup>325</sup>

Bishop Heenan gave evidence that he did not read AYC's book or contact AYC about the book. He said that in retrospect he should have done so to better understand her allegations.<sup>326</sup> Bishop Heenan agreed that in part he did not make those inquiries because he was primarily concerned with protecting the church's reputation.<sup>327</sup> Bishop Heenan said in evidence that in 1993 he did not consider whether some of the perpetrators may still be working within the ministry and with children and that is a matter he should have considered at that time.<sup>328</sup>

### **Draft media release**

In response to the adverse publicity from AYC's book, on 7 July 1993 Sister Loch sent her notes and copies of the articles about AYC's book to Father Brian Lucas. Father Lucas held an appointment within the Archdiocese of Sydney at the time and later, in August 2002, was appointed the secretary of the ACBC.<sup>329</sup> Sister Loch requested a media release for the Sisters of Mercy by way of response to the publicity.<sup>330</sup>

Sister Loch gave evidence that on her instructions Father Lucas prepared and provided Sister Loch with a draft media release that same day.<sup>331</sup>

The draft media release reads:<sup>332</sup>

For over ninety years the Sisters of Mercy at St Joseph's Home (Neerkol) cared for children who were orphaned, abandoned or otherwise unable to live in their families. For thousands [hundreds?] it was an opportunity to make something of a life that was otherwise deprived. Conditions were difficult and resources were scarce. The strict discipline reflected the thinking of the day. The Sisters did their best to care for children who had nowhere else to go.

The Sisters of Mercy can well understand that for many children their time in an orphanage was distressing and unhappy – this is hardly surprising since they were deprived of a normal home life. It is only natural that a legacy of parental deprivation would leave some former residents bitter and resentful. The Sisters' ministry of care did not stop when

children left the Orphanage and they will continue to do all that is reasonably possible to help such people now or at any stage in the future.

Allegations have been made in a book about Neerkol suggesting widespread abuse of children. Extensive enquiries from people familiar with the orphanage, Sisters and former pupils, have not revealed any evidence to substantiate the allegations made in this book.

Controversy and media sensationalism are part of the promotional activities of the author. At no time prior to publication has the author contacted the Sisters. The Sisters of Mercy rely on their past record of care for the disadvantaged and are confident of the support of fair minded people.

Father Lucas was not called to give evidence at the public hearing. After the conclusion of the public hearing, Father Lucas provided a statement. As the public hearing had concluded, he was not called to give evidence about that statement.

In the statement that Father Lucas provided, he states that he has no memory of drafting or assisting in the preparation of the media release.<sup>333</sup> Father Lucas does not know why he included particular words or phrases in the draft media release.<sup>334</sup> Sister Loch cannot recall any of the language being hers.<sup>335</sup>

Sister Loch gave evidence that she did not use the media release at that time.<sup>336</sup> She said she did not agree with its terms and would have changed it if she had needed to use it.<sup>337</sup> Sister Loch kept the draft media release and amended it from time to time.<sup>338</sup> Ultimately, the media release was never used.<sup>339</sup> Sister Loch gave evidence that, had she reached the point of issuing a media release, she would have put more careful thought into what the media release should say.<sup>340</sup>

Sister Loch agreed that the reference to media sensationalism in the media release was intended to mean that the allegations were sensationalised to sell the book.<sup>341</sup> Sister Loch agreed that she gave instructions for the media release to be prepared without having read AYC's book and without having spoken with AYC.<sup>342</sup>

On 16 July 1993, Sister Loch instructed Sister Dixon to send the articles about AYC's book to Mr Taylor of CCI along with a copy of the media release drafted by Father Lucas.<sup>343</sup>

No further action was taken by the Sisters or the Diocese in relation to the allegations raised by AYC in her book.<sup>344</sup>

Sister Loch accepted in evidence that, in responding to the allegations made in AYC's book, her attention was focused on investigating the veracity of the allegations (without reading the book or speaking with AYC) and preparing a draft response for the media. Sister Loch accepted that today she would contact AYC directly and acknowledge the allegations and that the appropriate starting point is not to investigate the veracity of the allegations.<sup>345</sup>



Sister Loch agreed that she did not make those inquiries of AYC partly because, while she cared about AYC, she was also concerned with protecting the church's reputation.<sup>346</sup>

The church parties submit that Bishop Heenan's and Sister Loch's responses were adequate and did not lack compassion. We conclude that, in failing to contact AYC directly and acknowledge her allegations or offer her pastoral support, the responses by both Sister Loch and Bishop Heenan were inadequate and lacked compassion.

The Royal Commission will further consider the role of Father Lucas in dealing with allegations of child sexual abuse within the Catholic Church.

## AYB

### **Archbishop Rush's response to AYB's report of sexual abuse by a priest**

In 1982, AYB telephoned Archbishop Francis Rush, who was at that time Archbishop of Brisbane. Archbishop Rush had been the Bishop of Rockhampton when Father Durham was a parish priest at Neerkol.<sup>347</sup> During the phone call, AYB told Archbishop Rush that she had been sexually abused by a priest for a number of years.<sup>348</sup> Archbishop Rush asked her who it was. AYB told him she could not say. Archbishop Rush responded by saying: 'It was Reggie wasn't it?' AYB said Archbishop Rush stated he would pray for her.<sup>349</sup>

AYB said in the years that followed she encountered Archbishop Rush at congregation events and he ignored her several times. AYB said that Archbishop Rush ignored her at a funeral, which left her devastated.<sup>350</sup> AYB said she contemplated suicide because of the archbishop's response to her.<sup>351</sup> AYB wrote to Archbishop Rush to challenge him about his behaviour. He did not respond to her letter, but she received a letter from his solicitors.<sup>352</sup>

Archbishop Rush had died by the time of the public hearing.

### **Bishop Heenan's response**

In June and July 1993, AYB wrote two letters to Bishop Heenan informing him that she had been sexually abused by a priest as a child but did not disclose in her letters the identity of the offending priest.<sup>353</sup> Bishop Heenan said this was the first time that an allegation of sexual abuse had been specifically raised with him.<sup>354</sup>

Bishop Heenan did not respond to the first of AYB's letters because he 'may have been occupied with other ministries'.<sup>355</sup> AYB also tried to speak with Bishop Heenan by telephone on four occasions and was told that 'Father Grace handled these types of inquiries'.<sup>356</sup>

In her second letter of July 1993, AYB expressed her dismay and upset at Bishop Heenan's failure to respond to her first letter. AYB made it clear in her letter of July 1993 that the offender was still alive. She wrote, 'He is still a very important part of our family and is held in such high esteem'.<sup>357</sup>

On 5 August 1993, Bishop Heenan telephoned AYB and offered to meet with her. On the same day, Bishop Heenan also wrote her a letter in which he reassured AYB that he would meet with her at the earliest possible opportunity.<sup>358</sup>

On 8 February 1994, AYB wrote to Bishop Heenan and requested to meet with him, as she was travelling to Rockhampton.<sup>359</sup> The meeting occurred in early February 1994.<sup>360</sup> Bishop Heenan gave evidence that the delay in his meeting with AYB may have been because AYB lived in Brisbane while he resided in Rockhampton. He agreed in evidence that he did not organise to travel to Brisbane to speak with AYB and this is something he could have done.<sup>361</sup> Bishop Heenan also gave evidence that he regrets that he did not respond to the first letter from AYB sooner and that the meeting did not take place sooner.<sup>362</sup>

At this meeting, AYB advised Bishop Heenan for the first time that the person who had sexually abused her as a child was Father Durham.<sup>363</sup> She also told him that she did not want to go to the police.<sup>364</sup> During that meeting, Bishop Heenan apologised to AYB on behalf of his fellow priests.<sup>365</sup> Shortly after the meeting, on 13 February 1994, AYB wrote to Bishop Heenan. She thanked him for his apology on behalf of 'his brother' and said that '[I] couldn't believe the timing of my appointment and must admit I wondered at what the good Lord was doing. When I left you I felt that the timing was perfect'.<sup>366</sup>

Bishop Heenan agreed that during the meeting AYB also informed him that the sexual offending commenced when she was a young child and that it occurred many times over many years.<sup>367</sup> Bishop Heenan agreed he understood the seriousness of the allegations.<sup>368</sup> In 1994, Father Durham was the Administrator to the Neerkol parish, having retired as the Neerkol parish priest the year before. As Administrator he continued to reside at the Neerkol presbytery, continued to carry out ministry as would a parish priest, and continued to have contact with parishioners and children.

In 1994, Bishop Heenan appointed Father Noel Hynes to deal with the allegations of sexual abuse by church personnel in the Diocese.<sup>369</sup> Father Hynes was the Diocese contact point on any issue relating to allegations of sexual abuse. Bishop Heenan would receive reports from him on any complaints received.<sup>370</sup>

Bishop Heenan requested that Father Hynes organise a meeting between Bishop Heenan and Father Durham at Bishop Heenan's residence.<sup>371</sup> The meeting took place as arranged. At the meeting Bishop Heenan explained to Father Durham the reasons that the meeting had been arranged, including the fact of the allegations. Bishop Heenan then left the room while Father Hynes spoke with Father Durham.<sup>272</sup>

On 28 April 1994, Bishop Heenan completed a special incident report for CCI on AYB's allegations. In the report, Bishop Heenan referred to the fact that AYB sought a meeting with Father Durham, that Father Hynes was arranging the meeting and that AYB had no wish for 'further action'.<sup>373</sup>

### **AYB's meeting with Father Durham**

On 4 May 1994, a meeting was held between AYB, Father Durham, Father Hynes and Ms Myolene Carrick. Ms Carrick coordinated the response to sexual abuse in the Catholic Archdiocese of Brisbane<sup>374</sup> and attended as a support person for AYB.<sup>375</sup> AYB gave evidence that during this meeting Father Durham said that '[he] was sorry' and that AYB was 'only a child'.<sup>376</sup> Bishop Heenan gave evidence that he understood there was 'some acceptance of responsibility by Father Durham for the situation'.<sup>377</sup> The outcome of the meeting was that the church would take no further action against Father Durham.<sup>378</sup>

After the meeting, in May 1994, AYB wrote a letter to Bishop Heenan. In her letter she discussed her meeting with Father Durham and said that before the meeting Broken Rites<sup>379</sup> had informed her that Father Durham was a well-known child molester.<sup>380</sup> AYB said in her letter that she had asked Father Durham how many more children he had abused, but he denied it all. AYB wrote that she did not want any harm to come to Father Durham.<sup>381</sup>

After this meeting, AYB also wrote to Father Durham saying that she forgave him.<sup>382</sup>

AYB also wrote another letter to Father Durham asking him to tell AYB's parents what he had done. On 14 October 1994, Father Durham wrote to AYB and stated that he was sure AYB would understand why he was not anxious to go through all that had happened so many years ago, as he was in the twilight of his life.<sup>383</sup> AYB believed that Father Durham's letter of 14 October 1994 was a response to her request that he inform her parents of his offending.<sup>384</sup> Upon receiving this letter, AYB believed Father Durham was 'still calling the shots'.<sup>385</sup>

Bishop Heenan said in evidence that in early 1994 he accepted the truthfulness of AYB's allegations of sexual abuse against Father Durham. Despite this, Bishop Heenan allowed Father Durham to remain at the presbytery, where he would have contact with children.<sup>386</sup> Bishop Heenan said in his statement to the Royal Commission that he did not believe any further action was required against Father Durham because of his old age, his mistaken belief that the offending was confined to AYB, the isolated location of Neerkol and the fact that the orphanage no longer housed children.<sup>387</sup>

However, in evidence Bishop Heenan agreed that his decision to allow Father Durham to remain in his job as an Administrator and reside at the presbytery showed a lack of understanding of child sexual abuse and placed other children at risk of sexual abuse.<sup>388</sup> Bishop Heenan agreed it was an inadequate response to the allegations.<sup>389</sup>

Bishop Heenan agreed that AYB asked him to stop Father Durham from exercising his ministry to her family so that Father Durham would stop hearing confession from, and presenting Holy Communion to, her parents and family.<sup>390</sup> Bishop Heenan accepted that he did not limit Father Durham's ministry in the way that AYB requested.<sup>391</sup>

Bishop Heenan did not inform the police of the allegation because he believed AYB had 'great affection' for Father Durham and did not wish any harm to come to Father Durham.<sup>392</sup> He also understood that AYB's family had a close pastoral relationship with Father Durham.<sup>393</sup>

Bishop Heenan accepted in evidence that it would have been appropriate to either report AYB's allegations to the police in 1994 and then leave the decision to the police and AYB as to whether any criminal charges would be instituted or to encourage AYB to report the allegations to the police.<sup>394</sup> Bishop Heenan gave evidence that his desire to protect the reputation of the church was 'there somewhere' but was not a primary reason for not reporting the matter to police.<sup>395</sup>

While the church parties accept that Bishop Heenan's response was inadequate, they submit that Bishop Heenan did respond in a compassionate way to AYB.

The church parties emphasise the reasons that Bishop Heenan provided as to why he did not place any restrictions on Father Durham's ministry, including Father Durham's old age, his isolated location at Neerkol and Bishop Heenan's mistaken belief that any instances of abuse were isolated. However, Father Durham continued to have contact with children at diocesan schools even after he resigned as parish priest at Neerkol.<sup>396</sup> Bishop Heenan was also aware of the seriousness of the allegations that AYB made. In May 1994, AYB said in a letter to Bishop Heenan that the organisation Broken Rites had informed her that Father Durham was a well-known child molester.<sup>397</sup>

We are satisfied that Bishop Heenan failed to provide an adequate or compassionate response to AYB's complaint of child sexual abuse in 1993 because he did not respond in a timely way to AYB's letters, phone calls or request to meet with him.

We are satisfied that, after receiving AYB's complaint of child sexual abuse in June 1993 and accepting the truthfulness of her complaint in early 1994, Bishop Heenan failed to take steps to place any restrictions on Father Durham's contact with children within the ministry. In particular, from June 1993 until May 1996 he did not:

- report the matter to the police (although this was at the request of AYB) or encourage AYB to do so
- organise for Father Durham to vacate the presbytery
- suspend or restrict Father Durham's ministry within the Diocese.

We conclude that, in failing to place any restrictions on Father Durham's contact with children or report the matter to the police, Bishop Heenan placed other children at risk of sexual abuse.

## Other general complaints reported in the media in February 1994

In a newspaper article dated 11 February 1994, Broken Rites was quoted as saying that it had received complaints of child sexual abuse by Catholic clergy in Central Queensland. It stated the allegations were made by three Central Queensland men.<sup>398</sup>

In response to these allegations Bishop Heenan is reported in the same article as saying that ‘the prime concern was for the victims of such abuse and the church was seeking ways to support those who had suffered’. Bishop Heenan also said, ‘It is all too easy to make allegations but they are often taken to be proven even before an investigation has begun’.<sup>399</sup>

Bishop Heenan gave evidence that in 1994 he believed it was easy to make allegations.<sup>400</sup> In evidence before us he agreed that this belief showed a lack of understanding of child sexual abuse and the difficulties faced by victims in reporting the sexual abuse.<sup>401</sup>

Bishop Heenan also gave evidence that some of his comments reported in the newspaper article were defensive.<sup>402</sup> He said he now understands that such comments can be harmful, hurtful and injurious and could send the message that the church was not listening, disbelieved victims and was not open to providing assistance.<sup>403</sup> Bishop Heenan said he did not intend to convey that message.<sup>404</sup>

Bishop Heenan gave evidence that he did not make any efforts to contact the three men spoken of in the newspaper article.<sup>405</sup>

## Mr David Owen

On 12 October 1993, Mr Owen made a complaint at the Newcastle Police Station about physical and sexual abuse inflicted on him by Father Anderson.<sup>406</sup>

Father Anderson was at the Neerkol parish from 1942 to 1964.<sup>407</sup> Father Anderson died on 31 August 1986.<sup>408</sup> He was never charged with any offence.

## Bishop Heenan’s response

In late 1993, the police requested information from the Diocese about Father Anderson. In around April 1994, Bishop Heenan was notified that Mr Owen had suffered sexual abuse by Father Anderson.<sup>409</sup> Bishop Heenan does not recall how he became aware of that abuse.<sup>410</sup> Bishop Heenan also received a letter from Mr Ormerod of the Friends of Susanna<sup>411</sup> dated 29 September 1994 advising him of the sexual abuse of a child (Mr Owen) by Father Anderson.<sup>412</sup>

On 28 April 1994, Bishop Heenan completed a CCI special incident report on Mr Owen’s disclosures of sexual abuse.<sup>413</sup> In a letter dated 20 October 1994, Bishop Heenan asked that Mr Ormerod

encourage Mr Owen to contact Father Hynes.<sup>414</sup> Father Hynes wrote to Mr Owen about his complaint on 2 May 1995.<sup>415</sup> Bishop Heenan gave evidence that he trusted Father Hynes to make all necessary inquiries in relation to the complaint.<sup>416</sup> There is no record to indicate that Mr Owen responded to the letter from Father Hynes. The next contact from Mr Owen was through a letter from his solicitors dated 29 June 1995, forwarded to Bishop Heenan's secretary.<sup>417</sup>

Between 1993 and late 1997, Bishop Heenan did not meet or speak with Mr Owen about the allegations or offer him any form of an apology until late 1997.<sup>418</sup> Bishop Heenan agreed in evidence this was not an adequate response.<sup>419</sup> Bishop Heenan also accepted that in failing to meet with Mr Owen or acknowledge his complaint he did not follow the Church protocols of June 1994.<sup>420</sup>

Bishop Heenan's response is in contrast with that of Bishop Malone of the Catholic Diocese of Maitland–Newcastle in New South Wales.

In early 1996, Mr Owen met with Bishop Malone and spoke with him about his experiences at the orphanage.<sup>421</sup> In May 1996, Bishop Malone wrote a letter of apology to Mr Owen. In September 1996, Bishop Malone wrote a letter to Bishop Heenan expressing his sorrow that the letter of apology to Mr Owen has 'added to your woes'.<sup>422</sup> He said:<sup>423</sup>

In retrospect, I know I did the right thing. The lawyers may not like it but it needed to be done for his sake. If we are serious about helping the victims of sexual abuse then we must follow through on our intent even if it damages our own image in the process.

## Response of the Sisters of Mercy

During late 1994 the Sisters also became aware of the sexual allegations Mr Owen made against Father Anderson.<sup>424</sup> On 19 October 1994, Sister Loch met with Bishop Heenan.<sup>425</sup> Sister Loch was shown the letter from the Friends of Susanna to Bishop Heenan dated 29 September 1994 and a letter from the local police indicating that they were investigating the allegations Mr Owen made against Father Anderson.<sup>426</sup>

Sister Loch made inquiries about the veracity of Mr Owen's allegations of sexual and physical abuse. Sister Loch said in her statement to the Royal Commission that she did not find any information to support Mr Owen's claims of sexual abuse.<sup>427</sup> In her notes she stated that, 'while I am not closed to hearing the real distress of anyone who has been offended against in any way, I think we also have to respect the good name of the priest and sisters in trying to sort out the real circumstances'.<sup>428</sup> Sister Loch also referred in her note to Mr Baker being a person who would have a 'credible opinion' as to what took place.<sup>429</sup> Sister Loch said in evidence that Mr Baker was very much trusted by the Sisters and thought of as a very upright person.<sup>430</sup>

Sister Loch gave evidence that between October 1994 and late June 1995 (at a time when solicitors acting for Mr Owen had not communicated with the Diocese or the Sisters about a civil claim)

Sister Loch did not contact Mr Owen, ask him about the allegations or acknowledge the allegations to him.<sup>431</sup>

Sister Loch accepted that, in failing to contact Mr Owen and acknowledge his allegations, she did not provide a compassionate response to him.<sup>432</sup> Sister Loch also accepted that, in failing to contact Mr Owen and acknowledge his complaints, she did not follow the Church protocols of June 1994 on responding to allegations of sexual abuse.<sup>433</sup> Sister Loch accepted that her response to his allegations exacerbated the pain and suffering that Mr Owen felt. Sister Loch expressed her regret for that pain.<sup>434</sup>

On 16 February 1995, Sister Loch completed a special incident report to CCI about Mr Owen's complaint.<sup>435</sup> She wrote that Mr Owen made allegations of physical abuse against some of the Sisters and there was a suggestion that the Sisters would have known of the sexual abuse and did nothing to stop it.<sup>436</sup>

In July 1995, Sister Loch was advised of a letter from Mr Owen's solicitors dated 29 June 1995, which stated that he intended to seek damages for negligence or a breach of fiduciary duty. On 18 September 1995, Sister Loch received a letter from the solicitors for Mr Owen which stated that Mr Owen had instructed them to attempt to settle his claim by way of negotiation.<sup>437</sup> On 20 September 1995, Sister Loch wrote to Mr Owen's solicitors offering to provide pastoral support and saying that she was willing to discuss the matter.<sup>438</sup> Before this correspondence, Sister Loch had not offered Mr Owen any kind of pastoral support. Sister Loch gave evidence that she was willing to provide counselling for Mr Owen if that was thought to be helpful or appropriate and was willing to meet with him if that was thought to be helpful.<sup>439</sup>

On 13 October 1995, Mr Owen's solicitors wrote a letter to the Sisters which stated that he required financial damages to compensate him for pain and suffering.<sup>440</sup> On 31 October 1995, Sister Loch responded to the solicitors for Mr Owen and expressed her regret that her offer of pastoral support had not been accepted. She said that the correspondence from Mr Owen's solicitors gave her no indication of what action they wished the Sisters to take.<sup>441</sup>

The Sisters of Mercy and the Diocese did not financially compensate Mr Owen at this time. Six years later, in December 2009, Mr Owen did receive a payment of \$25,000, which the Diocese and the Sisters contributed equally to. The Sisters of Mercy described the payment as a 'gesture of support'.

After 1995, Mr Owen did not pursue his civil claim against the Diocese or the Sisters. AYQ, another former resident of the orphanage, was represented by the same solicitors as Mr Owen.<sup>442</sup> In January 1996, AYQ's application to extend the time under the statute of limitations was unsuccessful (this is discussed further below).<sup>443</sup>

Around early 1997, Mr Owen contacted Sister Anne Slattery and asked to take up Sister Loch's offer to speak with him<sup>444</sup> which she had set out in her letter to his solicitors on 20 September 1995.<sup>445</sup> Sister Loch's response to Mr Owen in 1997 is set out in more detail later in the report.

We are satisfied the Diocese and the Sisters failed to provide an adequate or compassionate response to Mr Owen by not contacting him and acknowledging his complaint in a timely manner. In particular:

- From late 1993 until December 1997, Bishop Heenan did not contact Mr Owen directly and speak with him about his experiences; acknowledge his complaint; or provide any form of apology to him.
- From 1993 until May 1995, no representative of the Diocese contacted Mr Owen, despite Bishop Heenan being informed of the complaint in late 1993. It was not until 2 May 1995 that Father Hynes wrote to Mr Owen to introduce himself as the contact person for allegations of sexual abuse and to offer his assistance.
- From late 1994 until mid-1995, no representative from the Sisters contacted Mr Owen, despite Sister Loch being made aware of the complaint in October 1994. Sister Loch first offered pastoral support to Mr Owen through his solicitors on 20 September 1995. That offer was accepted around early 1997.

We conclude that, in not contacting Mr Owen and acknowledging his complaint in a timely manner, the Diocese and the Sisters did not follow the Church protocols of June 1994.

We are satisfied that, in failing to provide a compassionate and adequate response, the Diocese and the Sisters exacerbated Mr Owen's pain and suffering.

## AYQ

In October 1993, Bishop Heenan became aware of AYQ's allegations of sexual abuse against Father Anderson and made a report to CCI.<sup>446</sup> In December 1994, AYQ was in contact with Father Hynes.<sup>447</sup>

In January 1995 Bishop Heenan advised Sister Loch of the abuse that AYQ suffered. At this time Bishop Heenan requested information from her about the time frame during which AYQ was resident at the orphanage.<sup>448</sup>

In March 1995, the Sisters were advised by AYQ's solicitors that AYQ intended to claim compensation for personal injury and asked whether the Sisters would admit the claim.<sup>449</sup> In or around September 1995, AYQ instituted civil proceedings against the Diocese, the Sisters and the estate of Father Anderson. At that time, AYQ made an application to extend the limitation of time to bring the proceedings. The claim was defended by each of those three parties.

Bishop Heenan completed a special issues / ethical standards claim form in relation to the complaint on 20 September 1995. The claim form was also signed by Sister Loch.<sup>450</sup> CCI appointed solicitors to act for both the Diocese and the Sisters.<sup>451</sup>

Between March 1995 and approximately 1999, AYQ communicated with the Diocese and the Sisters through his solicitors.<sup>452</sup>



Both the Diocese and the Sisters, acting upon their solicitor's advice, opposed AYQ's application to extend the limitation of time in which to bring the proceedings.<sup>453</sup>

Sister Loch gave evidence that she supported this approach because Father Anderson was deceased and unable to defend himself against the allegations, and in her mind she could not verify the claim.<sup>454</sup> Sister Loch said in her statement that at the time she had no notion of the effect this legal stance would have on AYQ.<sup>455</sup>

In January 1996, AYQ's application for an extension of time under the statute of limitations was unsuccessful and the claim failed.<sup>456</sup>

Bishop Heenan said he could not recall making contact with AYQ after he was notified of his complaint in October 1993<sup>457</sup> or offering AYQ any pastoral support.<sup>458</sup> Bishop Heenan accepted that, in failing to contact AYQ, he did not follow the Church protocols of June 1994.<sup>459</sup>

After January 1995, Sister Loch did not make any contact with AYQ to acknowledge the allegations or offer pastoral support. The next contact that the Sisters had with AYQ was by Ms Anne Czekanski of the Professional Standards Office (PSO), who wrote to AYQ in June 1999.<sup>460</sup>

Sister Loch gave evidence in her statement that she regrets that she did not contact AYQ at the time of his complaint.<sup>461</sup> She said she was not unwilling to meet with AYQ, but his only approach to the Sisters had been through lawyers and there had been no talk of mediation.<sup>462</sup> Sister Loch said she was grateful to Ms Czekanski, who wrote to AYQ in June 1999 and provided support to him.<sup>463</sup>

Sister Loch accepted in evidence that her failure to contact AYQ, offer pastoral support to AYQ or acknowledge AYQ's allegations was not a compassionate response and exacerbated AYQ's pain and suffering.<sup>464</sup>

We are satisfied that before 1997 the Diocese and the Sisters failed to provide an adequate or compassionate response to AYQ's complaint of child sexual abuse by not contacting him to acknowledge his complaint and in not offering him any pastoral support.

We are satisfied that, in not contacting AYQ and acknowledging his complaint, the Diocese and the Sisters of Mercy did not follow the Church protocols of June 1994.

## AYP

In or around April 1996, Bishop Heenan was informed by Father John Grace of sexual allegations that AYP had made against Father Durham. At the time, Father Grace was the Vicar General of the Diocese, having taken over from Father Hynes in early 1996.<sup>465</sup>

At the time of her complaint, AYP lived in Western Australia. AYP complained to Father Black in Perth, who passed her complaint to Father Grace.<sup>466</sup> Bishop Heenan gave evidence that he believed

the complaint that AYP made was ‘in the hands of Bishop Healy, Father Black and the Professional Standards Committee in Perth’.<sup>467</sup> Bishop Robert Healy was the Auxiliary Bishop of Perth at the time.<sup>468</sup>

AYP did not give evidence at the public hearing.

Shortly after being told of AYP’s complaint, Bishop Heenan informed CCI and was advised by Mr Laurie Rolls of CCI to encourage anyone who complained of child sexual abuse to contact the police.<sup>469</sup> Father Durham continued to serve as the Administrator of the Neerkol parish, live at the Neerkol presbytery and carry out his ministry as would a parish priest, including having ongoing contact with parishioners and children.<sup>470</sup>

In April 1996, Sister Loch and the Sisters were also made aware of AYP’s complaint. AYP’s husband attempted to contact Sister Loch directly about the sexual allegations.<sup>471</sup> Sister Loch spoke to Bishop Heenan about the complaint.<sup>472</sup> Sister Loch gave evidence that both she and Bishop Heenan knew that the PSO in Western Australia had responded to AYP’s complaint.<sup>473</sup> Bishop Heenan said that he understood Father Black would have been the person to offer pastoral care.<sup>474</sup>

On 28 May 1996, AYP’s husband contacted Bishop Heenan directly to ensure he was aware of the allegations. Bishop Heenan’s secretary responded to the telephone call, as Bishop Heenan was interstate. His secretary advised AYP’s husband that Father Black was keeping Bishop Heenan informed of AYP’s allegations.<sup>475</sup>

Upon his return from interstate, Bishop Heenan met with Father Grace, who showed him a typed note that Father Black had made of his meeting with AYP.<sup>476</sup> Bishop Heenan then went to the Neerkol presbytery and informed Father Durham of all aspects of the complaint. Bishop Heenan said he did not recall Father Durham making any admissions about the sexual allegations. Bishop Heenan said this is a matter he would recall if Father Durham had done so.<sup>477</sup> At this meeting, Bishop Heenan told Father Durham he was not to approach young children or schools.<sup>478</sup> Bishop Heenan said that he placed this restriction on Father Durham because AYP was the second person who had come forward accusing Father Durham of sexually abusing them.<sup>479</sup>

During the public hearing, Bishop Heenan said he believed that Father Durham complied with the restrictions placed upon him.<sup>480</sup> However, Bishop Heenan agreed that those restrictions were not monitored or supervised – instead, he relied on Father Durham to obey the direction.<sup>481</sup> Bishop Heenan agreed that from February 1994, when AYP had first identified Father Durham as the man who had sexually abused her as a child, it had taken over three years for Bishop Heenan to place any restriction on Father Durham’s contact with children.<sup>482</sup> Bishop Heenan agreed that his failure to place any restrictions on Father Durham placed other children at risk.<sup>483</sup>

On 10 September 1996, Bishop Heenan received a phone call from Father Durham, who told him that the police had visited him at the presbytery and had asked Father Durham to attend the police station. Bishop Heenan again visited Father Durham at the presbytery and advised him to contact a solicitor.<sup>484</sup>

Bishop Heenan agreed in evidence that he did not take any further action against Father Durham.<sup>485</sup> Father Durham was not suspended or removed from his role as Administrator of the Neerkol parish and was not laicised or asked to vacate the presbytery. Bishop Heenan agreed that this was an inadequate response to the allegations against Father Durham.<sup>486</sup>

Bishop Heenan also gave evidence that he did not follow the Church protocols of June 1994.<sup>487</sup> In particular, Bishop Heenan did not place Father Durham on leave as set out in paragraph 5.7 of the Church protocols of June 1994.<sup>488</sup> He agreed the purpose of that part of the protocols was the protection of children.<sup>489</sup>

We are satisfied that, after receiving a complaint from AYP in 1996, Bishop Heenan failed to provide an adequate response to AYP's complaint of child sexual abuse and, in failing to do so, he placed other children at risk of sexual abuse by Father Durham. In particular:

- In May 1997, Bishop Heenan told Father Durham he was not to approach young children or schools. However, he did not monitor or supervise the restrictions and instead relied on Father Durham to obey the direction.
- After police interviewed Father Durham about AYP in September 1997, Bishop Heenan did not take any further action against Father Durham. He did not suspend his ministry or ask him to vacate the presbytery until Father Durham was charged by police in February 1998. Bishop Heenan did not petition to have Father Durham laicised.

We are also satisfied that, in failing to suspend Father Durham's ministry, Bishop Heenan did not follow the Church protocols of June 1994.

Sister Loch gave evidence that she did not contact AYP between April 1996 and February 1997, at which time she visited AYP in Perth.<sup>490</sup> Between April 1996 and September 1999, Sister Loch acknowledged the allegations and discussed them with AYP's husband.<sup>491</sup> Sister Loch agreed that the involvement of the Diocese did not preclude Sister Loch from contacting AYP directly to acknowledge the allegations and offer her pastoral support.<sup>492</sup>

Sister Loch agreed she did not provide a compassionate response at the time and, in failing to directly contact AYP, she did not follow the Church protocols of June 1994.<sup>493</sup> She acknowledged that such a response exacerbates the suffering and difficulties faced by those who have suffered sexual assault as children.<sup>494</sup>

We conclude that before February 1997 Sister Loch failed to provide a compassionate response to AYP by not contacting AYP directly to acknowledge the allegations and by not offering AYP pastoral support. In failing to contact AYP and acknowledge her allegations in a timely manner, Sister Loch did not follow the Church protocols of June 1994.

## 5.3 Media attention and public response by the Diocese and Sisters of Mercy

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AYC's book, which described her having suffered a miscarriage at the orphanage and her witnessing the child abuse suffered by others living at the orphanage, was the subject of media attention in 1993. Sister Loch on behalf of the Sisters instructed Father Lucas to prepare a draft media release in 1993, which was not used at that time or at any other time (this was discussed earlier in the report).<sup>495</sup>

Between 1993 and September 1995, the Diocese and the Sisters also became aware of complaints of sexual and physical abuse that Mr Owen and AYQ had made against former priests at Neerkol. The Diocese also became aware of AYB's allegations. During 1995, other allegations of sexual abuse at the orphanage also became the subject of media reports.

On or about 8 September 1995, Sister Loch revised the draft media release prepared by Father Lucas about the complaints raised in relation to the orphanage. The revised media release was in similar terms to the original. It referred to physical discipline as the 'thinking of the day' and said that there was no evidence to 'substantiate the allegations'.<sup>496</sup>

On 27 September 1995, Sister Loch again revised the original draft media release prepared by Father Lucas. In this third draft of the media release, Sister Loch states for the first time that: 'The Sisters of Mercy are aware of their duty and responsibility when the actions of members of the Institute are challenged. They will do all they can to ensure justice to all concerned.' This draft media release no longer included the assertion that inquiries had not revealed any evidence to substantiate the allegations.<sup>497</sup>

Sister Loch also made the following amendments:

- She deleted the reference to extensive inquiries having found a lack of substantiation.<sup>498</sup>
- She included an acknowledgement that the allegations were of abuse by a priest and neglect by those in authority of the children in their care.<sup>499</sup>

The church parties submit that the amendments that Sister Loch made to the draft media release between 1993 and 1995 demonstrate the ongoing development of her thinking.

We accept that is so in that the amendments serve as an accurate record of how the church, through Father Lucas, and the Sisters of Mercy, through Sister Loch, acted between 1993 to 1995 despite the Church protocols of June 1994.

## 5.4 Ministerial statement

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On 13 September 1996, the Queensland Minister for Families, Youth and Community Care, Mr Kevin Lingard MLA, made a statement to Queensland Parliament about the orphanage (the ministerial statement). Mr Lingard informed Parliament that six calls had been made to the Child Sexual Abuse Hotline about former residents of the orphanage. The Minister said, 'Further allegations continue to be received about abuse to both male and female children'. He also said:<sup>500</sup>

Callers to the Hotline allege a pattern of incidents of physical and, in some cases, sexual abuse by the priests and nuns at the orphanage. In all but one case, the alleged perpetrators are deceased. Upon their receipt, the allegations against the living person were referred to the Queensland Police Service which is conducting appropriate investigations.

Mr Lingard indicated that he would seek to refer all matters to the Children's Commissioner once that position was established.<sup>501</sup>

After the ministerial statement was made, numerous articles were published about the orphanage. A copy of the ministerial statement was also provided to Sister Loch.<sup>502</sup>

### Response of the Diocese to the ministerial statement

On 24 September 1996, Bishop Heenan sent a letter to all priests enclosing a letter to be read out in all parishes. In his pastoral letter, he referred to allegations being made about the orphanage as 'scurious [sic] allegations' and 'slandorous statements'.<sup>503</sup> Bishop Heenan also said in the pastoral letter: 'I am fully conscious that when individual allegations of abuse are made, they must be investigated, and both the Sisters and the Diocese will give every assistance to the appropriate authorities, for justice must be done.'<sup>504</sup>

By September 1996, Bishop Heenan was aware of sexual allegations made by AYC, AYB, Mr Owen, AYQ and AYP. He was also aware of three men in Central Queensland who had reported allegations of sexual abuse by the Catholic Clergy to Broken Rites.

Bishop Heenan says in his statement to the Royal Commission that in writing those comments he was not referring to the allegations of sexual abuse by AYB, Mr Owen, AYP and AYQ, and that he believed their allegations.<sup>505</sup>

Some of the survivor witnesses gave evidence of the terrible impact Bishop Heenan's letter had upon them. They felt angry and frustrated<sup>506</sup> and believed it presented them as liars.<sup>507</sup>

AYB wrote a letter to Bishop Heenan in which she explained how hurtful she found his September 1996 statement.<sup>508</sup>

On 30 October 1996, Bishop Heenan apologised by letter personally to AYB.<sup>509</sup> Around December 1997, Bishop Heenan apologised to Mr Owen<sup>510</sup> for saying that the allegations were ‘scurrilous’ and ‘slanderous’. Bishop Heenan also apologised at the meeting of the Neerkol Action Support Group (NASG) in December 1997.<sup>511</sup> The details of that meeting and the bishop’s apology are discussed later in the report.

Bishop Heenan agreed in evidence that in September 1996 he believed the truth of sexual allegations made by AYC, AYB, Mr Owen, AYQ and AYP<sup>512</sup> and there was nothing surprising in the ministerial statement.<sup>513</sup> He gave evidence that there was not a good reason for him to refer to the allegations as ‘scurrilous’ and ‘slanderous’ and that he had reacted inappropriately to the very bad publicity about the orphanage.<sup>514</sup>

Bishop Heenan agreed that the pastoral letter was partly motivated by his desire to protect the reputation of the Sisters, the priests, the church and the orphanage.<sup>515</sup> Bishop Heenan said that he believed the orphanage had been a place of much good work by the Sisters and the media would destroy that good work.<sup>516</sup> Bishop Heenan said that, given the allegations in the media extended well beyond physical and sexual abuse, he saw them as exaggerated and unfair.<sup>517</sup> Bishop Heenan conceded in his statement that ‘whilst the allegations were broad and some of them seemed farfetched, [his] gathering up of the allegations together and referring to them as “scandalous” and “scurrilous” was inconsiderate and showed a true lapse of judgement which no doubt caused significant and unnecessary anguish amongst the victims and their families’.<sup>518</sup>

Bishop Heenan accepted that his pastoral letter, in which he referred to the allegations as ‘scurrilous’ and ‘scandalous’, was not consistent with the Church protocols of June 1994 for responding to allegations of sexual abuse.<sup>519</sup> Bishop Heenan also accepted that his written response on 24 September 1996 worsened the impact of the sexual abuse on former residents of the orphanage and was partly motivated by his desire to protect the reputation of the Sisters, the Diocese, the Catholic Church and the orphanage.<sup>520</sup>

Bishop Heenan expressed his regret at having written the letter of 24 September 1996.<sup>521</sup>

The church parties submit that Bishop Heenan, in writing the pastoral letter, exercised poor judgment and acted without regard for those who had suffered abuse. Bishop Heenan and the church parties accept that Bishop Heenan acted inappropriately but deny that the pastoral letter was dishonest. They submit that Bishop Heenan’s lack of dishonesty is reflected in the apologies he offered in the months and years that followed.

Counsel for each of the survivors AYB, Ms Adams, Ms Carpenter, AYN, Mr Owen, Mr Murnane and Ms Campbell submit that Bishop Heenan, in referring to the allegations as ‘scurrilous’ and ‘slanderous’, was dishonest.

At the time of writing the pastoral letter Bishop Heenan knew of allegations by AYC, AYB, Mr Owen, AYQ and AYP and believed that they had all suffered physical and/or sexual abuse at the orphanage

or by a priest. In his pastoral letter, Bishop Heenan does not distinguish between the sexual abuse suffered by survivors which he believed to be true and other allegations reported in the media that he considered exaggerated. We conclude that the fact that Bishop Heenan later apologised for his pastoral letter directly to AYB and Mr Owen, and to the NASG, does not make it any less likely that his statements were dishonest. He was simply called to account for them and, appropriately, apologised.

We are satisfied that Bishop Heenan's written response on 24 September 1996 to the ministerial statement, in which he referred to the allegations as 'scurrilous' and 'scandalous', was dishonest because at that time Bishop Heenan knew of, and believed the truthfulness of, allegations of sexual abuse made by AYC, AYB, Mr Owen, AYQ and AYP.

### Response of the Sisters of Mercy to the ministerial statement

The media advised Sister Loch of the ministerial statement on the same day it was read to Parliament. Sister Loch contacted the Minister's office and requested that a copy of the statement be sent to her by facsimile,<sup>522</sup> which she received the same day.<sup>523</sup> On 13 September 1996, Sister Loch drafted a written response to the ministerial statement which reflected the 'substances of the responses I have made to date'.<sup>524</sup>

In her written response, Sister Loch expressed her dismay that the ministerial statement was made without any notice to the Sisters and 'without any effort having been made to substantiate the allegations'.<sup>525</sup>

Sister Loch wrote:<sup>526</sup>

we do acknowledge the right and duty of the police to conduct investigations into any matter referred to them. Should they approach us they will be given every proper assistance and co-operation. Over the past three or four years some few allegations have been made about Neerkol. At this stage none have been verified or substantiated. All are being investigated to the best of our ability.

Sister Loch also wrote:<sup>527</sup>

It is our policy and the policy of the Church to respond as honestly and diligently as we can to allegations made to us. The Sisters have the deepest possible regret for any offence suffered by any child in our care ... should it be shown that there is substance to them we will do all we can to make amends.

Sister Loch accepted that the media release reflected how she felt at the time.<sup>528</sup> Sister Loch said in evidence that she believed that the allegations should first be substantiated before they were acknowledged or publicly exposed.<sup>529</sup> She accepted that this approach was flawed<sup>530</sup> and that her statement that 'none have been verified or substantiated' was unnecessary.<sup>531</sup>

Sister Loch agreed that she had not personally spoken with AYC, Mr Owen, AYQ or AYP about the allegations.<sup>532</sup> She also agreed that in September 1996 she was aware that Father Anderson (the alleged perpetrator of sexual abuse against Mr Owen and AYQ) had died.<sup>533</sup> Sister Loch accepted in evidence that, where the alleged perpetrator had died, as was the case in the complaints of Mr Owen and AYQ,<sup>534</sup> a complaint could not be substantiated or verified without first speaking with the victim.<sup>535</sup> However, she said that in circumstances where the perpetrator was alive, as was the case in the complaint by AYP, she believed the police could verify or substantiate the complaint.<sup>536</sup> At the time of her written response, Sister Loch was unaware of AYB's complaint.<sup>537</sup>

On 15 September 1995, Sister Loch wrote to all the Sisters and enclosed a copy of her response to the ministerial statement.<sup>538</sup> In the letter, Sister Loch advised the Sisters that:<sup>539</sup>

forgiveness is what is demanded of all concerned. If we or ours have done wrong we must ask pardon and we deserve to be forgiven only to the extent that we are ready to forgive those who wrong us. Our present experience is in my view one such wrong. It is possible that false allegations have been or will be made and this will be a further wrong.

Sister Loch agreed in evidence that the 'wrong' to which she referred in her letter was the ministerial statement to Parliament, not the sexual and physical abuse suffered by former residents of the orphanage.<sup>540</sup> Sister Loch agreed that she did not specifically acknowledge that the ministerial statement had a positive result in that former residents were encouraged to disclose their allegations of abuse.<sup>541</sup> She said she did not feel that the ministerial statement was a positive outcome at the time. She felt it was something that would provide challenges for the Sisters and, although it was not a chief consideration, would damage their reputation.<sup>542</sup>

Sister Loch accepted that she did not acknowledge in her response to the media or letter to the Sisters the difficulty that victims of child sexual abuse faced in reporting the allegations.<sup>543</sup> Sister Loch agreed that the focus of her response was on the difficulties to be faced by the Sisters of Mercy rather than by the survivors of childhood sexual abuse.<sup>544</sup>

In the written response of 13 September 1996, Sister Loch referred to the steps the Sisters would take to make amends to survivors if there was found to be any substance to the allegations.<sup>545</sup>

We are satisfied Sister Loch, in her written response of 13 September 1996, inappropriately referred to the allegations as 'unsubstantiated' and as being 'investigated to the best of our ability' because:

- it was both unnecessary and, in some cases, impossible for the Minister to 'substantiate' or provide independent support for the complaints before making them public
- Sister Loch was aware of the complaints made by AYC, Mr Owen, AYQ and AYP before September 1996 and had not contacted any of those persons to inquire about their allegations.

We are satisfied that Sister Loch's written response of 13 September 1996 and her letter to the Congregation on 15 September 1996 were focused on the difficulties to be faced by the Sisters rather than those experienced by the survivors of childhood sexual abuse and were partly motivated by her desire to protect the reputation of the Sisters and the memory of the orphanage.



## 6 Events of late 1996

### 6.1 Police reports and investigations

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In late 1996, many former residents came forward to report their abuse to the Queensland Police and also to the Sisters and the Diocese. By late 1996, the Queensland police were investigating allegations of child sexual abuse against a number of former priests and lay workers who had worked or provided services at the orphanage.<sup>546</sup> The investigation was known as Operation Sandman.<sup>547</sup>

In February 1997, the Queensland Police Service established Task Force Argus, which targeted paedophiles. The task force investigated allegations relating to numerous institutions, including the orphanage.<sup>548</sup>

By early 1997, criminal proceedings started against both Father Durham and Mr Baker. This is discussed in further detail below.

### 6.2 Appointment of the Children's Commissioner

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The Children's Commission of Queensland was established in November 1996. Mr Norm Alford was appointed as the inaugural Children's Commissioner. The Children's Commission almost immediately started receiving complaints of physical and sexual abuse from former residents of the orphanage.<sup>549</sup>

Many former residents expressed the view to the Children's Commission that they would have been reluctant to come forward if they had had to approach the police. They saw the Children's Commission as a user friendly, viable alternative and were usually content for the Children's Commission to pass the allegations to police on their behalf. The Children's Commission liaised closely with the Queensland Police.<sup>550</sup>

The Children's Commission also mediated between the former residents and the church parties. The Children's Commission supported the creation of the NASG in early 1997. Between June 1997 and March 1998 the commission engaged a former Anti-Discrimination and Human Rights Commissioner, Mr John Briton, to facilitate and chair meetings between former residents of the orphanage and representatives of the Catholic Church.<sup>551</sup>

### 6.3 Neerkol Action Support Group

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In early 1997, a group of former residents formed the NASG. Many had been motivated to form a support group as a result of the media publicity surrounding the ministerial statement and the responses of the Diocese and the Sisters to the ministerial statement.<sup>552</sup>

The NASG had its inaugural meeting on 30 May 1997.<sup>553</sup> Mr Alford was present at the meeting along with Mr Simon Morrison, a solicitor from Shine Roche McGowan acting on behalf of the former residents.<sup>554</sup>

AYD was appointed as the president<sup>555</sup> and Ms Adams as the secretary.<sup>556</sup> The NASG had engaged Shine Roche McGowan to act on behalf of former residents to seek compensation from the Diocese and the Sisters.<sup>557</sup>

AYD gave evidence that his role as president of the NASG was to keep in contact with the solicitors and other residents. He said in his statement to the Royal Commission:<sup>558</sup>

The solicitors would frequently call me and ask me to clarify various points. I also contacted them to get updates on how things were going in respect to the claims that we had filed. When other residents called me I referred them onto the Children's Commissioner so they could give a statement.

During 1997 and 1998, there were regular meetings between the NASG; the Children's Commissioner; Mr Briton; and the Congregational Leader of the Sisters of Mercy, Sister Rowan (as she then was); other congregational representatives; and, later, Bishop Heenan.<sup>559</sup> The outcomes of those meetings are discussed in section 7.6 of this report.

# 7 Response by the Sisters of Mercy and the Diocese after September 1996

## 7.1 Dr Robert Grant

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By mid-1996, Sister Loch was seeking information on how the Sisters and the Diocese could be more proactive on complaints of abuse at the orphanage.

In June 1996, Dr Grant, an American expert specialising in the area of childhood abuse and trauma, presented at an Australian Conference of Leaders of Religious Institutes meeting regarding child sexual abuse.<sup>560</sup> Sister Loch attended the meeting. She was impressed with Dr Grant's presentation and took note of him and others who were mentioned as having expertise in the area of care for victims of child sexual abuse.<sup>561</sup>

At around the same time, Sister Loch consulted with Bishop Heenan about seeking information from Dr Grant, Bishop Geoffrey Robinson (who was leading the response of the ACBC) or Father David Cappo (at that time a priest in South Australia with a degree in social work, who worked as a community welfare officer in the areas of child protection, family support and juvenile offending and was a recognised authority in the area of child protection).<sup>562</sup> In consultation with the congregational leadership team, Sister Loch consulted Dr Grant about handling complaints about sexual and physical abuse at the orphanage.<sup>563</sup>

By September 1996, Sister Loch had arranged for Dr Grant to present a seminar in Rockhampton on 3, 4 and 5 November 1996.<sup>564</sup> In attendance were Bishop Heenan, personnel from the Rockhampton Catholic Education Office, Rockhampton Centacare, the priests of the Diocese, Sister Loch and many of her Congregation.<sup>565</sup>

Sister Loch, in a document prepared for the presentation, outlined five factual scenarios which were based on the complaints made by AYC in her book, AYQ, Mr Owen and AYP. Sister Loch also set out other scenarios which were based on allegations that had come to light against Mr Baker.<sup>566</sup> Sister Loch asked Dr Grant to discuss how best to respond to these complaints.<sup>567</sup>

In response to these scenarios, Dr Grant advised that the Sisters and Diocese needed to be proactive in their approach and acknowledge the allegations at the outset.<sup>568</sup> Dr Grant said that it was not to the point whether there was any independent material to support the complaint; the important part was to acknowledge at the outset the allegations or complaint.<sup>569</sup>

Dr Grant also talked about the devastating effects of child sexual and physical abuse.<sup>570</sup>

Sister Loch agreed in evidence that before Dr Grant's seminar she had received no training in handling allegations of child sexual abuse.<sup>571</sup> Sister Loch agreed her lack of training undermined her capacity to deal effectively with complaints of sexual abuse by former residents when they were raised from 1993 until mid to late 1996.<sup>572</sup>

Sister Loch said that Dr Grant's training marked a pivotal moment for the Sisters and prompted a large shift in attitude to their response to complaints about sexual and physical abuse of children.<sup>573</sup>

Sister Loch said it helped her to understand a little about how abusers can go undetected and why someone might take a long time to come forward with a complaint.<sup>574</sup> She said it provided the Sisters with direction in their response and started them on what she considered to be a path towards reconciliation.<sup>575</sup>

## 7.2 Sister Cordelia's discussion with Sister Loch

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After Dr Grant's seminar, some Sisters who had attended the seminar approached Sister Loch about their experiences working at the orphanage.<sup>576</sup> On 13 November 1996, Sister Loch made notes of a conversation she had with Sister Cordelia, a former supervisor at the orphanage.<sup>577</sup>

Sister Loch noted that Sister Cordelia told her 'she remembers a senior boy "trying to tell me" about "Kevin" doing things he should not and "his father wanted something done about it"'. Sister Loch also wrote, 'Cordelia was not at all specific and very vague on name, years etc. but she described an older boy who was on staff caring and said he since worked in the railway, married a nice girl etc.'.<sup>578</sup>

Sister Loch also noted that 'it is almost certainly Kevin Baker she is describing'.<sup>579</sup>

Sister Loch noted that, although one or more of the former residents had raised complaints against Mr Baker and the police were investigating, she did not pass the information on to the police because she did not believe the information was likely to be relevant.<sup>580</sup>

Sister Loch gave evidence that she did not try to find out the identity of the boy who had complained to Sister Cordelia because the information was too vague.<sup>581</sup> Sister Loch agreed that in November 1996 she was aware that the police were investigating Mr Baker. She later became aware of Mr Baker being charged with serious criminal offences.<sup>582</sup> Sister Loch said she did not pass the information on to the police even after learning that Mr Baker was charged, as she did not think Sister Cordelia would be of much assistance to the police.<sup>583</sup> Sister Loch accepted that the relevance and significance of the information was a matter for the police to assess and the appropriate response was for her to pass the information to the police.<sup>584</sup>

We are satisfied that Sister Loch should have provided this information to the police and that a failure to do so was an inappropriate response.

## 7.3 Father Durham is charged with criminal offences

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On 6 February 1997, the Queensland police charged Father Durham with 40 sexual offences against six complainants, including AYB, AYE and AYP.<sup>585</sup> The criminal proceedings against Father Durham are discussed in more detail later in the report.

## Father Durham's continuing residence at the presbytery

On 18 February 1997, Bishop Heenan wrote to Father Durham informing him that as a result of the charges he now required Father Durham to resign from his position as Administrator of the Neerkol parish as soon as possible and leave the presbytery at Neerkol.<sup>586</sup> Bishop Heenan also recommended that Father Durham take an extended leave of absence. He emphasised that it was essential that Father Durham not be seen to continue with his ministry.<sup>587</sup> Bishop Heenan did not give any consideration to or seek to have Father Durham laicised.<sup>588</sup>

Bishop Heenan asked Congregational Leader Sister Rowan on 12 February 1997 if Father Durham could continue to live at the presbytery.<sup>589</sup> On 17 February 1997, Sister Rowan advised that Father Durham should not continue to live there.<sup>590</sup> On 25 February 1997 Sister Rowan wrote to Bishop Heenan and confirmed her decision. On 20 March 1997, Father Durham vacated the presbytery.<sup>591</sup>

Bishop Heenan agreed in evidence that he asked Father Durham to leave the presbytery at the instigation of Sister Rowan.<sup>592</sup>

On 26 February 1997, Bishop Heenan wrote a letter to priests in the Diocese about the 'sad news that one of our brothers has been charged with serious sexual offences'.<sup>593</sup> He said in evidence that he used the word 'sad' because 'I believe any misconduct on the part of a priest is sad. I don't know if there was a better word, but it was sad, because it was disgraceful'.<sup>594</sup>

On 19 September 1997, Bishop Heenan wrote to the priests of the Diocese informing them that Father Durham had been committed for trial. Bishop Heenan offered whatever support was needed to Father Durham, especially through prayer, and hoped that the priests of the Diocese would join him in doing so.<sup>595</sup>

The Diocese paid for Father Durham's legal costs in relation to the criminal proceedings.<sup>596</sup>

Father Durham was subsequently convicted of sexual offences against AYB.

On sentencing submissions, a character reference written by Bishop Heenan was tendered to the court.<sup>597</sup> Bishop Heenan agreed in evidence he wrote the character reference even though he was aware of other sexual allegations against Father Durham (made by AYP) and believed them to be true.<sup>598</sup> In the reference, Bishop Heenan referred to Father Durham's 'unique gift with youth'<sup>599</sup> and wrote, 'I ask that the incredible amount of good he has done will be weighed against the failings that have also been part of his life'.<sup>600</sup> In evidence Bishop Heenan said that he could have overstated Father Durham's character in the last paragraph of his reference.<sup>601</sup>

Bishop Heenan gave evidence in his statement that it has always been his practice, during his career as a priest and bishop, to write references for people facing criminal sentencing.<sup>602</sup> Bishop Heenan said he would not address the innocence or otherwise of the person in the reference.<sup>603</sup> However, he would always acknowledge the person's criminal conviction before providing the court with information about other aspects of their life.<sup>604</sup>

Bishop Heenan said in evidence that in 1997 he did not understand the negative impact any show of support for Father Durham would have on AYB or any other persons who alleged sexual abuse against Father Durham. He said he now better understands the negative impact of such support on victims of Father Durham's sexual offending.<sup>605</sup>

Counsel for Mr Murnane and Ms Campbell submitted that Bishop Heenan knowingly disregarded the negative impact his support for Father Durham would have on Father Durham's victims and indeed all other victims of child sexual abuse.<sup>606</sup> They submit that Bishop Heenan knowingly disregarded those concerns in preference for his support for Father Durham.<sup>607</sup>

The church parties submitted that character references such as the one that Bishop Heenan wrote for Father Durham are a deeply institutional part of the criminal justice system and are routinely considered and relied upon by judicial officers in sentencing.<sup>608</sup> This submission from the church parties fails to address the conflict inherent in the bishop providing a glowing character reference in support of his priest, who has offended so heinously against the children in his own parish.

We conclude that Bishop Heenan, in his support of Father Durham, failed to have regard to the negative impact his show of support would have on the victims of Father Durham's sexual abuse.

## 7.4 The Diocese establishes a resource group

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In early 1997, Bishop Heenan implemented the Towards Healing protocol in the Diocese. As part of implementing Towards Healing, Bishop Heenan established a resource group to respond to allegations of sexual abuse made by former residents of the orphanage. This was initially called the Towards Healing Resource Group. Later in 1997 it was renamed the Special Issues Resource Group (the Resource Group).<sup>609</sup>

The Resource Group initially met once per month, then bimonthly, and Bishop Heenan was a member at all times.<sup>610</sup>

In June 1997, Ms Margie Newton was named the contact person for the Resource Group for abuse allegations with respect to the orphanage.<sup>611</sup> A flyer dated 30 June 1997 was circulated in Queensland and encouraged people to contact the various response coordinators in the Diocese in relation to complaints of child sexual or physical abuse.<sup>612</sup>

Bishop Heenan also met with a number of victims because he believed it was important to hear the account of their abuse, to listen to them and their needs and to provide an apology on behalf of the Diocese.<sup>613</sup>

The Sisters and the Diocese decided to maintain separate resource groups due to the number of complaints. However, close contact was had between the two resource groups. For example, Ms Newton was the response coordinator for the Diocese resource group as well as the Professional

Standards Steering Committee (PSSC) established by the Sisters to respond to the Neerkol allegations.<sup>614</sup>

## 7.5 The Sisters of Mercy establish the Professional Standards Committee

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In early 1997, the Sisters formed the PSSC. The role of the PSSC was to formulate processes and guides for the response to and prevention of child sexual abuse, including the provision of assistance to former residents of the orphanage.<sup>615</sup>

The PSSC was formed by the outgoing Congregational Leader, Sister Loch, and the incoming Congregational Leader, Sister Rowan. In September 1996, Sister Rowan was elected Congregational Leader, to take effect in December 1996. Sister Loch was appointed as the Congregational Professional Standards Officer and as such was the chair of the PSSC.<sup>616</sup> It was agreed that she would remain in this role until the end of July 1997 to facilitate the transition between leadership teams.<sup>617</sup>

Sister Loch worked in consultation with Dr Grant in the creation and development of the PSSC.<sup>618</sup>

The first PSSC meeting was held on 22 February 1997.<sup>619</sup> The initial members of the PSSC were Sister Slattery (a nurse, trained social worker and counsellor), Ms Sue Prosser (a social worker and counsellor), Mr Darren Holzberger (an assistant director of nursing at Rockhampton Mater Hospital) and Mr Geoff O'Driscoll (a solicitor).<sup>620</sup> Dr Grant was present to facilitate the meeting.<sup>621</sup> Mr Barry O'Brien was an investigator who was engaged to undertake the independent investigation of claims.

Soon after it was formed, the PSSC was renamed the Professional Standards Committee (PSC) and became a permanent committee of the Sisters to receive, process, resolve and review allegations of sexual and physical abuse by Congregation members or employees.<sup>622</sup> Ms Prosser was appointed as the response coordinator for abuse allegations at the orphanage.<sup>623</sup> Ms Newton subsequently replaced Ms Prosser in this role. In 1998, Ms Czekanski assumed the role of response coordinator and continues to hold this position today.<sup>624</sup>

The Diocese's Towards Healing protocol was issued in December 1996 and implemented the following year. The Sisters had regard to the Towards Healing processes, especially in the creation of the PSC as a resource group.<sup>625</sup>

In or around March 1997 a document entitled 'Outline of Allegation Procedures' was drafted outlining the procedures for responding to complaints of child sexual abuse. A later version of this document, circulated in March 1997, was entitled 'Outline of Complaints Procedure'. Procedures were modified over the years, particularly with the introduction of the Towards Healing protocol.<sup>626</sup>

On 11 March 1997, at the instigation of Sister Loch, Sister Rowan sent a facsimile to the chairman of Health Services Board, the executive director of Health Services, the members of the Health Services Board and the chief executive of Health and Aged Care Facilities of the Sisters. The facsimile invited them and members of their staff to attend a seminar to be given by Dr Grant on sexual and physical abuse of children and informed them of the response of the Sisters.<sup>627</sup> Through their Mater hospitals, the Sisters had considerable contact with doctors in the Rockhampton area.<sup>628</sup> The PSC realised that general practitioners might often be a point of first disclosure for abused persons.<sup>629</sup> The Sisters considered that if doctors were made aware of the PSC then more people would be able to seek assistance from them.<sup>630</sup>

By the third meeting of the PSC on 24 March 1997, the PSC had adopted a proactive approach – it actively sought out victims of abuse by publicising the existence of the PSC and the contact details of the response coordinators.<sup>631</sup>

On 26 March 1997, Sister Rowan sent a memo to the chief executive officers and all staff at Mercy and Aged Care Facilities, Bishop Heenan, the priests of the Diocese, all parishioners of the Diocese and all Sisters which set out the Sisters' deep regret for any harm that had come to a child in their care and advised of the existence of the PSC.<sup>632</sup> The memo also included an invitation to contact the Sisters on the telephone number given in the memo.<sup>633</sup>

In April 1997, the PSC's guidelines for response to allegations of child sexual abuse were circulated and approved by Sister Rowan.<sup>634</sup> The guidelines said that 'in nearly all cases it is necessary to indicate that there will be a response to the present need of the complainant even before the matter of the complaint can be investigated and apologies made'. The guidelines also included authorising the response coordinator to offer immediate short-term care – for example, six to 10 counselling sessions at an estimated cost of \$600–\$1000.<sup>635</sup> By the end of April 1997, a complaints process form was also circulated.<sup>636</sup>

On 11 April 1997, Sister Rowan appointed Mr Ross Munro as a contact person for the PSC. She appreciated that some people may not wish to make direct contact with the PSC, so he was to act as an independent point of contact.<sup>637</sup>

On 11 April 1997, Sister Rowan sent a media release to various print and television media outlets informing them of the existence of the PSC. She also set out a contact number for anyone who wanted to contact Ms Prosser – an independent social worker retained by the Sisters.<sup>638</sup>

On 26 February 1998, Ms Jo Mensinga, the then response coordinator, circulated copies of an information sheet about the support services available in the Diocese to people affected by physical and sexual abuse committed by Catholic Church personnel. This went out to the Diocese, all former residents and the NASG for circulation.<sup>639</sup>

From 1997, former residents of the orphanage received assistance from the Sisters through the PSC. The types of assistance provided varied and were in addition to any type of compensation payment



made. The types of assistance which were provided included counselling services,<sup>640</sup> payment of phone or electricity bills,<sup>641</sup> funding of trips to conferences such as *Breaking the Boundaries*,<sup>642</sup> payment for medication<sup>643</sup> and assistance in making applications to the Queensland Government redress scheme.<sup>644</sup>

The PSC was the forerunner of the PSO. The PSO continues to operate today and is discussed in greater detail below.

### Professional Standards Committee deals with Mr David Owen's complaint

As set out earlier, in around April 1994 Bishop Heenan was notified that Mr Owen had suffered sexual abuse by Father Anderson.<sup>645</sup> In late 1994 Sister Loch also became aware of the sexual abuse alleged by Mr Owen against Father Anderson.<sup>646</sup>

In early 1997, Mr Owen contacted Sister Slattery of the PSC and requested to take up Sister Loch's earlier offer to meet with him. At the PSC's first meeting in February 1997 it decided Sister Loch should contact Mr Owen and, if appropriate, meet with him in person.<sup>647</sup>

On 7 March 1997, Sister Loch met with Mr Owen at the office of Ms Carrick in Brisbane.<sup>648</sup> Ms Carrick, the contact person in the Brisbane Archdiocese, had been in contact with Mr Owen for some time. Sister Loch made notes of the meeting and wrote: 'If David Owen is not telling the truth at least as he remembers it he is a convincing liar.'<sup>649</sup>

Sister Loch concluded that Mr Owen's complaint deserved serious consideration by the PSC.<sup>650</sup> Sister Loch recommended to the PSC that the complaint by Mr Owen be investigated.<sup>651</sup>

Sister Loch gave evidence that she found the meeting with Mr Owen 'instrumental' and gave a different context to the allegations.<sup>652</sup> Sister Loch also gave evidence that she was influenced by Bishop Heenan's opinion that Mr Owen was telling the truth because Bishop Heenan knew the priest and therefore she was strongly influenced by Bishop Heenan.<sup>653</sup>

Sister Loch agreed in evidence that she did not indicate to Mr Owen at their meeting that she accepted the truth of his claims because she felt restricted by the process. Sister Loch accepted in evidence that, in failing to acknowledge that she believed him, she 'continued' the trauma of his abuse at the orphanage.<sup>654</sup>

On 23 June 1997, the independent investigator, Mr O'Brien, interviewed Mr Owen about his complaint. Mr O'Brien recommended that the Sisters accept Mr Owen's complaint. Mr O'Brien reported to Sister Rowan that the process was very upsetting for Mr Owen.<sup>655</sup>

Around July 1997, the PSC accepted Mr Owen's complaint. The Sisters paid for Mr Owen's sessions with a psychiatrist, Dr Peters, from around 1997 to 2009 at the cost of about \$18,000.<sup>656</sup> They also contributed equally to a payment of \$25,000 to Mr Owen around November 2009.<sup>657</sup>

Sister Rowan decided that in light of Mr Owen's experiences the PSC should not engage an investigator such as Mr O'Brien to interview former residents and assess the veracity of allegations made by former residents.<sup>658</sup> Sister Rowan said that most complaints related to a few known abusers and the claims were all very similar.<sup>659</sup> Sister Rowan said she did not doubt that most claims were valid.<sup>660</sup> After this, she decided the response coordinator or a member of the PSC would informally assess whether a claim was valid when meeting with a former resident.<sup>661</sup>

## 7.6 Meetings with the Neerkol Action Support Group

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On 2 June 1997, Sister Rowan issued a media release welcoming the formation of the NASG and offering to meet with them at the earliest opportunity.<sup>662</sup> On 18 June 1997, Sister Rowan and other representatives of the Sisters met with NASG, representatives of the Children's Commissioner, the solicitors for the former residents, representatives from the Victims of Crime Association and independent mediator Mr Briton to discuss possible steps forward, including compensation and an apology. The commencement of civil proceedings was foreshadowed at this meeting.<sup>663</sup> There were no representatives from the Diocese or the Queensland Government at the meeting.<sup>664</sup>

At the first meeting of the NASG attended by the Sisters, Sister Rowan offered to provide \$5,000 to the Victims of Crime Association Queensland to assist in the provision of counselling support for former residents involved in criminal proceedings relating to the orphanage.<sup>665</sup> Sister Rowan also indicated that the Sisters might be able to fund the activities of the NASG up to \$13,800 for the following six-month period.<sup>666</sup>

On 5 July 1997, the NASG decided to proceed with a class action seeking compensation from the Sisters, the Diocese and the state government.<sup>667</sup>

On 15 July 1997, Sister Rowan attended a second meeting with the NASG, facilitated by Mr Briton.<sup>668</sup> Sister Rowan provided a cheque for \$13,800 for the running of the NASG.<sup>669</sup> Sister Rowan also read out a draft letter of apology, about which there was discussion.<sup>670</sup>

In the following months, NASG, Sister Rowan and other members of her leadership team met with former residents of the orphanage to listen to their experiences and to understand the pain and hurt that they had suffered at the orphanage.<sup>671</sup> The Sisters and NASG proceeded to work together in drafting and finalising an apology by the Sisters to the former residents.<sup>672</sup>

On 23 September 1997, there was a meeting between Sister Rowan, the NASG, Children's Commissioner Mr Alford, the solicitors for the former residents and the solicitors for the Sisters. The meeting was facilitated by Mr Briton, the independent mediator. The minutes of the meeting record that there were two issues for discussion: the apology and compensation.<sup>673</sup>

At this meeting, the words of the apology were finalised and it was agreed that the apology would be sent to the NASG to be distributed amongst its members.<sup>674</sup> It was also decided by all

parties that the issue of compensation would be left to be dealt with through the legal framework. However, it was agreed that every endeavour would be made to resolve the compensation issue without recourse to a court of law.<sup>675</sup>

## 7.7 Apology by the Sisters of Mercy

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### Public apology

On 25 September 1997, the Sisters apologised unreservedly to the former residents of the orphanage who were victims of physical, psychological, emotional and spiritual abuse.<sup>676</sup>

A copy of the apology was provided to the Children's Commissioner<sup>677</sup> and to Bishop Heenan.<sup>678</sup> The apology was subsequently printed in the *Catholic Leader*, the *Courier Mail* and the *Morning Bulletin*.<sup>679</sup>

On 6 October 1997, the Diocese issued a media release fully supporting the apology given by the Sisters on 25 September 1997.<sup>680</sup>

### Personal apology

On 23 October 1997, Ms Mary Eather (now Ms Adams), as secretary of NASG, wrote to Ms Newton enclosing a copy of a request by a former resident for an apology which was personally addressed to that former resident. A personal apology in those terms was provided by the Sisters.<sup>681</sup>

AYO gave evidence that she and her sister AYK contacted the Sisters in 2014 with requests for individual apologies. AYK gave evidence that she wanted an apology addressed to her from the Sisters who were in the orphanage at the time she lived there.<sup>682</sup> AYO received a copy of the apology of September 1997. AYO believed the apology was 'crap' as it was not addressed personally to her and was issued to everyone. AYO believes the apology does not show an acceptance by the Sisters of what had happened to her.<sup>683</sup>

Before the public hearing, the Sisters were not aware that AYO and AYK were dissatisfied with the apologies they had received or were upset by them.<sup>684</sup> The Sisters have since contacted AYO and AYK in order to provide them with personal apologies.<sup>685</sup>

Sister Loch gave evidence in her statement that the Sisters' informal policy is that all newly contacted former residents are immediately provided with a copy of the 25 September 1997 apology given by Ms Rowan when she was leader of the Sisters. She said 'more suitably tailored apologies are provided from time to time once the need and the relevant complaint is known'.<sup>686</sup>

## Face-to-face apology

On 7 November 1997, Sister Rowan (as she then was) wrote to Ms Adams about the request by former residents for a face-to-face apology. In the letter Sister Rowan wrote:<sup>687</sup>

I can assure you and the former residents who have written that I will do all that I can to encourage the Sisters to participate in the face to face meetings as proposed, but it will take a little time to develop a process which will be mutually satisfactory for all participants.

On 19 February 1998, Sister Rowan wrote to Ms Adams and advised her that Sister Mary St Pius was willing to meet with former residents. She attached a letter to AYN in which she let him know that Sister Mary St Pius was willing to meet with him.<sup>688</sup>

Ms Rowan gave evidence that the meeting was very distressing for AYN and difficult for Sister Mary St Pius. Sister Mary St Pius could not recall many of the events at the orphanage and this was disappointing for AYN.<sup>689</sup> Ms Rowan also says that AYN was grateful for the Sister to be part of that meeting and he appreciated the time to talk about his experiences with the Sister. AYN does not have an independent recollection of the meeting and in his evidence said that it did not take place.

Ms Rowan said she did not attempt to arrange any further face-to-face apologies because she saw how difficult and painful it was for both Sister Mary St Pius and AYN.<sup>690</sup> Ms Rowan gave evidence that she 'had a lot of reservations about how helpful it was to the people who had been at Neerkol'.<sup>691</sup>

Sister Rowan did not consult with NASG or any former residents before making the decision not to arrange any further face-to-face meetings between Sisters and former residents of the orphanage.<sup>692</sup> At the time Sister Rowan made the decision, there remained former residents who wished to meet with Sisters.<sup>693</sup> Ms Rowan agreed in evidence that in hindsight she could have had more discussion with former residents before making this decision.<sup>694</sup>

Counsel for AYN submits that the Royal Commission should find that Ms Rowan failed to consult with NASG and former residents before deciding not to have any more face-to-face meetings between Sisters and former residents.<sup>695</sup> The church parties accept this finding is open on the evidence.<sup>696</sup>

Counsel for AYN also submits that the Royal Commission should find that Ms Rowan did not do all that she could to encourage Sisters to participate in face-to-face meetings despite an assurance that she would do so in her letter to Ms Adams dated 7 November 1997. In response,<sup>697</sup> the church parties submit that Ms Rowan said in evidence that she did encourage Sisters to meet face-to-face with former residents until she saw how difficult the process was for Sister Mary St Pius and AYN.<sup>698</sup>

We accept that Sister Rowan initially encouraged face-to-face meetings. However, we are satisfied that, in deciding to stop those meetings, Sister Rowan did not consult with NASG or former residents despite her earlier assurances that she would organise face-to-face meetings.

## 7.8 Apology by the Diocese

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On 2 December 1997, Bishop Heenan attended a meeting that was convened with the independent mediator Mr Briton and attended by the NASG, Sister Rowan and the relevant legal representatives. This was the first NASG meeting that Bishop Heenan attended.<sup>699</sup>

At that meeting, AYD, the president of the NASG, indicated how distressed he had been about the bishop's letter to the Diocese describing the allegations about the orphanage as 'scurrilous' and 'slandorous'.<sup>700</sup> He told the bishop that, in making those comments, the bishop had challenged the 'Neerkol Residents integrity'.<sup>701</sup>

At that meeting, Bishop Heenan thanked the members of the NASG for sharing their accounts and pain and apologised for the pastoral letter and its tone.<sup>702</sup>

After that meeting, Bishop Heenan, in conjunction with the solicitors for the Diocese, prepared a draft apology to the former residents of the orphanage.<sup>703</sup>

In February 1998, Bishop Heenan, on behalf of the Diocese, apologised to the former residents of the orphanage.<sup>704</sup> In that letter, Bishop Heenan also stated that he regretted not acknowledging those sufferings when they were first raised and that his first reaction was one of disbelief.<sup>705</sup>

On 27 February 1998, Bishop Heenan sent a letter to the priests of the Diocese enclosing the apology and explaining that he had written to former residents of the orphanage. He asked the priests to read it out in their respective parishes.<sup>706</sup> The apology was also provided to the editor of the *Catholic Leader* for publication.<sup>707</sup>

## 7.9 Claims for financial compensation

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The Royal Commission heard evidence about civil claims for financial compensation made by former residents against the Sisters, the Diocese and the Queensland Government. In this public hearing the Royal Commission did not examine the adequacy or otherwise of the amounts that the Sisters and the Diocese paid to the former residents. The evidence was received as material relevant to the broader response by the Sisters, the Diocese and the Queensland Government.

During 1998 and 1999, the Sisters and the Diocese negotiated with the former residents with a view to resolving claims for compensation.

The claims included both physical and sexual abuse which occurred between the early 1930s and the 1960s.

## Legal advice: the moral and legal issue

Ms Rowan gave evidence in her statement that in preparation for meeting with the NASG on 18 June 1997 she considered what would be the appropriate response for requests for compensation. Ms Rowan said:<sup>708</sup>

I felt there were two possible responses open to the Sisters of Mercy. The legal response – essentially what we could do to defeat any claim in a court of law – and the compassionate response – essentially what the sisters of Mercy wanted to do for former residents. I was of the view that it was not appropriate or morally justifiable to take the legal response where a compassionate response could be sustained. ... I wanted to proceed with a compassionate response but I was also concerned about the magnitude of compensation payments and the Sisters of Mercy's means to meet those sums.

On 2 December 1998, Mr Geoff Hancock, a solicitor for the Sisters of Mercy, wrote a legal advice about the orphanage claims. He advised the Sisters that, at law, their position was a strong one because of the age of the claims.<sup>709</sup> Under Queensland law, claims for compensation for personal injury were barred if the claim was not commenced within three years of the occurrence of the injury.<sup>710</sup> Mr Hancock wrote that most of the claims would fail because they have been brought too long after the injuries were sustained; that there was doubt that many, if any, of the claimants will be able to persuade the Supreme Court to extend the three-year limitation period; and that expressing the claims as being for breach of fiduciary duty does not help the claimants.<sup>711</sup>

In the legal advice dated 2 December 1998, Mr Hancock raised the question as to what was the 'morally correct' position for the Sisters to take. Mr Hancock advised that the Sisters could choose to either first exhaust all their legal rights or in a moral sense, in accordance with their mission, explore the complaints and offer fair compensation, as it is the fundamentally right and proper thing for them to do.<sup>712</sup>

The solicitor advised that the work that had already been done, such as the apology and working with NASG, may be undone if the Sisters were to withdraw and exercise their legal rights to prevent the action. The solicitor stated that it must be 'hollow and uncharitable' to say that 'the residents are interested only in money and to allow them no more than the law may ultimately extract'. If offers are made, no sense of failure should be felt by the Sisters if they are rejected and court is the only option left.<sup>713</sup>

On 7 December 1998, the Sister Rowan wrote to Ms Adams in her capacity as secretary of the NASG.<sup>714</sup> In it she stated:

All I can say is that I would like the Sisters to reach an out of court settlement with the former Neerkol residents that is fair and just. I want the settlement to recognise in a tangible way the hurt you suffered and yet at the same time to be able to be funded from our Congregational resources. It is of no use to anyone for me to offer amounts of money that we simply do not have available.

...

There will be no attempt on my part to minimise the hurt you experienced or to legally minimise the 'dollar worth' of your claims. Our offer will simply be what we can afford to pay you with the limited resources that we have available.

Whilst the amount of money we offer may not meet everyone's expectations and may be considered by some to be insufficient, I will know with clear conscience that it represents a fair and reasonable compensation offer having regard for the fact that we are a small regionally based, pension reliant and ageing Congregation. Please be assured that we will do all that we can to maximize our settlement offer but there is still the possibility that due to the large number of claimants in the legal action, the amount for each individual may be less than people expect and less than we would have hoped to provide.

On 22 February 1999, Sister Rowan wrote to Ms Adams to confirm that the Sisters' commitment to helping former residents of the orphanage did not end with the settlement of litigation.<sup>715</sup> On 24 February 1999, she also wrote an open letter to all members of the NASG to the same effect.<sup>716</sup>

By June 1999, the Sisters and the Diocese had settled with 72 claimants regarding the abuse that they suffered at the orphanage. The total amount paid to the former residents at that time was \$790,910.<sup>717</sup>

Ultimately, in excess of \$1,000,000 was paid to members of NASG.<sup>718</sup> The Sisters and the Diocese contributed equal amounts to the payments.<sup>719</sup> The Queensland Government made it plain it would rely on the statute of limitations<sup>720</sup> and was not involved in any settlement of the civil litigation.<sup>721</sup>

The Sisters funded the continued operation of the PSO and the payment of compensation to former residents through the sale of the whole of the Neerkol property on December 2000.<sup>722</sup> The Sisters initially took a loan against the conference centre and property at Neerkol<sup>723</sup> and eventually sold the whole of Neerkol in December 2000 to repay the loan.<sup>724</sup>

The Sisters and the Diocese subsequently settled two other civil claims by AYR<sup>725</sup> and AYP,<sup>726</sup> which were separate to those brought by the NASG.

The church parties submitted that the task of the Diocese and the Sisters in settling compensation claims was made more difficult because the Queensland Government said it would rely on the statute of limitations and declined to be involved in any settlement of the civil litigation.<sup>727</sup> In response, senior counsel for the State of Queensland submitted that the civil litigation brought by former residents of the orphanage was settled quickly and effectively and there is no factual basis for the finding proposed by the church parties.<sup>728</sup> We agree there is no evidentiary basis to find that the Queensland Government's position made it more difficult for the Sisters and Diocese to settle the civil claims.

We are satisfied the Diocese and the Sisters settled compensation claims with former residents despite legal advice they were in a strong position to defeat the claims because of the age of the claims. The Diocese and the Sisters contributed equally to the monetary amounts paid.

## 7.10 Towards Healing

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The Towards Healing protocol was circulated to the Diocese on 10 November 1996 and was implemented on 31 March 1997. The protocol was revised in 2000 and 2009.<sup>729</sup>

In or about June 2002, AYB (who had not been a resident of the orphanage but had suffered abuse from Father Durham, the former parish priest at Neerkol) decided to go through the Towards Healing process. AYB said she hoped it would bring about some 'healing'.

At or around the same time AYB also lodged a claim with CCI for her abuse by Father Durham, for which she subsequently received a monetary payment.<sup>730</sup>

As part of the Towards Healing process AYB wrote a letter to Bishop Heenan<sup>731</sup> about what she thought would bring her closure and enclosed a document entitled 'Basis for actions to bring closure for significant relationships'.<sup>732</sup>

Under the Towards Healing process, AYB was interviewed by a psychological assessor. The assessor asked her to detail the sexual abuse she had suffered. AYB said in her statement to the Royal Commission that she felt humiliated and violated by the assessor's questions. AYB said, 'I felt like the circle of abuse was continued by an agent of CCI who set himself up to be judge and jury'.<sup>733</sup>

AYB found the Towards Healing process a very negative one. She said, 'I found it a very traumatic and a very distressing experience'.<sup>734</sup>

In evidence, Sister Loch gave evidence that Towards Healing is quite flexible.<sup>735</sup> By contrast, Sister Rowan said that in her view the Towards Healing process places much emphasis on investigation, which looks good on paper but can be perceived by the person as the church not believing him or her.<sup>736</sup> Sister Rowan said that it did not seem right for a person who had experienced terrible abuse to be questioned and doubted during the process.<sup>737</sup> Sister Rowan's view was reflected in her decision not to use an investigator to determine the validity of the claims but to rely on the PSO response coordinator to make an informal assessment.

## 7.11 Other support provided by the Diocese

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On 9 July 2002, Bishop Heenan issued a pastoral letter on sexual abuse outlining the Diocese's response to date and hopes moving forward.<sup>738</sup> Within that letter, Bishop Heenan offered an



apology to the victims and their families for the abuse and expressed his deep sadness and regret that such abuse occurred.<sup>739</sup> Bishop Heenan also made a commitment to meet with any victim personally to listen to them, offer his concern and provide assistance with counselling or other appropriate therapy, in addition to drawing their attention to the processes of Towards Healing.<sup>740</sup>

In 2002, Bishop Heenan held a series of public conversations on sexual abuse within the church.<sup>741</sup>

In April 2003, the Diocese provided financial support for a memorial for the orphanage.

As discussed above, after the settlement of litigation with NASG, the Diocese continued to provide support to former residents through the Towards Healing process or through direct contact with the Diocese or in conjunction with the Sisters.<sup>742</sup> This included various one-off payments or financial support to former residents of the orphanage, including AYB,<sup>743</sup> AYQ<sup>744</sup> and Mr Owen.<sup>745</sup>

## 7.12 The development of guidelines and policies

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Between 1996 and 2015, the Diocese adopted numerous policies dealing with child protection and responding to complaints of child sexual abuse.<sup>746</sup>

After 1996, the Diocese also implemented training, developed resources and promoted professional development to engage the Diocese's policy response to child protection and complaint handling.<sup>747</sup>

### Current approach of the Diocese in responding to complaints of child sexual abuse

Bishop Michael McCarthy took up the duties of the Bishop of Rockhampton on 29 May 2014.<sup>748</sup>

The Diocese continues to adopt and implement the Towards Healing processes under Bishop McCarthy.

In a statement to the Royal Commission, Bishop McCarthy set out the steps he has taken since 2014 to contribute to the safety of the children in the Diocese. These steps include:<sup>749</sup>

- forming a resource group in accordance with the Towards Healing guidelines
- appointing a part-time parish child protection education officer, who provides in-service training to all priests, staff and volunteers about child protection issues
- undertaking a review of all policies of the Diocese, including the child protection and complaint-handling policies, with the assistance of a group made up of an officer of the Department of Communities, Child Safety and Disability Services, a solicitor and a social worker
- reviewing all files relating to the clergy to ensure an awareness of any complaints of sexual abuse previously made to the Diocese.

Bishop McCarthy also said in his statement to the Royal Commission that he is implementing what is referred to as a 'zero tolerance approach' to child sexual abuse.<sup>750</sup>

Under this approach, once a complaint is received it is the policy of the Diocese that the police are notified<sup>751</sup> and an accused employee or member of the clergy is suspended pending an investigation by the Queensland PSO. If an investigation reveals that the allegation is likely to be correct then the employee or member of the clergy is not reinstated. Appropriate steps are also to be taken to ensure the alleged offender's adequate supervision, their removal from contact with any children and their treatment. If the bishop considers it appropriate, such as if there is a criminal finding of guilt, the bishop will petition the Congregation for the Doctrine of the Faith in Rome to have that member of the clergy dismissed.<sup>752</sup>

### The Sisters of Mercy's current guidelines and procedures

In 2011, the Sisters of Mercy Rockhampton joined with 14 other Mercy groups to form ISMAPNG. Sister Loch was elected the Institute Leader in 2011 and will remain leader until 2016.

In early 2012, ISMAPNG adopted a professional standards policy which sets out the processes for dealing with complaints of physical, emotional and sexual abuse relating to children and vulnerable adults in ISMAPNG's new and former ministries.<sup>753</sup> ISMAPNG adopted the most recent and revised version of this policy on 18 March 2015.<sup>754</sup>

The policy includes provisions for specific regional responses and prevention activities and sets out the responses and assistance that ISMAPNG offers, including the provision of apologies, pastoral presence, funding for support and counselling and mediated settlements.<sup>755</sup>

## 7.13 The ongoing role of the Sisters of Mercy Professional Standards Office

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Today, the Sisters continue to operate the PSO. It provides assistance to former residents who experienced physical and sexual abuse at the orphanage.<sup>756</sup> The support and assistance that the PSO provides to former residents is endeavouring to be responsive to their needs.

Ms Czekanski is the current response coordinator for the PSO and has been employed in this role since 1998.<sup>757</sup>

Ms Czekanski's role as response coordinator involves answering the 1800 hotline for orphanage ex-residents, providing support to ex-residents by arranging counselling and financial assistance, and accompanying and travelling with former residents to meet with authorities.<sup>758</sup> Ms Czekanski also maintains contact with former residents and provides them with a consistent contact and relationship.<sup>759</sup> She maintains contact by calling, sharing a meal or visiting.<sup>760</sup> Many of the survivor

residents expressed their gratitude to Ms Czekanski for all the support she has provided them over the years.<sup>761</sup>

The total cost of operating the PSO from 1997 until 2011 was at least \$1,232,435,<sup>762</sup> not including lump sum payments of compensation, which amounted to a further \$646,000.<sup>763</sup> The total costs of operating the PSO include expenditure on practical measures for former residents, including counselling; financial assistance to help with immediate needs, such as payment of utilities, rent travel and food; purchase of household items, such as refrigerators and computers; assistance with medical and dental bills; and education expenses.<sup>764</sup> The total does not include subsidised housing and interest-free loans which are provided from time to time to former residents.<sup>765</sup>

From 2011 to February 2015, the cost of funding the PSO was \$278,337.<sup>766</sup>

## 8 The criminal proceedings

The Royal Commission received evidence about criminal proceedings relating to the prosecutions of Father Durham and Mr Baker. This evidence provides background to the factual context in which the Diocese and the Sisters responded to complaints by former residents of child sexual abuse. The evidence will also provide information for our Criminal Justice Project – in particular, the efficacy of the relevant Queensland legislative provisions for prosecuting child sexual offences, in relation to the requirement for particulars and the joinder of charges involving multiple complainants.

The Royal Commission heard evidence from Mr Daniel Boyle, a consultant with the Queensland Office of the Director of Public Prosecutions (ODPP), as to the current laws in Queensland relating to the prosecution of child sexual offences and whether the ODPP considers there is a need for legislative reform.

The Royal Commission did not examine the correctness of forensic decisions that the Queensland ODPP took during the prosecution of Father Durham or Mr Baker.

### 8.1 Father Durham

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On 6 February 1997, the Queensland police charged Father Durham with 40 sexual offences against six complainants, including:<sup>767</sup>

- two counts of rape and 16 counts of indecently dealing with AYB
- 14 counts of indecently dealing with AYE
- two counts of indecently dealing with a former resident
- four counts of indecently dealing with AZA
- one count of indecently dealing with another former resident
- one count of rape of AYP.

A committal hearing was conducted in the Rockhampton Magistrates Court on 23 and 26 June 1997, 8 August 1997 and 18 September 1997.<sup>768</sup>

On 18 September 1997, Father Durham was committed for trial on 44 offences. No plea was entered on committal.<sup>769</sup>

On 2 February 1998, an indictment was presented to the District Court at Rockhampton charging Father Durham with 22 counts of sexual offences against five complainants.<sup>770</sup> A separate 18-count indictment was presented for sexual offences against AYB.<sup>771</sup> AYB was not a resident at the orphanage. Father Durham was AYB's parish priest and close to her family. AYB later worked at the orphanage and lived at the presbytery with Father Durham and his mother.<sup>772</sup>

On 24 July 1998, an application for a stay of proceedings was heard in the District Court in Rockhampton in relation to both indictments. On 9 October 1998, the application was refused.<sup>773</sup>

On 15 February 1999, a new indictment was presented to the District Court, Rockhampton, charging Father Durham with six counts of indecent dealing with a girl under 17 in respect of AYB (to replace the 18-count indictment).<sup>774</sup> The Director of Public Prosecutions (DPP) considered that some of the 18 charged offences on the original indictment could not be sufficiently particularised and laid the fresh indictment, in part in an effort to resolve the charges by way of guilty pleas.<sup>775</sup>

The DPP consulted with the complainant AYB before doing so. However, on 8 September 1998, AYB sent a letter to the Forde inquiry. Amongst other things, she summarised the criminal trial (as at that date) and expressed her dissatisfaction with the process. She described how the delay has nearly sent them all (that is, her and the other complainants) over the edge. She also said it was hardly worth the pain and suffering when the initial charges were reduced to six counts of indecent dealing against Father Durham.<sup>776</sup>

On 15 February 1999, Father Durham pleaded guilty to six counts of indecently dealing with AYB. He was sentenced to 18 months imprisonment, with a recommendation for release on parole after a period of four months.<sup>777</sup>

On 29 March 1999, the DPP decided to conduct separate trials in respect of each of the five complainants on the 22-count indictment.<sup>778</sup> The DPP was of the opinion that the charges should be heard separately. This meant that the charges relating to each complainant (or alleged victim) were to be heard separately from the charges relating to each of the four complainants (or alleged victims) rather than all charges relating to all alleged victims being heard at one trial.

The DPP proceeded with count 20 on the indictment – an allegation of rape of AYP – first, as it was considered the most serious charge.<sup>779</sup>

### First trial from 24 to 26 May 1999

Between 24 and 27 May 1999, the trial relating to AYP proceeded in the District Court at Brisbane. The jury was unable to reach a verdict and the trial was adjourned to the next sittings of the court.<sup>780</sup>

### Second trial from 27 to 30 September 1999

On 27 September 1999, the retrial of the charges relating to AYP commenced. Father Durham again pleaded not guilty. On 30 September 1999, Father Durham was found guilty of the rape of AYP. He was sentenced to 7½ years imprisonment.<sup>781</sup>

By February 2000, Father Durham had appealed his conviction. On 21 March 2000, the Supreme Court allowed the appeal and ordered a retrial.<sup>782</sup>

## Mental Health Tribunal

On 3 August 2000, the DPP referred Father Durham to the Mental Health Tribunal to determine whether he was fit to stand trial on all counts on the 22-count indictment.<sup>783</sup> On 21 February 2001, the Mental Health Tribunal found that Father Durham was presently not fit to stand trial.<sup>784</sup>

On 1 March 2001, the Queensland DPP wrote to one of the complainants, AYE, informing him that the Crown was unable to proceed with a trial against Father Durham. The Director said Father Durham's condition was subject to periodic review by the Patient Review Tribunal and noted that, given Father Durham's medical condition, it was unlikely he would ever be fit for trial.

On 23 March 2001, the DPP entered a nolle prosequi on the 22-count indictment.<sup>785</sup> All charges were discontinued.

However, on 4 February 2002, the Patient Review Tribunal, as part of a periodic or automatic review of Father Durham's mental health and fitness to stand trial, found that Father Durham was fit for trial.<sup>786</sup> On 14 February 2002, Father Durham sought to appeal that decision. The appeal was heard by the Mental Health Court on 31 May and 18 June 2002. On 28 June 2002, her Honour Justice Wilson found that, due to Father Durham's ongoing mental decline and the unpredictable fluctuations in his mental state, he was permanently unfit to stand trial.<sup>787</sup>

## 8.2 Mr Kevin Baker

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Mr Baker was a former resident of the orphanage and subsequently worked for the Sisters at the orphanage.

Mr Baker was admitted to the orphanage in 1939 at the age of six weeks.<sup>788</sup> On 12 January 1955, the Director of the State Children's Department, Queensland, authorised that he be placed in employment with the Sisters.<sup>789</sup> At that time, Mr Baker undertook duties as a groundsman and bus driver.

In 1957, at the age of 18, Mr Baker left the orphanage and undertook an apprenticeship with a bakery in Rockhampton. In or about 1964, he left the bakery and returned to the orphanage, where he worked with Sister Lucy in the bakehouse, the dairy and the farm. He also assisted in taking the children who wanted to go on outings.<sup>790</sup>

Mr Baker continued to work in connection with the Sisters until he married in 1974. In 1990, the Sisters awarded Mr Baker for his dedication.<sup>791</sup>

On 2 April 1997, AYL alleged to the police that Mr Baker had committed sexual offences against her whilst she was a child living at the orphanage. On 14 April 1997, Mr Baker was arrested and charged with sexual offences against AYL. During 1997, other former residents of the orphanage reported allegations of sexual abuse against Mr Baker to the police.

On 2 December 1997, Mr Baker appeared in the Rockhampton Magistrates Court charged with 70 offences, mostly of a sexual nature, against 12 complainants.<sup>792</sup> A committal hearing took place on 2 and 3 December 1997 and on 30 and 31 March 1998.<sup>793</sup>

On 31 March 1998, Mr Baker was committed for trial on 69 offences related to 12 complainants, including Ms Campbell and AYR.<sup>794</sup> Mr Baker pleaded not guilty to all of the charges.<sup>795</sup>

An indictment dated 17 August 1998 charging 59 counts was presented to the District Court at Rockhampton.<sup>796</sup>

The DPP made a decision to conduct separate trials for each complainant. This decision was based on the view that the charges were not cross-admissible against each complainant.

## Charges relating to AYR

### First trial from 14 to 20 April 1999

The charges relating to AYR first proceeded to trial. An indictment dated 12 April 1999, charging 10 counts of sexual offences against AYR, was presented to the District Court at Rockhampton<sup>797</sup> The trial was heard from 14 to 20 April 1999. The trial judge ruled there was no case to answer on three counts. The jury found Mr Baker not guilty on three counts and were unable to decide on a further four counts.<sup>798</sup>

### Second trial on 30 August 1999

A new four-count indictment dated 30 August 1999 was presented to the District Court recharging Mr Baker with the four counts of sexual offences against AYR about which the previous jury was unable to decide. The trial proceeded on 30 August 1999. However, one of the jurors had been a juror on the previous trial, so the jury was discharged.<sup>799</sup>

### Third trial from 13 to 16 December 1999

A retrial was heard in the District Court at Rockhampton from 13 to 16 December 1999. The trial judge ruled there was no case to answer on two of the counts because of a lack of particulars, and the DPP entered nolle prosequi on the other counts. The jury was discharged.<sup>800</sup>

The trial prosecutor recommended an appeal against the judge's ruling of 16 December 1999 that there was no case to answer.<sup>801</sup> However, the Deputy DPP, Mr Michael Byrne QC, prepared an advice on 23 December 1999 concluding that the trial judge was correct in his ruling on the law as it stood and no proper basis existed for a reference to the Court of Appeal.<sup>802</sup> In the advice, the

Deputy Director stated:<sup>803</sup>

It therefore follows that, in my view the trial judge was correct in his ruling and that no proper basis exists for a reference to the Court of Appeal. Further, the strict application of the rule defined above will inevitably mean that a number of alleged sexual offences (particularly historical allegations) will not be able to be prosecuted. It is accordingly crucial to inform the Attorney general of the position and it will then be a question of policy for him as to whether the law is amended and, if so, in what way.

In a memorandum to the Attorney-General of Queensland dated 4 January 2000, the DPP agreed with that advice and referred it for the consideration of the Attorney-General.<sup>804</sup>

### Charges of indecent treatment involving a second complainant

On 20 June 2000, Mr Baker was arraigned on a new indictment charging him with six counts of indecent treatment of a boy relating to another of the complainants. Pleas of not guilty were entered.<sup>805</sup> There was legal argument about whether the charges were sufficiently particularised. The trial judge ruled they were not and invited the DPP to enter nolle prosequi. A nolle prosequi was entered on each of the six counts.<sup>806</sup>

### Charges of assault occasioning actual bodily harm

Mr Baker was next tried on an indictment charging one count of assault occasioning actual bodily harm. The trial commenced on 21 August 2001.<sup>807</sup> Again, the jury was unable to reach a verdict.<sup>808</sup> On 25 October 2001, the DPP entered a nolle prosequi, as the complainant did not wish to give evidence again.<sup>809</sup>

On 5 August 2002, a nolle prosequi was entered on each of the remaining 56 counts on the original 59-count indictment.<sup>810</sup>

### The Attorney-General's reference

On 13 September 2000, the Attorney-General signed a Notice of Attorney-General Reference under section 669A(1A) of the Criminal Code to the Court of Appeal.<sup>811</sup> The question posed was whether particulars which specified the alleged act as the first occasion were sufficient. The question related to the ruling on 16 December 1999 that two counts were not sufficiently particularised for a case to answer.<sup>812</sup>

On 27 February 2001, judgment was delivered in *R v Baker; ex parte Attorney General* [2001] QCA 59 (*Baker*).<sup>813</sup> The court answered the question in the following way:<sup>814</sup>



An accused person is entitled to be sufficiently apprised of the particular occasion referred to in a charge against him. When it is alleged that a series of acts of a similar character was committed, it is necessary to have regard to all relevant circumstances in deciding whether the accused person's right to be adequately apprised of the occasion to which the count relates has been satisfied. The utility of describing a charged act as the first occasion, when such particularisation is given as a step towards attempting to ensure that the accused's rights have been afforded to him, will depend on the particular circumstances of the case. In the absence of any objective fact or event to which the charged event can be related reliance only on that identifying feature in a case where the offence was one of a number which allegedly occurred in the distant past and the period in which it was alleged to have occurred is lengthy, will ordinarily mean that there is insufficient compliance with what is required for the purposes of proper administration of justice.

Mr Baker was never convicted of any offence relating to any of the former residents of the orphanage. He is still alive and denies the allegations.

### 8.3 The prosecution of child sexual offences in Queensland

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In prosecuting Father Durham and Mr Baker, the Queensland DPP faced challenges in respect of:

- the state of the law requiring the sufficient particularisation of charges
- the law in respect of when charges against one alleged offender involving more than one complainant are permitted to be heard together in one trial.

#### Particularisation of charges

Since the judgment in *Baker* there have been no legislative provisions enacted in Queensland which address the issue of particulars.

However, before the decision in *Baker* the Queensland Parliament legislature introduced a new offence, as section 229B of the Criminal Code, of 'maintaining a sexual relationship with a child under 16'.<sup>815</sup> There was a requirement that there be a minimum of three acts which would constitute an offence of a maintaining a sexual relationship against the child. Section 229B of the Criminal Code provided:

evidence of the doing of any such act shall be admissible and probative of the maintenance of the relationship notwithstanding that the evidence does not disclose the dates or the exact circumstances of those occasions.

The offence was not retrospective. Accordingly, it only applied to acts committed on or after 3 July 1989 and could not be utilised for the complaints raised by former residents of the orphanage.

The High Court, in *KBT v The Queen* (1997) 191 CLR 417, held that a person cannot be convicted under this section unless the jury is agreed as to the commission of the same three or more illegal acts.

Following that High Court decision, on 1 May 2003 the Queensland Parliament legislature introduced amendments to section 229B and removed the need to specify a minimum of three acts of a sexual nature, replacing it with a requirement of proof of a sexual relationship that involves more than one sexual act over any period.<sup>816</sup>

Section 229B(4) provides:

However, in relation to the unlawful sexual acts involved in an unlawful sexual relationship –

- a. The prosecution is not required to allege the particulars of any unlawful sexual act that would be necessary if the act were charged as a separate offence; and
- b. The jury is not required to be satisfied of the particulars of any unlawful sexual act that it would have to be satisfied of if the act was charged as a separate offence; and
- c. All members of the jury are not required to be satisfied about the same unlawful sexual acts.

Section 229B requires proof beyond reasonable doubt of the element of habituality of a relationship of a sexual nature. Isolated acts are insufficient. There needs to be some habituality, regularity and continuity in the relationship.<sup>817</sup>

The amended section 229B does not apply to any offending which occurred before 1 May 2003 and would not have been applicable to the complaints made against Father Durham and Mr Baker.

With the exception of the amendment to section 229B, there have not been any other legislative provisions enacted to meet difficulties in the prosecution of sexual offences against children in Queensland.<sup>818</sup>

Mr Boyle, in-house counsel for the Queensland ODPP, gave evidence about the criminal proceedings against Father Durham and Mr Baker. He was not involved in those proceedings but relied on documents and materials produced by the DPP and court records.<sup>819</sup>

Mr Boyle gave evidence that the introduction of section 229B of the Criminal Code – the offence of maintaining a sexual relationship with a person under 16, as amended in 2003 – has been very effective in addressing some of the difficulties faced for the prosecution in providing sufficient particulars.<sup>820</sup>

## Joinder and severance of counts involving different complainants

The legislative provisions on joinder, severance and separate trials of counts involving multiple complainants of sexual offences have not been amended since the criminal proceedings took place against Father Durham and Mr Baker.

The current state of the law in Queensland was summarised in a statement that Mr Boyle provided to the Royal Commission.<sup>821</sup>

Section 567(2) of the Criminal Code provides:

Charges for more than 1 indictable offence may be joined in the same indictment against the same person if those charges are founded on the same facts or are, or form part of, a series of offences of the same or similar character or a series of offences committed in the prosecution of a single purpose.

Section 597A(1) of the Criminal Code gives the court power to order separate trials on multiple counts on an indictment where the accused ‘may be prejudiced or embarrassed in the person’s defence by reason of the joinder of the counts’.

An application for separate trials in Queensland or Australia in cases involving multiple complainants is usually successful unless the evidence of the complainants is cross-admissible. The evidence of one complainant may be admitted in the case of another complainant as evidence involving striking similarity; underlying unity; or a system, signature or a pattern of behaviour.<sup>822</sup> The fundamental requirement for admissibility is that it have a strong probative force – that is, a material bearing on the issues to be decided that clearly transcends its prejudicial effect.<sup>823</sup> If there is a reasonable view of the evidence available which is consistent with innocence then it must be excluded.<sup>824</sup>

At common law, evidence must be excluded where it is reasonably explicable on the basis of concoction or collusion on the part of the witnesses or complainants.<sup>825</sup>

In 1997, section 597A(1AA) of the Criminal Code and section 132A of the *Evidence Act 1977* (Qld) were enacted. These provisions make irrelevant the possibility of collusion in considering whether to order separate trials. The sections reverse the common law on this point.

In 2000, the Queensland Law Reform Commission, in its report *The receipt of evidence by Queensland courts: the evidence of children*, considered the issue of the discretion to order separate trials. At chapter 17 of the report<sup>826</sup> the commission said:

The Commission recommends that legislative provision should not be made to modify the existing law in relation to the circumstances in which it is appropriate for a court to order separate trials in respect of a count or counts in an indictment charging an accused person with sexual offences in relation to a child or a number of children.

The report of the Queensland Law Reform Commission was considered by the Australian Law Reform Commission (ALRC) in its report *Family violence – a national legal response (ALRS report 114)*, which was published on 11 November 2010. The issue of joint and separate trials was discussed at chapter 26 of the report.<sup>827</sup>

On the issue of separate trials, the ALRC made recommendation 26.5, which states:

Federal, State and territory legislation should:

- a. establish a presumption that, when two or more charges for sexual offences are joined in the same indictment, those charges are to be tried together; and
- b. state that this presumption is not rebutted merely because evidence on one charge is inadmissible on another charge.

Mr Boyle was asked in evidence whether the Queensland DPP believes there is a need for legislative reform in the prosecution of child sexual offences in Queensland. Mr Boyle took the question on notice. In a written statement to the Royal Commission, Mr Boyle submitted that the Royal Commission should consider making a recommendation for reform in the terms set out by the ALRC at recommendation 26.5.<sup>828</sup>

The Royal Commission will consider the systemic issues raised in this case study in its work on the criminal justice system.

## 9 Response of the Queensland Government

### 9.1 The Children’s Commissioner of Queensland report

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In July 1998, Mr Alford, the Children’s Commissioner of Queensland, published a report entitled *A preliminary report on allegations of abuse of former residents of St Joseph’s Orphanage at Neerkol, Rockhampton in the 1940’s, 1950’s and 1960’s*, dated July 1998.<sup>829</sup>

The Children’s Commission of Queensland report was published before the Forde inquiry was established in August 1998.<sup>830</sup> The Forde inquiry had far broader terms of reference than the Children’s Commission of Queensland report and inquired into whether there had been any abuse, mistreatment or neglect of children in 159 Queensland institutions from 1911 to 1999. The Children’s Commission of Queensland report provided a contextual background to the allegations of abuse at one institution – the orphanage – in the postwar years. The Children’s Commissioner noted in his covering letter that a comprehensive report could not be completed due to legal proceedings (both criminal and civil) before the courts and limitations on the commission’s ability to access departmental records due to the confidentiality provisions of the *Children’s Services Act 1965* (Qld).<sup>831</sup>

In view of the above, the report states that it cannot, and does not, make conclusions or findings as to the culpability or liability of those persons against whom allegations were made. Rather, it concentrates on the context in which the alleged abuse occurred.<sup>832</sup>

The report reviews the history of the orphanage and, from those documents available, addresses the policies, responsibilities and programs of governments which impacted upon the orphanage during the 1940s, 1950s and 1960s.<sup>833</sup>

The report was tabled in Queensland Parliament on 4 August 1998.<sup>834</sup>

### 9.2 Redress

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#### Redress scheme

In May 2007, in response to the recommendations of the Forde inquiry, the Queensland Government introduced a \$100 million redress scheme. The scheme provided ex-gratia payments, ranging from \$7,000 to \$40,000, to people who experienced abuse and neglect as children in Queensland institutions.<sup>835</sup> This scheme was established in acknowledgement of the impact of past abuse and neglect and to help people move forward with their lives. As the redress scheme was a direct response to recommendation 39 of the Forde inquiry, the eligibility criteria to the redress scheme were aligned with the terms of reference of the inquiry.<sup>836</sup> Applications for a payment under the scheme opened 1 October 2007 and closed on 30 September 2008. More than 10,200 applications were received by the closing date. Over 7,400 applications were assessed as eligible for payment under the scheme.<sup>837</sup>

Two levels of payment were offered through the scheme. There was a level 1 payment of \$7,000 to applicants who met basic eligibility criteria; and a level 2 payment of up to \$33,000 for eligible level 1 applicants who were assessed as having suffered more serious harm.<sup>838</sup>

Level 2 applications were assessed on a case-by-case basis by an independent panel of experts against the set of guidelines. Payments were dependent on the applicant signing a deed of release indemnifying and releasing the state from current or future legal action for matters which fall within the scope of the scheme.<sup>839</sup>

The scheme included funding of up to \$500 per applicant for legal advice on the deed of release and funding for application assistance provided by different support service providers such as MICAH and Relationships Australia for people wishing to make an application for a redress payment.<sup>840</sup>

The scheme closed on 30 September 2008.<sup>841</sup> As at 30 June 2010, over \$100 million was allocated under the scheme. More than \$51.76 million was provided in level 1 payments, \$46.8 million was provided in level 2 payments and \$3.46 million was provided for payments of legal expenses for eligible applicants.<sup>842</sup>

The Queensland Government redress scheme was considered in the Royal Commission's work on redress and is discussed in the Royal Commission's *Redress and civil litigation report*, published in September 2015.

## 10 Systemic issues

This case study raised systemic issues of:

- policies and procedures for reporting child sexual abuse
- complaint-handling procedures
- monitoring and oversight of children in out-of-home care
- requisite elements of a 'child safe' institution
- maintaining of records.

This case study identified also a number of issues relevant to criminal justice, including:

- the circumstances in which multiple charges relating to different complainants can be tried together in a single prosecution
- the degree of particularisation of an event necessary to support a charge
- the availability and use of the offence of 'maintaining a sexual relationship with a child under 16'
- the negotiation of reduced charges and guilty pleas.

These issues will be considered further in the Royal Commission's Criminal Justice Project.

The Queensland Government redress scheme was considered in the Royal Commission's work on redress and is discussed in the Royal Commission's *Redress and civil litigation report*, published in September 2015.

# APPENDIX A: Terms of Reference

## Letters Patent dated 11 January 2013

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,  
Mr Robert Atkinson,  
The Honourable Justice Jennifer Ann Coate,  
Mr Robert William Fitzgerald AM,  
Dr Helen Mary Milroy, and  
Mr Andrew James Marshall Murray

GREETING

WHEREAS all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those sexually abused as a child in an Australian institution can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.



AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the *Royal Commissions Act 1902* and every other enabling power, appoint you to be a Commission of inquiry, and require and authorise you, to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- a. what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
- b. what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- c. what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;
- d. what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND We direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- e. the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for

them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;

- f. the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;
- g. the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- h. changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND We further declare that you are not required by these Our Letters Patent to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and We authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

- i. the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with section 6P of the *Royal Commissions Act 1902* or any other relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences;
- j. the need to establish investigation units to support your inquiry;
- k. the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
- l. the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;

- m. the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND We appoint you, the Honourable Justice Peter David McClellan AM, to be the Chair of the Commission.

AND We declare that you are a relevant Commission for the purposes of sections 4 and 5 of the *Royal Commissions Act 1902*.

AND We declare that you are authorised to conduct your inquiry into any matter under these Our Letters Patent in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by any of Our Governors of the States or by the Government of any of Our Territories.

AND We declare that in these Our Letters Patent:

**child** means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

**government** means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

**institution** means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

- i. includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and
- ii. does not include the family.

**institutional context:** child sexual abuse happens in an institutional context if, for example:

- i. it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- ii. it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you

consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or

- iii. it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

**law** means a law of the Commonwealth or of a State or Territory.

**official**, of an institution, includes:

- i. any representative (however described) of the institution or a related entity; and
- ii. any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- iii. any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and
- iv. any other person who you consider is, or should be treated as if the person were, an official of the institution.

**related matters** means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

AND We:

require you to begin your inquiry as soon as practicable, and

require you to make your inquiry as expeditiously as possible; and

require you to submit to Our Governor-General:

first and as soon as possible, and in any event not later than 30 June 2014 (or such later date as Our Prime Minister may, by notice in the *Gazette*, fix on your recommendation), an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date, not later than 31 December 2015, to be fixed for the submission of your final report; and

then and as soon as possible, and in any event not later than the date Our Prime Minister may, by notice in the *Gazette*, fix on your recommendation, your final report of the results of your inquiry and your recommendations; and

authorise you to submit to Our Governor-General any additional interim reports that you consider appropriate.

IN WITNESS, We have caused these Our Letters to be made Patent  
WITNESS Quentin Bryce, Governor-General of the Commonwealth of Australia.

Dated 11th January 2013  
Governor-General  
By Her Excellency's Command  
Prime Minister

## Letters Patent dated 13 November 2014

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,  
Mr Robert Atkinson,  
The Honourable Justice Jennifer Ann Coate,  
Mr Robert William Fitzgerald AM,  
Dr Helen Mary Milroy, and  
Mr Andrew James Marshall Murray

GREETING

WHEREAS We, by Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia, appointed you to be a Commission of inquiry, required and authorised you to inquire into certain matters, and required you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 31 December 2015.

AND it is desired to amend Our Letters Patent to require you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 15 December 2017.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the *Royal Commissions Act 1902* and every other enabling power, amend the Letters Patent issued to you by omitting from subparagraph (p)(i) of the Letters Patent “31 December 2015” and substituting “15 December 2017”.

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia.

Dated 13th November 2014  
Governor-General  
By Her Excellency's Command  
Prime Minister

## APPENDIX B: Public hearing

<b>The Royal Commission</b>	Justice Peter McClellan AM (Chair) Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray
<b>Commissioners who presided</b>	Justice Jennifer Coate Professor Helen Milroy Mr Andrew Murray
<b>Date of hearing</b>	14 – 22 April 2015
<b>Legislation</b>	<i>Royal Commissions Act 1902</i> (Cth) and <i>Royal Commissions Act 1923</i> (NSW)
<b>Leave to appear</b>	Sisters of Mercy Truth Justice and Healing Council Catholic Diocese of Rockhampton The State of Queensland David Owen AYO AYK Margaret Campbell Mary Adams AYA AYN Diane Carpenter Thomas Murnane Kevin Baker

<b>Legal representation</b>	<p>S David SC, Senior Counsel Assisting the Royal Commission</p> <p>J Needham SC and A Munro, instructed by A Floro of Gilbert + Tobin, appearing for the Truth Justice and Healing Council, Catholic Diocese of Rockhampton and Institute of Sisters of Mercy of Australia and Papua New Guinea</p> <p>C Wasley, instructed by J Scanlon of Kelso Lawyers, appearing for David Owen</p> <p>T Fisher of Fisher Dore, appearing for AYO and AYK</p> <p>A Kernaghan of Kernaghan &amp; Associates, appearing for Margaret Campbell and Thomas Murnane</p> <p>D Kent QC, instructed by M Zemek of Crown Law, appearing for the State of Queensland</p> <p>K McGlinchey of McGlinchey &amp; Associates, appearing for M Adams</p> <p>Dr M Marich, instructed by S Exner of Dr Martine Marich &amp; Associates, appearing for AYA</p> <p>C Lloyd of Gilshenan &amp; Luton, appearing for AYN</p> <p>N Lawler of Lawler Magill, appearing for Diane Carpenter</p> <p>P Callaghan SC, instructed by Brian McGowran of McGowran Lawyers, appearing for Kevin Baker</p> <p>K McGlinchey of McGlinchey &amp; Associates and Dr Martine Marich of Dr Martine Marich &amp; Associates, appearing for AYB</p>
<b>Pages of transcript</b>	1,011 pages
<b>Notices to Produce issued under the <i>Royal Commissions Act 1902 (Cth)</i> and documents produced:</b>	28 Notices to Produce, producing approximately 10,611 documents
<b>Requirements to Produce Documents issued under the <i>Royal Commissions Act 1950 (Qld)</i> and documents produced:</b>	9 Requirements to Produce, producing approximately 28,278 documents
<b>Number of exhibits</b>	47 exhibits consisting of a total of 605 documents tendered at the hearing



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**Witnesses****AYB**

Survivor witness

**Mary Adams**

Former resident of St Joseph's Orphanage, Neerkol

**Diane Carpenter**

Former resident of St Joseph's Orphanage, Neerkol

**AYN**

Former resident of St Joseph's Orphanage, Neerkol

**Joseph Kiernan**

Former resident of St Joseph's Orphanage, Neerkol

**Thomas Murnane**

Former resident of St Joseph's Orphanage, Neerkol

**Margaret Campbell**

Former resident of St Joseph's Orphanage, Neerkol

**AYA**

Former resident of St Joseph's Orphanage, Neerkol

**David Owen**

Former resident of St Joseph's Orphanage, Neerkol

**AYD**

Former resident of St Joseph's Orphanage, Neerkol

**AYE**

Former resident of St Joseph's Orphanage, Neerkol

**AYK**

Former resident of St Joseph's Orphanage, Neerkol

**AYO**

Former resident of St Joseph's Orphanage, Neerkol

**Bishop Brian Heenan**

Former Bishop of the Catholic Diocese of Rockhampton

**Majella Ryan**

Assistant Executive Director, Child Safety, Department of Families and Communities, Queensland

**Sister Berneice Loch**

Institute Leader of the Institute of the Sisters of Mercy of Australia and Papua New Guinea Sisters of Mercy

**Di-Anne Rowan**

Former member of the Sisters of Mercy

**Daniel Craig Boyle**

Consultant Crown Prosecutor, Office of the Director of Public Prosecutions

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# Endnotes

- 1 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001 at [19].
- 2 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [23].
- 3 *Immigration (Guardianship of Children) Act 1946* (Cth) s 7; Exhibit 26-0042, 'Statement of Kate Pope', Case Study 26, STAT.0544.001.0001 at [38], [73].
- 4 Exhibit 26-0002, Case Study 26, CTJH.202.01006.0001\_R at 0009\_R and 0013\_R.
- 5 Exhibit 26-0002, Case Study 26, QLD.0051.001.0001 at 0013.
- 6 Exhibit 26-0002, Case Study 26, QLD.0051.001.0001 at 0017; Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [27].
- 7 Exhibit 26-0002, Case Study 26, CTJH.202.01006.0001\_R at 0016\_R.
- 8 Exhibit 26-0002, Case Study 26, CTJH.202.01006.0001\_R at 0016\_R.
- 9 Exhibit 26-0002, Case Study 26, CTJH.202.01006.0001\_R at 0008\_R.
- 10 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0452.001.0001 at [143]; Exhibit 26-0002, Case Study 26, REPT.0001.01002.0945\_E.
- 11 Exhibit 26-0002, Case Study 26, REPT.0001.01002.0945\_E at 0947\_E and 0963\_E.
- 12 Exhibit 26-0002, Case Study 26, REPT.0001.01002.0945\_E at 0945\_E.
- 13 Exhibit 26-0002, Case Study 26, REPT.0001.01002.0945\_E; Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [121], [126].
- 14 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [130].
- 15 Exhibit 26-0002, Case Study 26, QLD.0050.002.0637.
- 16 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [127].
- 17 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [128].
- 18 Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001 at 0002.
- 19 Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001 at 0006.
- 20 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [4].
- 21 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001 at [19].
- 22 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [4].
- 23 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [5].
- 24 *State Children Act 1911* (Qld) s 10.
- 25 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [61].
- 26 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [6].
- 27 Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001 at .0011; Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [62].
- 28 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [7].
- 29 *Children's Protection Act 1896* (Qld) s 1.
- 30 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [10].
- 31 *Children's Services Act 1965* (Qld) s 33.
- 32 *Children's Services Act 1965* (Qld) s 39.
- 33 *Children's Services Act 1965* (Qld) s 40; see also *Children's Protection Act 1896* (Qld) s 1.
- 34 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [12].
- 35 *Children's Services Act 1965* (Qld) s 69; Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [13].
- 36 *Children's Services Regulations 1966* (Qld) r 23(2).
- 37 *Children's Services Regulations 1966* (Qld) r 23(3).
- 38 *Children's Services Regulations 1966* (Qld) r 14.
- 39 *Immigration (Guardianship of Children) Act 1946* (Cth) s 7; Exhibit 26-0042, 'Statement of Kate Pope', Case Study 26, STAT.0544.001.0001 at [38], [73].
- 40 Transcript of DM Carpenter, Case Study 26, 15 April 2015, C7386:14–19.
- 41 The key provisions of the Children's Services Act, for present purposes, were amended twice in the period between the commencement of the Act and 1982. Section 12 of the *Children's Services Act Amendment Act 1970* (Qld) amended s 46 of the Children's Services Act; s 13 amended s 49 of the Children's Services Act; and s 15 amended s 61 of the Children's Services Act. Section 8 of the *Children's Services Act Amendment Act 1971* (Qld) amended s 46 of the Children's Services Act. None of those amendments are material for present purposes.
- 42 *Children's Services Act 1965* (Qld) ss 47, 49.
- 43 For the definition of 'in need of care and protection', see *Children's Services Act 1965* (Qld) s 46.

44 *Children's Services Act 1965* (Qld) s 58.

45 *Children's Services Act 1965* (Qld) s 61, and see s 60 for the definition of 'in need of care and control' (emphasis added). The kinds of orders the court could make were set out in s 61(4). In addition to having the power to order that a child be committed to the care and control of the Director, the court could, among other things, order a parent or guardian of a child, other than the Director, to 'enter into a recognizance ... that such parent or guardian exercise proper care, protection and guardianship in respect of such child'.

46 Exhibit 26-0002, Case Study 26, QLD.0058.001.0012\_R.

47 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0452.001.0001 at [72].

48 *Children's Protection Act 1896* (Qld) s 1.

49 *Children's Services Regulations 1966* (Qld) r 23.

50 *Children's Services Regulations 1966* (Qld) r 23(2)(j).

51 *Children's Services Regulations 1966* (Qld) r 23(2)(o).

52 *Children's Services Regulations 1966* (Qld) r 23(2)(a).

53 *Children's Services Regulations 1966* (Qld) r 23(3).

54 *Children's Services Regulations 1966* (Qld) r 23(9); Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [83].

55 Transcript of M Ryan, Case Study 26, 20 April 2015, C7763:39–C7764:23, C7765:3–7.

56 *Children's Services Regulations 1966* (Qld) r 23(5).

57 *Children's Services Regulations 1966* (Qld) r 23(4).

58 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [78]–[79].

59 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [80]–[83].

60 Transcript of M Ryan, Case Study 26, 20 April 2015, C7783:13–21.

61 Transcript of M Ryan, Case Study 26, 20 April 2015, C7783:23–7; *Children's Services Regulations 1966* (Qld) r 14.

62 Transcript of M Ryan, Case Study 26, 20 April 2015, C7762:38–47.

63 Transcript of M Ryan, Case Study 26, 20 April 2015, C7783:37–43.

64 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0452.001.0001 at [79].

65 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0452.001.0001 at [79].

66 Transcript of M Ryan, Case Study 26, 20 April 2015, C7756:2–7.

67 Submissions of the State of Queensland, Case Study 26, SUBM.1026.001.0001 at [10]–[11].

68 Submissions of the State of Queensland, Case Study 26, SUBM.1026.001.0001 at [10].

69 Submissions of the State of Queensland, Case Study 26, SUBM.1026.001.0001 at [10].

70 Submissions of the State of Queensland, Case Study 26, SUBM.1026.001.0001 at [8].

71 Exhibit 26-0002, Case Study 26, QLD.0051.001.0001 at 0026; Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0452.001.0001 at [64].

72 Exhibit 26-0002, Case Study 26, QLD.0051.001.0001 at 0035.

73 Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001 at 0011.

74 Exhibit 26-0002, Case Study 26, AGD.0003.001.0001 at 0002.

75 Exhibit 26-0047, Case Study 26, QLD.0074.001.0011 at 0017.

76 Exhibit 26-0047, Case Study 26, QLD.0074.001.0011 at 0017.

77 Exhibit 26-0047, Case Study 26, QLD.0074.001.0023 at 0032.

78 Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001.

79 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0021 at [99]–[100].

80 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0021 at [95]–[96].

81 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0021 at [98]; Transcript of M Ryan, Case Study 26, 20 April 2015, C7761:7–19.

82 Transcript of M Ryan, Case Study 26, 20 April 2015, C7767:28–41.

83 Exhibit 26-0002, Case Study 26, CTJH.202.02010.0071\_R at 0071\_R.

84 Exhibit 26-0002, Case Study 26, CTJH.202.02010.0071\_R at 0071\_R.

85 Exhibit 26-0002, Case Study 26, CTJH.202.02010.0071\_R at 0071\_R.

86 *State Children Act 1911* (Qld) s 15; *Children's Services Act 1965* (Qld) s 33; Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [52]–[53].

87 Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001 at 0004.

88 Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001 at 0006, 0009.

89 Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001 at 0009.

- 90 Transcript of B Loch, Case Study 26, 21 April 2015, C7929:25–8.
- 91 Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001 at 0012.
- 92 Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001 at 0008; Exhibit 26-0022, ‘Statement of Majella Ryan’, Case Study 26, STAT.0542.001.0001 at [29]; Transcript of AYN, Case Study 26, 15 April 2015, C7393:22–38; Transcript of D Owen, Case Study 26, 16 April 2015, C7503:15–34.
- 93 Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001 at 0009; Exhibit 26-0022, ‘Statement of Majella Ryan’, Case Study 26, STAT.0542.001.0001 at [48].
- 94 Transcript of AYN, Case Study 26, 15 April 2015, C7392:14–25; Transcript of TR Murnane, Case Study 26, 15 April 2015, C7466:18–26.
- 95 Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001 at 0004; Transcript of AYA, Case Study 26, 16 April 2015, C7489:21–4.
- 96 Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001 at 0004-0005; Transcript of AYN, Case Study 26, 15 April 2015, C7392:27–35; Transcript of AYD, Case Study 26, 16 April 2015, C7515:6–8; Transcript of AYO, Case Study 26, 16 April 2015, C7568:36–43.
- 97 Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001 at 0004–0005; Transcript of M Adams, Case Study 26, 14 April 2015, C7339:18–33; Transcript of JA Kiernan, Case Study 26, 15 April 2015, C7417:19–22; Transcript of AYE, Case Study 26, 16 April 2015, C7539:30–9.
- 98 Transcript of AYA, Case Study 26, 16 April 2015, C7480:16–23, C7489:6–19; Transcript of AYO, Case Study 26, 16 April 2015, C7569:16–37; Transcript of AYK, Case Study 26, 16 April 2015, C7556:33–41.
- 99 Transcript of AYA, Case Study 26, 16 April 2015, C7480:45–C7481:1; Transcript of DM Carpenter, Case Study 26, 15 April 2015, C7378:37–41; Transcript of AYE, Case Study 26, 16 April 2015, C7539:46–C7540:11; Transcript of JA Kiernan, Case Study 26, 15 April 2015, C7417:46-7; Transcript of AYN, Case Study 26, 15 April 2015, C7393:28–38.
- 100 Transcript of M Adams, Case Study 26, 14 April 2015, C7340:30–47; Transcript of DM Carpenter, Case Study 26, 15 April 2015, C7378:14–23; Transcript of AYN, Case Study 26, 15 April 2015, C7393:7–11; Transcript of JA Kiernan, Case Study 26, 15 April 2015, C7417:11–13, C7417:40–44; Transcript of TR Murnane, Case Study 26, 15 April 2015, C7467:9–22; Transcript of AYA, Case Study 26, 16 April 2015, C7481:46; Transcript of D Owen, Case Study 26, 16 April 2015, C7494:19–29; Transcript of AYD, Case Study 26, 16 April 2015, C7516:17–46; Transcript of AYE, Case Study 26, 16 April 2015, C7539:20–39; Transcript of AYO, Case Study 26, 16 April 2015, C7570:37–C7571:4.
- 101 Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001 at 0005; Exhibit 26-0022, ‘Statement of Majella Ryan’, Case Study 26, STAT.0542.001.0001 at [36].
- 102 Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001 at 0004; Exhibit 26-0022, ‘Statement of Majella Ryan’, Case Study 26, STAT.0542.001.0001 at [41].
- 103 Transcript of AYO, Case Study 26, 16 April 2015, C7570:37–C7571:20.
- 104 Transcript of B Loch, Case Study 26, 21 April 2015, C7940:47–C7941:6.
- 105 Transcript of C D Rowan, Case Study 26, 22 April 2015, C8014:16–26.
- 106 Exhibit 26-0002, Case Study 26, CTJH.202.01006.0001\_R at 0007\_R.
- 107 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, CTJH.500.51001.0001\_R at [14]; Exhibit 26-0017, ‘Statement of Bishop Brian Heenan’, Case Study 26, STAT.0535.001.0001\_R at [8].
- 108 Exhibit 26-0002, Case Study 26, CTJH.202.02010.0071\_R at 0071\_R.
- 109 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, Case Study 26, CTJH.500.51001.0001\_R at [16]–[17].
- 110 Exhibit 26-0002, Case Study 26, CTJH.202.02010.0071\_R at 0071\_R.
- 111 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, Case Study 26, CTJH.500.51001.0001\_R at [16]–[17]; Exhibit 26-0002, Case Study 26, CTJH.202.02010.0071\_R at 0071\_R.
- 112 Exhibit 26-0002, Case Study 26, CTJH.202.02010.0071\_R at 0071\_R.
- 113 Exhibit 26-0011, ‘Statement of AYA’, Case Study 26, STAT.0538.001.0001\_R at [35].
- 114 Exhibit 26-0002, Case Study 26, CTJH.202.02010.0071\_R at 0071\_R.
- 115 Exhibit 26-0001, ‘Statement of AYB’, Case Study 26, STAT.0531.001.0001\_R at [10]–[11].
- 116 Exhibit 26-0001, ‘Statement of AYB’, Case Study 26, STAT.0531.001.0001\_R at [12].
- 117 Transcript of AYB, Case Study 26, 14 April 2015, C7315:27–45.
- 118 Transcript of AYB, Case Study 26, 14 April 2015, C7315:42–C7316:2.
- 119 Transcript of AYB, Case Study 26, 14 April 2015, C7316:1–2.
- 120 Transcript of AYB, Case Study 26, 14 April 2015, C7316:19–26.

121 Transcript of AYB, Case Study 26, 14 April 2015, C7316:28–37.  
 122 Transcript of AYB, Case Study 26, 14 April 2015, C7317:18–21.  
 123 Transcript of AYB, Case Study 26, 14 April 2015, C7317:44–6.  
 124 Exhibit 26-0001, ‘Statement of AYB’, Case Study 26, STAT.0531.001.0001\_R at [30]–[31].  
 125 Transcript of AYB, Case Study 26, 14 April 2015, C7318:18–22.  
 126 Exhibit 26-0001, ‘Statement of AYB’, Case Study 26, STAT.0531.001.0001\_R at [89].  
 127 Exhibit 26-0001, ‘Statement of AYB’, Case Study 26, STAT.0531.001.0001\_R at [92].  
 128 Exhibit 26-0001, ‘Statement of AYB’, Case Study 26, STAT.0531.001.0001\_R at [94].  
 129 Exhibit 26-0001, ‘Statement of AYB’, Case Study 26, STAT.0531.001.0001\_R at [96].  
 130 Transcript of M Adams, Case Study 26, 14 April 2015, C7338:28.  
 131 Transcript of M Adams, Case Study 26, 14 April 2015, C7338:37–9.  
 132 Transcript of M Adams, Case Study 26, 14 April 2015, C7339:15–16.  
 133 Transcript of M Adams, Case Study 26, 14 April 2015, C7339:18–23.  
 134 Transcript of M Adams, Case Study 26, 14 April 2015, C7339:24–6.  
 135 Transcript of M Adams, Case Study 26, 14 April 2015, C7340:3–4.  
 136 Exhibit 26-0004, ‘Statement of Mary Adams’, Case Study 26, STAT.0528.002.0001\_R at [16].  
 137 Transcript of M Adams, Case Study 26, 14 April 2015, C7340:43–7.  
 138 Transcript of M Adams, Case Study 26, 14 April 2015, C7364:17–23.  
 139 Transcript of M Adams, Case Study 26, 14 April 2015, C7364:44–C7365:12.  
 140 Transcript of M Adams, Case Study 26, 14 April 2015, C7365:29–30.  
 141 Exhibit 26-0004, ‘Statement of Mary Adams’, Case Study 26, STAT.0528.002.0001\_R at [43]–[44].  
 142 Transcript of M Adams, Case Study 26, 14 April 2015, C7358:35–6.  
 143 Transcript of M Adams, Case Study 26, 14 April 2015, C7358:35–9.  
 144 Exhibit 26-0002, Case Study 26, QLD.0058.001.0407\_R; Exhibit 26-0002, Case Study 26, QLD.0058.001.0274\_R.  
 145 Transcript of DM Carpenter, Case Study 26, 15 April 2015, C7386:18–19.  
 146 Transcript of DM Carpenter, Case Study 26, 15 April 2015, C7378:8–11.  
 147 Transcript of DM Carpenter, Case Study 26, 15 April 2015, C7378:13.  
 148 Transcript of DM Carpenter, Case Study 26, 15 April 2015, C7378:13–16.  
 149 Transcript of DM Carpenter, Case Study 26, 15 April 2015, C7378:22–3.  
 150 Transcript of DM Carpenter, Case Study 26, 15 April 2015, C7378:25–35.  
 151 Transcript of DM Carpenter, Case Study 26, 15 April 2015, C7378:43–6.  
 152 Exhibit 26-0005, ‘Statement of Diane Carpenter’, Case Study 26, STAT.0530.001.0001\_R at [20].  
 153 Exhibit 26-0005, ‘Statement of Diane Carpenter’, Case Study 26, STAT.0530.001.0001\_R at [24].  
 154 Transcript of DM Carpenter, Case Study 26, 15 April 2015, C7382:38–44.  
 155 Transcript of AYN, Case Study 26, 15 April 2015, C7392:20–35.  
 156 Transcript of AYN, Case Study 26, 15 April 2015, C7393:7–9.  
 157 Transcript of AYN, Case Study 26, 15 April 2015, C7393:13–20.  
 158 Exhibit 26-0006, ‘Statement of AYN’, Case Study 26, STAT.0540.001.0001\_R at [25].  
 159 Transcript of AYN, Case Study 26, 15 April 2015, C7400:28–30.  
 160 Exhibit 26-0006, ‘Statement of AYN’, Case Study 26, STAT.0540.001.0001\_R at [58].  
 161 Exhibit 26-0006, ‘Statement of AYN’, Case Study 26, STAT.0540.001.0001\_R at [59].  
 162 Transcript of JA Kiernan, Case Study 26, 15 April 2015, C7417:19–22.  
 163 Transcript of JA Kiernan, Case Study 26, 15 April 2015, C7417:24–6.  
 164 Transcript of JA Kiernan, Case Study 26, 15 April 2015, C7417:28–38.  
 165 Transcript of JA Kiernan, Case Study 26, 15 April 2015, C7417:40–4.  
 166 Transcript of JA Kiernan, Case Study 26, 15 April 2015, C7417:46–7.  
 167 Exhibit 26-0007, ‘Statement of Joseph Kiernan’, Case Study 26, STAT.0527.001.0001\_R at [16]–[20].  
 168 Transcript of JA Kiernan, Case Study 26, 15 April 2015, C7418:36–43.  
 169 Transcript of JA Kiernan, Case Study 26, 15 April 2015, C7418:25–6.  
 170 Transcript of JA Kiernan, Case Study 26, 15 April 2015, C7418:31–2.  
 171 Exhibit 26-0007, ‘Statement of Joseph Kiernan’, Case Study 26, STAT.0527.001.0001\_R at [37].  
 172 Transcript of JA Kiernan, Case Study 26, 15 April 2015, C7421:3–4.  
 173 Exhibit 26-0002, Case Study 26, QLD.0058.001.0405\_R; Exhibit 26-0002, Case Study 26, QLD.0058.001.0012\_R.

174 Transcript of M Campbell, Case Study 26, 15 April 2015, C7438:2–4.  
175 Transcript of M Campbell, Case Study 26, 15 April 2015, C7438:30–4.  
176 Transcript of M Campbell, Case Study 26, 15 April 2015, C7438:36–9.  
177 Exhibit 26-0008, ‘Statement of Margaret Campbell’, Case Study 26, STAT.0533.001.0001\_R at [17]–[24].  
178 Transcript of M Campbell, Case Study 26, 15 April 2015, C7439:36–8.  
179 Transcript of M Campbell, Case Study 26, 15 April 2015, C7444:17–19.  
180 Transcript of M Campbell, Case Study 26, 15 April 2015, C7444:31–8.  
181 Transcript of M Campbell, Case Study 26, 15 April 2015, C7443:12.  
182 Transcript of TR Murnane, Case Study 26, 15 April 2015, C7466:13–14.  
183 Transcript of TR Murnane, Case Study 26, 15 April 2015, C7466:18–22.  
184 Transcript of TR Murnane, Case Study 26, 15 April 2015, C7467:3–4.  
185 Transcript of TR Murnane, Case Study 26, 15 April 2015, C7467:9–22.  
186 Transcript of TR Murnane, Case Study 26, 15 April 2015, C7467:31–4.  
187 Exhibit 26-0009, ‘Statement of Thomas Murnane’, Case Study 26, STAT.0536.001.0001 at [17].  
188 Transcript of TR Murnane, Case Study 26, 15 April 2015, C7470:22–3.  
189 Transcript of AYA, Case Study 26, 16 April 2015, C7479:40–1.  
190 Transcript of AYA, Case Study 26, 16 April 2015, C7479:38–40.  
191 Transcript of AYA, Case Study 26, 16 April 2015, C7479:43–C7480:8.  
192 Transcript of AYA, Case Study 26, 16 April 2015, C7481:10–25.  
193 Transcript of AYA, Case Study 26, 16 April 2015, C7481:27–28.  
194 Exhibit 26-0011, ‘Statement of AYA’, Case Study 26, STAT.0538.001.0001\_R at [23].  
195 Transcript of AYA, Case Study 26, 16 April 2015, C7484:1–4.  
196 Transcript of AYA, Case Study 26, 16 April 2015, C7483:45–6.  
197 Transcript of D Owen, Case Study 26, 16 April 2015, C7494:19–25.  
198 Transcript of D Owen, Case Study 26, 16 April 2015, C7507:39–43.  
199 Transcript of D Owen, Case Study 26, 16 April 2015, C7494:27–9.  
200 Exhibit 26-0012, ‘Statement of David Robert Owen’, Case Study 26, STAT.0526.001.0001 at [20].  
201 Transcript of D Owen, Case Study 26, 16 April 2015, C7495:36–40.  
202 Transcript of D Owen, Case Study 26, 16 April 2015, C7495:42–5.  
203 Transcript of D Owen, Case Study 26, 16 April 2015, C7495:47–C7496:4.  
204 Transcript of D Owen, Case Study 26, 16 April 2015, C7496:19–22.  
205 Transcript of D Owen, Case Study 26, 16 April 2015, C7496:35–9.  
206 Transcript of D Owen, Case Study 26, 16 April 2015, C7497:17–27.  
207 Transcript of D Owen, Case Study 26, 16 April 2015, C7512:4–6.  
208 Transcript of D Owen, Case Study 26, 16 April 2015, C7512:4–26.  
209 Transcript of D Owen, Case Study 26, 16 April 2015, C7512:4–26.  
210 Transcript of D Owen, Case Study 26, 16 April 2015, C7503:4–6.  
211 Transcript of D Owen, Case Study 26, 16 April 2015, C7503:22–4.  
212 Transcript of AYD, Case Study 26, 16 April 2015, C7514:42–C7515:4.  
213 Transcript of AYD, Case Study 26, 16 April 2015, C7515:6–8.  
214 Exhibit 26-0013, ‘Statement of AYD’, Case Study 26, STAT.0529.001.0001\_R at [12]–[21].  
215 Transcript of AYD, Case Study 26, 16 April 2015, C7516:21–C7517:10.  
216 Transcript of AYD, Case Study 26, 16 April 2015, C7518:1–10.  
217 Transcript of AYD, Case Study 26, 16 April 2015, C7517:26–37.  
218 Transcript of AYD, Case Study 26, 16 April 2015, C7518:14–19.  
219 Transcript of AYD, Case Study 26, 16 April 2015, C7518:31–6.  
220 Transcript of AYD, Case Study 26, 16 April 2015, C7518:38–45.  
221 Transcript of AYD, Case Study 26, 16 April 2015, C7524:30–2.  
222 Transcript of AYD, Case Study 26, 16 April 2015, C7525:12–16.  
223 Transcript of AYD, Case Study 26, 16 April 2015, C7525:18–20.  
224 Transcript of AYD, Case Study 26, 16 April 2015, C7525:34–41.  
225 Transcript of AYE, Case Study 26, 16 April 2015, C7539:20–1.  
226 Transcript of AYE, Case Study 26, 16 April 2015, C7539:21–2.  
227 Transcript of AYE, Case Study 26, 16 April 2015, C7539:22–7.



- 228 Transcript of AYE, Case Study 26, 16 April 2015, C7539:30–3.
- 229 Transcript of AYE, Case Study 26, 16 April 2015, C7539:33–9.
- 230 Exhibit 26-0014, ‘Statement of AYE’, Case Study 26, STAT.0532.001.0001\_R at [15]–[22].
- 231 Exhibit 26-0014, ‘Statement of AYE’, Case Study 26, STAT.0532.001.0001\_R at [16]–[17].
- 232 Transcript of AYE, Case Study 26, 16 April 2015, C7541:12–15.
- 233 Exhibit 26-0014, ‘Statement of AYE’, Case Study 26, STAT.0532.001.0001\_R at [24].
- 234 Transcript of AYE, Case Study 26, 16 April 2015, C7541:39–41.
- 235 Exhibit 26-0014, ‘Statement of AYE’, Case Study 26, STAT.0532.001.0001\_R at [27]–[29].
- 236 Transcript of AYE, Case Study 26, 16 April 2015, C7547:4–14.
- 237 Transcript of AYE, Case Study 26, 16 April 2015, C7547:33–8.
- 238 Transcript of AYE, Case Study 26, 16 April 2015, C7547:40–7.
- 239 Transcript of AYE, Case Study 26, 16 April 2015, C7548:2–3.
- 240 Transcript of AYK, Case Study 26, 16 April 2015, C7554:42.
- 241 Transcript of AYK, Case Study 26, 16 April 2015, C7555:7–13.
- 242 Transcript of AYK, Case Study 26, 16 April 2015, C7556:23–5.
- 243 Transcript of AYK, Case Study 26, 16 April 2015, C7557:27–33.
- 244 Transcript of AYK, Case Study 26, 16 April 2015, C7555:15–22.
- 245 Transcript of AYK, Case Study 26, 16 April 2015, C7558:3–5.
- 246 Transcript of AYK, Case Study 26, 16 April 2015, C7558:15–18.
- 247 Transcript of AYK, Case Study 26, 16 April 2015, C7558:20–32.
- 248 Transcript of AYK, Case Study 26, 16 April 2015, C7561:8–20.
- 249 Transcript of AYK, Case Study 26, 16 April 2015, C7561:15–20.
- 250 Transcript of AYO, Case Study 26, 16 April 2015, C7568:36–47.
- 251 Transcript of AYO, Case Study 26, 16 April 2015, C7569:1–3.
- 252 Transcript of AYO, Case Study 26, 16 April 2015, C7570:42–C7571:4.
- 253 Transcript of AYO, Case Study 26, 16 April 2015, C7570:42–C7571:4.
- 254 Transcript of AYO, Case Study 26, 16 April 2015, C7572:39–C7573:3.
- 255 Transcript of AYO, Case Study 26, 16 April 2015, C7576:30–1.
- 256 Transcript of AYO, Case Study 26, 16 April 2015, C7576:47–C7577:9.
- 257 Transcript of AYO, Case Study 26, 16 April 2015, C7576:42–5.
- 258 Transcript of AYA, Case Study 26, 16 April 2015, C7481:30–3; Transcript of JA Kiernan, Case Study 26, 15 April 2015, C7419:11.
- 259 Transcript of AYK, Case Study 26, 16 April 2015, C7559:30–5.
- 260 Exhibit 26-0006, ‘Statement of AYN’, Case Study 26, STAT.0540.001.0001 at [26]; Transcript of AYA, Case Study 26, 16 April 2015, C7486:26–32.
- 261 Transcript of M Campbell, Case Study 26, 15 April 2015, C7439:45–C7440:2; Transcript of AYO, Case Study 26, 16 April 2015, C7573:45–7.
- 262 Transcript of M Campbell, Case Study 26, 15 April 2015, C7438:25–8.
- 263 Transcript of AYD, Case Study 26, 16 April 2015, C7519:5–9.
- 264 Transcript of AYD, Case Study 26, 16 April 2015, C7519:9–11.
- 265 Transcript of AYN, Case Study 26, 15 April 2015, C7414:2–19.
- 266 Transcript of AYN, Case Study 26, 15 April 2015, C7414:8–25.
- 267 Exhibit 26-0008, ‘Statement of Margaret Campbell’, Case Study 26, STAT.0533.001.0001\_R at [32]; Exhibit 26-0016, ‘Statement of AYO’, Case Study 26, STAT.0537.001.0001\_R at [44]–[46]; Exhibit 26-0013, ‘Statement of AYD’, Case Study 26, STAT.0529.001.0001\_R at [26]; Exhibit 26-0014, ‘Statement of AYE’, Case Study 26, STAT.0532.001.0001\_R at [31], [35]; Exhibit 26-0012, ‘Statement of David Owen’, Case Study 26, STAT.0526.001.0001 at [27]–[28].
- 268 Transcript of AYN, Case Study 26, 15 April 2015, C7413:42–4.
- 269 Transcript of M Campbell, Case Study 26, 15 April 2015, C7448:11–13.
- 270 Transcript of M Campbell, Case Study 26, 15 April 2015, C7439:10–13.
- 271 Transcript of M Campbell, Case Study 26, 15 April 2015, C7448:22–3.
- 272 Transcript of AYN, Case Study 26, 15 April 2015, C7408:49–C7409:2.
- 273 Transcript of AYN, Case Study 26, 15 April 2015, C7406:32–3.
- 274 Exhibit 26-0002, Case Study 26, QLD.0050.002.0690\_R.

- 275 Exhibit 26-0023, Case Study 26, STAT.0542.002.0003 at 0008; Transcript of M Ryan, Case Study 26, 20 April 2015, C7775:10–22.
- 276 Exhibit 26-0023, Case Study 26, STAT.0542.002.0003 at 0020–0021.
- 277 Submissions of AYN, Case Study 26, SUBM.1026.005.0001 at [28].
- 278 Exhibit 26-0035, ‘Supplementary Statement of AYN’, Case Study 26, STAT.0540.002.0001\_R at [3].
- 279 Exhibit 26-0035, ‘Supplementary Statement of AYN’, Case Study 26, STAT.0540.002.0001\_R at [4].
- 280 Transcript of AYN, Case Study 26, 15 April 2015, C7407:38–47.
- 281 Exhibit 26-0023, Case Study 26, STAT.0542.002.0083\_R.
- 282 Transcript of M Ryan, Case Study 26, 20 April 2015, C7776:16–30.
- 283 Exhibit 26-0035, ‘Supplementary Statement of AYN’, Case Study 26, STAT.0540.002.0001\_R at [7].
- 284 Exhibit 26-0013, ‘Statement of AYD’, Case Study 26, STAT.0529.001.0001\_R at [27]; Transcript of TR Murnane, Case Study 26, 15 April 2015, C7472:43–C7473:7.
- 285 Exhibit 26-0005, ‘Statement of Diane Carpenter’, Case Study 26, STAT.0530.001.0005\_R at [23]; Exhibit 26-0014, ‘Statement of AYE’, Case Study 26, STAT.0532.001.0001\_R at [34]–[37].
- 286 Transcript of AYE, Case Study 26, 16 April 2015, C7543:6–8.
- 287 Exhibit 26-0005, ‘Statement of Diane Carpenter’, Case Study 26, STAT.0530.001.0001\_R at [23].
- 288 Exhibit 26-0005, ‘Statement of Diane Carpenter’, Case Study 26, STAT.0530.001.0001\_R at [23].
- 289 Transcript of M Adams, Case Study 26, 14 April 2015, C7369:22–6.
- 290 Transcript of D Owen, Case Study 26, 16 April 2015, C7497:24–7.
- 291 Transcript of DM Carpenter, Case Study 26, 15 April 2015, C7380:29–33.
- 292 Transcript of M Campbell, Case Study 26, 15 April 2015, C7440:32–6; Transcript of TR Murnane, Case Study 26, 15 April 2015, C7468:21–3.
- 293 Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001 at 0007; Exhibit 26-0022, ‘Statement of Majella Ryan’, Case Study 26, STAT.0542.001.0001 at [91]–[93].
- 294 Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001 at 0012.
- 295 Exhibit 26-0022, ‘Statement of Majella Ryan’, Case Study 26, STAT.0452.001.001 at [69]; Exhibit 26-0002, Case Study 26, CTJH.202.01007.0001 at 0012.
- 296 Transcript of B Loch, Case Study 26, 21 April 2015, C7836:10–37.
- 297 Exhibit 26-0017, ‘Statement of Bishop Brian Heenan’, Case Study 26, STAT.0535.001.0001\_R at [2].
- 298 Transcript of B Heenan, Case Study 26, 17 April 2015, C7584:39–42.
- 299 Transcript of B Heenan, Case Study 26, 17 April 2015, C7585:2–27.
- 300 Transcript of B Heenan, Case Study 26, 20 April 2015, C7750:29–36.
- 301 Transcript of B Heenan, Case Study 26, 20 April 2015, C7750:38–43.
- 302 Transcript of B Loch, Case Study 26, 20 April 2015, C7791:11–15.
- 303 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, Case Study 26, CTJH.500.51001.0001\_R at [28].
- 304 Transcript of B Loch, Case Study 26, 21 April 2015, C7849:44–C7850:7.
- 305 Transcript of B Loch, Case Study 26, 21 April 2015, C7851:27–9.
- 306 Transcript of B Loch, Case Study 26, 21 April 2015, C7851:27–42.
- 307 Transcript of B Heenan, Case Study 26, 17 April 2015, C7585:2–27; Transcript of B Loch, Case Study 26, 21 April 2015, C7849:44–C7850:35
- 308 Exhibit 26-0002, Case Study 26, CTJH.200.02095.0009 at 0012.
- 309 Exhibit 26-0002, Case Study 26, CTJH.200.02095.0009.
- 310 Transcript of B Heenan, Case Study 26, 17 April 2015, C7626:22–8.
- 311 Transcript of B Heenan, Case Study 26, 20 April 2015, C7735:25–43.
- 312 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, Case Study 26, CTJH.500.51001.0001\_R at [23].
- 313 Transcript of B Loch, Case Study 26, 21 April 2015, C7850:9–22.
- 314 Exhibit 26-0017, ‘Statement of Bishop Brian Heenan’, Case Study 26, STAT.0535.001.0001\_R at [58].
- 315 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, Case Study 26, CTJH.500.51001.0001\_R at [21].
- 316 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, Case Study 26, CTJH.500.51001.0001\_R at [21].
- 317 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, Case Study 26, CTJH.500.51001.0001\_R at [21].
- 318 Transcript of B Loch, Case Study 26, 20 April 2015, C7803:8–16.
- 319 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, Case Study 26, CTJH.500.51001.0001\_R at [22].
- 320 Exhibit 26-0002, Case Study 26, CTJH.202.02009.0011\_R.
- 321 Exhibit 26-0002, Case Study 26, CTJH.202.02009.0011\_R at 0012\_R.



322 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [22].  
323 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [24].  
324 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [14].  
325 Transcript of B Heenan, Case Study 26, 20 April 2015, C7706:23–33.  
326 Transcript of B Heenan, Case Study 26, 17 April 2015, C7589:40–1.  
327 Transcript of B Heenan, Case Study 26, 17 April 2015, C7590:34–8.  
328 Transcript of B Heenan, Case Study 26, 17 April 2015, C7591:9–17.  
329 Exhibit 26-0045, 'Statement of Father Brian Lucas', Case Study 26, CTJH.500.65001.0001\_R at [6].  
330 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [25]; Exhibit 26-0002, Case Study 26, CTJH.202.02009.0011\_R at 0012\_R.  
331 Exhibit 26-0002, Case Study 26, CTJH.202.02009.0016; Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH500.51001.0001\_R at [25].  
332 Exhibit 26-0002, Case Study 26, CTJH.202.02009.0016.  
333 Exhibit 26-0045, 'Statement of B Lucas', Case Study 26, CTJH.500.65001.0001\_R at [19]–[22].  
334 Exhibit 26-0045, 'Statement of B Lucas', Case Study 26, CTJH.500.65001.0001\_R at [23].  
335 Transcript of B Loch, Case Study 26, 21 April 2015, C7893:29–32.  
336 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [25].  
337 Transcript of B Loch, Case Study 26, 20 April 2015, C7804:22–37.  
338 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [25].  
339 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [25].  
340 Transcript of B Loch, Case Study 26, 21 April 2015, C7896:13–25.  
341 Transcript of B Loch, Case Study 26, 20 April 2015, C7802:40–C7803:6.  
342 Transcript of B Loch, Case Study 26, 20 April 2015, C7803:8–16.  
343 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CJTH.500.51001.0001\_R at [26].  
344 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CJTH.500.51001.0001\_R at [26].  
345 Transcript of B Loch, Case Study 26, 20 April 2015, C7799:31–C7800:28.  
346 Transcript of B Loch, Case Study 26, 20 April 2015, C7803:43–C7804:4.  
347 Transcript of AYB, Case Study 26, 14 April 2015, C7320:30–2.  
348 Exhibit 26-0001, 'Statement of AYB', Case Study 26, STAT.0531.001.0001\_R at [44].  
349 Exhibit 26-0001, 'Statement of AYB', Case Study 26, STAT.0531.001.0001\_R at [45].  
350 Exhibit 26-0001, 'Statement of AYB', Case Study 26, STAT.0531.001.0001\_R at [46].  
351 Exhibit 26-0001, 'Statement of AYB', Case Study 26, STAT.0531.001.0001\_R at [46].  
352 Exhibit 26-0001, 'Statement of AYB', Case Study 26, STAT.0531.001.0001\_R at [47].  
353 Exhibit 26-0002, Case Study 26, CTJH.200.01116.0002\_R; Exhibit 26-0002, Case Study 26, CTJH.200.01111.0001\_R.  
354 Transcript of B Heenan, Case Study 26, 20 April 2015, C7706:35–40.  
355 Transcript of B Heenan, Case Study 26, 17 April 2015, C7592:7–10.  
356 Exhibit 26-0001, 'Statement of AYB', Case Study 26, STAT.0531.001.0001\_R at [50].  
357 Exhibit 26-0002, Case Study 26, CTJH.200.01111.0001\_R at 0001\_R.  
358 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [16].  
359 Exhibit 26-0002, Case Study 26, CTJH.200.01116.0002\_R.  
360 Exhibit 26-0001, 'Statement of AYB', Case Study 26, STAT.0531.001.0001\_R at [52]; Exhibit 26-0002, Case Study 26, CTJH.200.01112.0003\_R.  
361 Transcript of B Heenan, Case Study 26, 17 April 2015, C7593:44–C7594:15.  
362 Transcript of B Heenan, Case Study 26, 17 April 2015, C7593:44–C7594:3.  
363 Exhibit 26-0001, 'Statement of AYB', Case Study 26, STAT.0531.001.0001\_R at [52].  
364 Exhibit 26-0001, 'Statement of AYB', Case Study 26, STAT.0531.001.0001\_R at [52].  
365 Exhibit 26-0001, 'Statement of AYB', Case Study 26, STAT.0531.001.0001\_R at [52].  
366 Exhibit 26-0002, Case Study 26, CTJH.200.01112.0003\_R at 0003\_R.  
367 Transcript of B Heenan, Case Study 26, 17 April 2015, C7594:36–C7595:5.  
368 Transcript of B Heenan, Case Study 26, 17 April 2015, C7595:7–9.  
369 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [19].  
370 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [19].  
371 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [25].

372 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [25].  
373 Exhibit 26-0002, Case Study 26, CTJH.200.01003.0002\_R.  
374 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [26].  
375 Transcript of B Heenan, Case Study 26, 20 April 2015, C7707:39–44.  
376 Exhibit 26-0001, 'Statement of AYB', Case Study 26, STAT.0531.001.0001 at [55].  
377 Transcript of B Heenan, Case Study 26, 17 April 2015, C7599:44–C7600:8.  
378 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [26].  
379 Broken Rites is a voluntary organisation that plays an advocacy and advisory role to persons who have or may have experienced physical, psychological and/or sexual abuse by either clergy, religious or church employees.  
380 Exhibit 26-0002, Case Study 26, CTJH.200.01112.0006\_R at 0007\_R.  
381 Exhibit 26-0002, Case Study 26, CTJH.200.01112.0006\_R at 0008\_R.  
382 Exhibit 26-0002, Case Study 26, CTJH.0052.002.3031.  
383 Exhibit 26-0001, 'Statement of AYB', Case Study 26, STAT.0531.001.0001 at [58]; Exhibit 26-0002, Case Study 26, QLD.0052.002.3033.  
384 Transcript of AYB, Case Study 26, 14 April 2015, C7322:20–2.  
385 Transcript of AYB, Case Study 26, 14 April 2015, C7322:20–9.  
386 Transcript of B Heenan, Case Study 26, 17 April 2015, C7601:18–21.  
387 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [29].  
388 Transcript of B Heenan, Case Study 26, 17 April 2015, C7601:18–30.  
389 Transcript of B Heenan, Case Study 26, 17 April 2015, C7601:23–35.  
390 Transcript of B Heenan, Case Study 26, 17 April 2015, C7692:6–20.  
391 Transcript of B Heenan, Case Study 26, 17 April 2015, C7692:6–C7693:11.  
392 Transcript of B Heenan, Case Study 26, 17 April 2015, C7601:40–4.  
393 Transcript of B Heenan, Case Study 26, 17 April 2015, C7601:37–46.  
394 Transcript of B Heenan, Case Study 26, 17 April 2015, C7601:37–46, C7602:7–23.  
395 Transcript of B Heenan, Case Study 26, 17 April 2015, C7602:1–5.  
396 Submissions of the Truth Justice and Healing Council, Case Study 26, SUBM.1026.008.0001 at [36]–[39].  
397 Exhibit 26-0002, Case Study 26, CTJH.200.01112.0006\_R at 0007\_R.  
398 Exhibit 26-0002, Case Study 26, CTJH.200.02030.0096 at 0096.  
399 Exhibit 26-0002, Case Study 26, CTJH.200.02030.0096 at 0096.  
400 Transcript of B Heenan, Case Study 26, 17 April 2015, C7597:11–17.  
401 Transcript of B Heenan, Case Study 26, 17 April 2015, C7597:19–46.  
402 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [22].  
403 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [22].  
404 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [22].  
405 Transcript of B Heenan, Case Study 26, 17 April 2015, C7598:24–26.  
406 Exhibit 26-0012, 'Statement of David Owen', Case Study 26, STAT.0526.001.0001 at [34].  
407 Exhibit 26-0002, Case Study 26, CTJH.200.01203.0010\_R at .0010\_R; CTJH.200.01004.0002; CTJH.202.02021.0042.  
408 Exhibit 26-0002, Case Study 26, CTJH.200.02096.0015.  
409 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [32].  
410 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [32].  
411 The Friends of Susanna is an organisation which advocates on behalf of survivors of sexual abuse by church ministers and leaders. The organisation is named after the biblical story of Susanna, which speaks of religious leaders who seek to abuse their position to gain sexual advantage.  
412 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [35].  
413 Exhibit 26-0002, Case Study 26, CTJH.200.01001.0001.  
414 Exhibit 26-0002, Case Study 26, CTJH.200.01001.0006.  
415 Exhibit 26-0002, Case Study 26, CTJH.200.01202.0014.  
416 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [41].  
417 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [41].  
418 Transcript of B Heenan, Case Study 26, 17 April 2015, C7625:33–47, C7618:25–33.  
419 Transcript of B Heenan, Case Study 26, 17 April 2015, C7629:24–44.  
420 Transcript of B Heenan, Case Study 26, 17 April 2015, C7625:33–47, C7626:22–8.

421 Exhibit 26-0012, 'Statement of David Owen', Case Study 26, STAT.0526.001.0001\_R at [38].  
422 Exhibit 26-0002, Case Study 26, CTJH.200.01195.0034.  
423 Exhibit 26-0002, Case Study 26, CTJH.200.01195.0034.  
424 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, STAT.500.51001.0001\_R at [28].  
425 Exhibit 26-0002, Case Study 26, CTJH.200.01203.0010.  
426 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [28]–[29].  
427 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [30].  
428 Exhibit 26-0002, Case Study 26, CTJH.200.01203.0010\_R at 0012\_R.  
429 Exhibit 26-0002, Case Study 26, CTJH.200.01203.0010\_R at 0011\_R.  
430 Transcript of B Loch, Case Study 26, 20 April 2015, C7813:47–C7814:2.  
431 Transcript of B Loch, Case Study 26, 21 April 2015, C7820:17–24, C7824:11–14.  
432 Transcript of B Loch, Case Study 26, 21 April 2015, C7824:32–5.  
433 Transcript of B Loch, Case Study 26, 20 April 2015, C7824:32–5.  
434 Transcript of B Loch, Case Study 26, 21 April 2015, C7824:25–47.  
435 Exhibit 26-0002, Case Study 26, CTJH.202.02006.0281.  
436 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [34]–[35]; Exhibit 26-0002, Case Study 26, CTJH.202.02006.0281.  
437 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [44].  
438 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [45].  
439 Transcript of B Loch, Case Study 26, 21 April 2015, C7960:43–C7960:9.  
440 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [48].  
441 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [49].  
442 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [52]–[53].  
443 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [51], [54].  
444 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [89].  
445 Exhibit 26-0002, Case Study 26, CTJH.200.01195.0084.  
446 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [33].  
447 Exhibit 26-0002, Case Study 26, CTJH.200.01263.0094\_R; Exhibit 26-0002, Case Study 26, CTJH.200.01263.0087\_R.  
448 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [33].  
449 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [36].  
450 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [46].  
451 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [37]; Exhibit 26-0002, Case Study 26, CTJH.202.02010.0054\_R at 0055\_R.  
452 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [37]–[40]; Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [34]–[57].  
453 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [38]; Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [52].  
454 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [52]; Transcript of B Loch, Case Study 26, 21 April 2015, C7826:25–C7827:6.  
455 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [52].  
456 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [54].  
457 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [34].  
458 Transcript of B Heenan, Case Study 26, 17 April 2015, C7625:45–7.  
459 Transcript of B Heenan, Case Study 26, 17 April 2015, C7626:10–20.  
460 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [57].  
461 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [57].  
462 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [57].  
463 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [57].  
464 Transcript of B Loch, Case Study 26, 21 April 2015, C7827:8–32.  
465 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [43].  
466 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [43].  
467 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [45].  
468 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [46].

469 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [48]; Exhibit  
26-0002, Case Study 26, CTJH.200.02096.0046.

470 Transcript of B Heenan, Case Study 26, 17 April 2015, C7607:45–C7608:17.

471 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [58].

472 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [58].

473 Transcript of B Loch, Case Study 26, 21 April 2015, C7962:4–25.

474 Transcript of B Heenan, Case Study 26, 17 April 2015, C7607:16–22.

475 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [45].

476 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [47].

477 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [47].

478 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [47].

479 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [47].

480 Transcript of B Heenan, Case Study 26, 17 April 2015, C7606:22–8.

481 Transcript of B Heenan, Case Study 26, 17 April 2015, C7606:22–8.

482 Transcript of B Heenan, Case Study 26, 17 April 2015, C7606:14–21.

483 Transcript of B Heenan, Case Study 26, 17 April 2015, C7609:22–30.

484 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [49].

485 Transcript of B Heenan, Case Study 26, 17 April 2015, C7607:45–C7608:17.

486 Transcript of B Heenan, Case Study 26, 17 April 2015, C7608:19–24.

487 Transcript of B Heenan, Case Study 26, 20 April 2015, C7740:14–16, C7740:28–40.

488 Transcript of B Heenan, Case Study 26, 18 April 2015, C7740:28–30.

489 Transcript of B Heenan, Case Study 26, 20 April 2015, C7737:30–5.

490 Transcript of B Loch, Case Study 26, 21 April 2015, C7832:43–5.

491 Transcript of B Loch, Case Study 26, 21 April 2015, C7832:16–36.

492 Transcript of B Loch, Case Study 26, 21 April 2015, C7835:20–3.

493 Transcript of B Loch, Case Study 26, 21 April 2015, C7835:31–41.

494 Transcript of B Loch, Case Study 26, 21 April 2015, C7835:43–6.

495 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [25].

496 Exhibit 26-0002, Case Study 26, CTJH.200.01258.0009.

497 Exhibit 26-0002, Case Study 26, CTJH.202.05008.0002.

498 Transcript of B Loch, Case Study 26, 21 April 2015, C7956:35–42.

499 Transcript of B Loch, Case Study 26, 21 April 2015, C7956:44–C7947:7.

500 Exhibit 26-0002, Case Study 26, CTJH.200.02077.0008.

501 Exhibit 26-0002, Case Study 26, CTJH.200.02077.0008.

502 Exhibit 26-0002, Case Study 26, CTJH.200.02077.0008.

503 Exhibit 26-0002, Case Study 26, CTJH.200.02168.0003 at 0004.

504 Exhibit 26-0002, Case Study 26, CTJH.200.02168.0003 at 0004.

505 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [54]–[55].

506 Exhibit 26-0001, 'Statement of AYB', Case Study 26, STAT.0531.001.0001\_R at [62]–[63]; Exhibit 26-0004,  
'Statement of Mary Adams', Case Study 26, STAT.0528.002.0001 at [56].

507 Exhibit 26-0013, 'Statement of AYD', Case Study 26, STAT.0529.001.0001\_R at [31].

508 Exhibit 26-0002, Case Study 26, CTJH.200.01113.0014\_R.

509 Exhibit 26-0002, Case Study 26, CTJH.200.01113.0016\_R.

510 Exhibit 26-0012, 'Statement of David Owen', Case Study 26, STAT.0526.001.0001\_R at [45].

511 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0011\_R at [65]–[66].

512 Transcript of B Heenan, Case Study 26, 17 April 2015, C7612:16–24.

513 Transcript of B Heenan, Case Study 26, 17 April 2015, C7610:22–47.

514 Transcript of B Heenan, Case Study 26, 17 April 2015, C7611:34–45.

515 Transcript of B Heenan, Case Study 26, 17 April 2015, C7751:1–11.

516 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0011\_R at [55].

517 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0011\_R at [55].

518 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0011\_R at [56].

519 Transcript of B Heenan, Case Study 26, 17 April 2015, C7613:23–41.

520 Transcript of B Heenan, Case Study 26, 17 April 2015, C7612:47–C7613:3.

521 Transcript of B Heenan, Case Study 26, 17 April 2015, C7611:29–32.  
 522 Exhibit 26-0002, Case Study 26, CTJH.202.05008.0006\_R.  
 523 Exhibit 26-0002, Case Study 26, CTJH.202.05008.0006\_R.  
 524 Exhibit 26-0002, Case Study 26, CTJH.202.05008.0009 at 0010.  
 525 Exhibit 26-0002, Case Study 26, CTJH.202.05008.0009 at 0010.  
 526 Exhibit 26-0002, Case Study 26, CTJH.202.05008.0009 at 0010.  
 527 Exhibit 26-0002, Case Study 26, CTJH.202.05008.0009 at 0010.  
 528 Transcript of B Loch, Case Study 26, 21 April 2015, C7837:27–33.  
 529 Transcript of B Loch, Case Study 26, 21 April 2015, C7838:46–C7839:14.  
 530 Transcript of B Loch, Case Study 26, 21 April 2015, C7838:46–C7839:17.  
 531 Transcript of B Loch, Case Study 26, 21 April 2015, C7844:47–C7845:12.  
 532 Transcript of B Loch, Case Study 26, 21 April 2015, C7843:44–C7844:10.  
 533 Transcript of B Loch, Case Study 26, 21 April 2015, C7843:44–C7844:45.  
 534 Transcript of B Loch, Case Study 26, 21 April 2015, C7844:19–42.  
 535 Transcript of B Loch, Case Study 26, 21 April 2015, C7844:19–42.  
 536 Transcript of B Loch, Case Study 26, 21 April 2015, C7844:39–45.  
 537 Transcript of B Loch, Case Study 26, 21 April 2015, C7836:21–6.  
 538 Exhibit 26-0002, Case Study 26, CTJH.202.05008.0009 at 0009.  
 539 Exhibit 26-0002, Case Study 26, CTJH.202.05008.0009 at 0009.  
 540 Transcript of B Loch, Case Study 26, 21 April 2015, C7846:9–34.  
 541 Transcript of B Loch, Case Study 26, 21 April 2015, C7848:21–40.  
 542 Transcript of B Loch, Case Study 26, 21 April 2015, C7848:21–40.  
 543 Transcript of B Loch, Case Study 26, 21 April 2015, C7849:5–10.  
 544 Transcript of B Loch, Case Study 26, 21 April 2015, C7849:23–33.  
 545 Exhibit 26-0002, Case Study 26, CTJH.202.05008.0006\_R at .0006\_R.  
 546 Exhibit 26-0002, Case Study 26, QLD.0013.001.0997\_R.  
 547 Exhibit 26-0002, Case Study 26, QLD.0013.001.0997\_R.  
 548 Exhibit 26-0022, ‘Statement of Majella Ryan’, Case Study 26, STAT.0542.001.0001 at [110].  
 549 Exhibit 26-0022, ‘Statement of Majella Ryan’, Case Study 26, STAT.0542.001.0001 at [109].  
 550 Exhibit 26-0002, Case Study 26, QLD.0051.001.0001 at 0009.  
 551 Exhibit 26-0002, Case Study 26, QLD.0051.001.0001 at 0009.  
 552 Exhibit 26-0004, ‘Statement of Mary Adams’, Case Study 26, STAT.0528.002.0001\_R at [56]–[57].  
 553 Exhibit 26-0002, Case Study 26, QLD.0009.002.2136; IND.VOL002.0003.0024\_R.  
 554 Exhibit 26-0002, Case Study 26, IND.VOL002.0003.0024\_R.  
 555 Exhibit 26-0013, ‘Statement of AYD’, Case Study 26, STAT.0529.001.0001\_R at [35].  
 556 Exhibit 26-0004, ‘Statement of Mary Adams’, Case Study 26, STAT.0528.002.0001\_R at [63].  
 557 Exhibit 26-0004, ‘Statement of Mary Adams’, Case Study 26, STAT.0528.002.0001\_R at [66].  
 558 Exhibit 26-0013 ‘Statement of AYD’, Case Study 26, STAT.0529.001.0001\_R at [37].  
 559 Exhibit 26-0017, ‘Statement of Catherine Di-Anne Rowan’, Case Study 26, CTJH.500.51001.0001\_R at [61].  
 560 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, Case Study 26, CTJH.500.51001.0001\_R at [61].  
 561 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, Case Study 26, CTJH.500.51001.0001\_R at [61].  
 562 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, Case Study 26, CTJH.500.51001.0001\_R at [62].  
 563 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, Case Study 26, CTJH.500.51001.0001\_R at [70].  
 564 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, Case Study 26, CTJH.500.51001.0001\_R at [64].  
 565 Exhibit 26-0017, ‘Statement of Bishop Brian Heenan’, Case Study 26, STAT.0535.001.0001\_R at [137].  
 566 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, Case Study 26, CTJH.500.51001.0001\_R at [71]–[72].  
 567 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, Case Study 26, CTJH.500.51001.0001\_R at [73].  
 568 Transcript of B Loch, Case Study 26, 21 April 2015, C7855:43–C7856:4.  
 569 Transcript of B Loch, Case Study 26, 21 April 2015, C7855:43–C7856:10.  
 570 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, Case Study 26, CTJH.500.51001.0001\_R at [73].  
 571 Transcript of B Loch, Case Study 26, 21 April 2015, C7851:18–25.  
 572 Transcript of B Loch, Case Study 26, 21 April 2015, C7851:27–42.  
 573 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, Case Study 26, CTJH.500.51001.0001\_R at [73].  
 574 Exhibit 26-0024, ‘Statement of Sr Berneice Loch’, Case Study 26, CTJH.500.51001.0001\_R at [73].



575 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [73]–[74].  
 576 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [74].  
 577 Exhibit 26-0002, Case Study 26, CTJH.202.05002.0029.  
 578 Exhibit 26-0002, Case Study 26, CTJH.202.05002.0029 at 0029.  
 579 Exhibit 26-0002, Case Study 26, CTJH.202.05002.0029 at 0029.  
 580 Exhibit 26-0002, Case Study 26, CTJH.202.05002.0029 at 0030.  
 581 Transcript of B Loch, Case Study 26, 21 April 2015, C7857:11–39.  
 582 Transcript of B Loch, Case Study 26, 21 April 2015, C7857:41–C7858:28.  
 583 Transcript of B Loch, Case Study 26, 21 April 2015, C7859:28–40.  
 584 Transcript of B Loch, Case Study 26, 21 April 2015, C7859:45–C7860:40.  
 585 Exhibit 26-0003, Case Study 26, QLD.0062.001.0010\_R.  
 586 Exhibit 26-0002, Case Study 26, CTJH.200.01005.0009.  
 587 Exhibit 26-0002, Case Study 26, CTJH.200.01005.0009.  
 588 Transcript of B Heenan, Case Study 26, 20 April 2015, C7701:30–3.  
 589 Exhibit 26-0002, Case Study 26, CTJH.200.01005.0006.  
 590 Exhibit 26-0002, Case Study 26, CTJH.200.01005.0006.  
 591 Exhibit 26-0002, Case Study 26, CTJH.200.01005.0004.  
 592 Transcript of B Heenan, Case Study 26, 17 April 2015, C7634:1–4.  
 593 Exhibit 26-0002, Case Study 26, CTJH.200.02168.0035 at 0035.  
 594 Transcript of B Heenan, Case Study 26, 17 April 2015, C7634:32–41.  
 595 Exhibit 26-0002, Case Study 26, CTJH.200.02168.0049\_R.  
 596 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [109].  
 597 Exhibit 26-0002, Case Study 26, CTJH.200.01017.0007.  
 598 Transcript of B Heenan, Case Study 26, 17 April 2015, C7636:32–C7637:7.  
 599 Transcript of B Heenan, Case Study 26, 17 April 2015, C7645:16–18; Exhibit 26-0002, Case Study 26, CTJH.200.01017.0007.  
 600 Exhibit 26-0002, Case Study 26, CTJH.200.01017.0007.  
 601 Transcript of B Heenan, Case Study 26, 17 April 2015, C7637:34–6.  
 602 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [108].  
 603 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [108].  
 604 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [108].  
 605 Transcript of B Heenan, Case Study 26, 17 April 2015, C7635:6–15.  
 606 Submissions of Thomas Murnane and Margaret Campbell, Case Study 26, SUBM.1026.007.0001 at [52].  
 607 Submissions of Thomas Murnane and Margaret Campbell, Case Study 26, SUBM.1026.007.0001 at [52].  
 608 Submissions of the Truth Justice and Healing Council, Case Study 26, SUBM.1026.008.0001 at [96].  
 609 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [58].  
 610 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [58], [137e].  
 611 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [137f].  
 612 Exhibit 26-0002, Case Study 26, CTJH.200.02101.0501.  
 613 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [59].  
 614 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [58].  
 615 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [83]; Exhibit 26-0002, Case Study 26, CTJH.202.06002.0010.  
 616 Exhibit 26-0017, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [18].  
 617 Exhibit 26-0017, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [18].  
 618 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [75].  
 619 Exhibit 26-0002, Case Study 26, CTJH.202.06002.0010.  
 620 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [84].  
 621 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [85].  
 622 Exhibit 26-0002, Case Study 26, CTJH.202.08005.0285.  
 623 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [97].  
 624 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [123].  
 625 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [86].  
 626 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [92].

627 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [25].

628 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [79].

629 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [79].

630 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [79].

631 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [96]; Exhibit 26-0002, Case Study 26, CTJH.202.06002.0015.

632 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [99]; Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [37]; Exhibit 26-0002, Case Study 26, CTJH.200.02101.0536.

633 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [99]; Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [37].

634 Exhibit 26-0003, Case Study 26, CTJH.202.08005.0265; Exhibit 26-0002, Case Study 26, CTJH.202.08005.0371.

635 Exhibit 26-0003, Case Study 26, CTJH.202.08005.0265; Exhibit 26-0002, Case Study 26, CTJH.202.08005.0371.

636 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [114].

637 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [44].

638 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [48].

639 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [103].

640 Exhibit 26-0002, Case Study 26, CTJH.202.02015.0016\_R.

641 Exhibit 26-0002, Case Study 26, CTJH.202.02007.0042\_T; Exhibit 26-0002, Case Study 26, CTJH.202.01005.0010\_R.

642 Exhibit 26-0002, Case Study 26, CTJH.200.02066.0001\_R.

643 Exhibit 26-0002, Case Study 26, CTJH.202.01027.0002\_R.

644 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [173].

645 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [32].

646 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, STAT.500.51001.0001\_R at [28].

647 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [89].

648 Exhibit 26-0002, Case Study 26, CTJH.202.02006.0328\_R.

649 Exhibit 26-0002, Case Study 26, CTJH.202.02006.0328\_R.

650 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [90].

651 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [93].

652 Transcript of B Loch, Case Study 26, 21 April 2015, C7873:21–42.

653 Transcript of B Loch, Case Study 26, 21 April 2015, C7872:4–14.

654 Transcript of B Loch, Case Study 26, 21 April 2015, C7925:1–8.

655 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [70].

656 Exhibit 26-0012, 'Statement of David Owen', Case Study 26, STAT.0526.001.0001\_R at [44]; Exhibit 26-0025, 'Supplementary Statement of Sister Berneice Loch', Case Study 26, STAT.0547.001.0001\_R at [6].

657 Exhibit 26-0025, 'Supplementary Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [9].

658 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [71].

659 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [71].

660 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [71].

661 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [71].

662 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [60].

663 Exhibit 26-0002, Case Study 26, CTJH.200.02034.0077\_R.

664 Exhibit 26-0002, Case Study 26, CTJH.200.02034.0077\_R.

665 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [63].

666 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [63].

667 Exhibit 26-0004, 'Statement of Mary Adams', Case Study 26, STAT.0528.002.0001\_R at [79].

668 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [72].

669 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [72].

670 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [73].

671 Exhibit 26-0002, Case Study 26, CTJH.202.01006.0001\_R at 0019\_R.

672 Exhibit 26-0002, Case Study 26, CTJH.200.02066.0015\_R.

673 Exhibit 26-0002, Case Study 26, CTJH.200.02067.0017\_R.

- 674 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [83].
- 675 Exhibit 26-0002, Case Study 26, CTJH.202.01006.0001\_R at 0019\_R.
- 676 Exhibit 26-0002, Case Study 26, CTJH.202.02002.0023.
- 677 Exhibit 26-0002, Case Study 26, CTJH.202.01004.0015.
- 678 Exhibit 26-0002, Case Study 26, CTJH.200.02037.0028.
- 679 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [87].
- 680 Exhibit 26-0002, Case Study 26, CTJH.200.01021.0032.
- 681 Exhibit 26-00132, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [94]–[95].
- 682 Transcript of AYK, Case Study 26, 16 April 2015, C7564:33–5.
- 683 Exhibit 26-0016, 'Statement of AYO', Case Study 26, STAT.0537.001.0001\_R at [60].
- 684 Submissions of the Truth Justice and Healing Council, Case Study 26, SUBM.1026.008.0001 at [115].
- 685 Submissions of the Truth Justice and Healing Council, Case Study 26, SUBM.1026.008.0001 at [115].
- 686 Exhibit 26-0025, 'Supplementary Statement of Sister Berneice Loch', Case Study 26, STAT.0547.001.0001\_R at [14].
- 687 Exhibit 26-0002, Case Study 26, CTJH.202.04014.0007\_R.
- 688 Exhibit 26-0002, Case Study 26, CTJH.202.04002.0013\_R, CTJH.202.04014.0004\_R.
- 689 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [105].
- 690 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [105].
- 691 Transcript of CD Rowan, Case Study 26, 22 April 2015, C8027:31–32.
- 692 Transcript of CD Rowan, Case Study 26, 22 April 2015, C8027:39–46.
- 693 Transcript of AYN, Case Study 26, 15 April 2015, C7411:6–8; Transcript of M Adams, Case Study 26, 14 April 2015, C7363:38–40.
- 694 Transcript of CD Rowan, Case Study 26, 22 April 2015, C8028:1–5.
- 695 Submissions of AYN, Case Study 26, SUBM.1026.005.0001 at [34].
- 696 Further Submissions of the Truth Justice and Healing Council, Case Study 26, SUBM.1026.010.0001 at [12].
- 697 Submissions of AYN, Case Study 26, SUBM.1026.005.0001 at [34].
- 698 Submissions of the Truth Justice and Healing Council, Case Study 26, SUBM.1026.008.0001 at [116].
- 699 Exhibit 26-0002, Case Study 26, CTJH.202.01004.0021\_R.
- 700 Exhibit 26-0002, Case Study 26, CTJH.202.01004.0021\_R at 0022\_R.
- 701 Exhibit 26-0002, Case Study 26, CTJH.202.01004.0021\_R at 0022\_R.
- 702 Exhibit 26-0002, Case Study 26, CTJH.202.01004.0021\_R at 0023\_R.
- 703 Exhibit 26-0002, Case Study 26, CTJH.200.02065.0004.
- 704 Exhibit 26-0002, Case Study 26, QLD.0013.001.4574.
- 705 Exhibit 26-0002, Case Study 26, QLD.0013.001.4574.
- 706 Exhibit 26-0002, Case Study 26, CTJH.200.02169.0011\_E.
- 707 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [70].
- 708 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [66].
- 709 Exhibit 26-0002, Case Study 26, CTJH.202.07012.0162 at 0166.
- 710 Limitation of Actions Act 1974 (Qld) s 11.
- 711 Exhibit 26-0002, Case Study 26, CTJH.202.07012.0162 at 0168.
- 712 Exhibit 26-0002, Case Study 26, CTJH.202.07012.0162 at 0175.
- 713 Exhibit 26-0002, Case Study 26, CTJH.202.07012.0162 at 0176.
- 714 Exhibit 26-0002, Case Study 26, CTJH.202.01005.0012\_R.
- 715 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [128].
- 716 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [128].
- 717 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [82].
- 718 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [128].
- 719 Exhibit 26-0002, Case Study 26, CTJH.200.02070.0010.
- 720 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [113].
- 721 Exhibit 26-0002, Case Study 26, CTJH.202.01032.0005\_R.
- 722 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [119].
- 723 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [116]–[119].
- 724 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [119].



- 725 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [134].
- 726 Exhibit 26-0032, 'Statement of Catherine Di-Anne Rowan', Case Study 26, CTJH.500.50001.0001\_R at [140].
- 727 Submissions of the Truth Justice and Healing Council, Case Study 26, SUBM.1026.008.0001 at 0037.
- 728 Submissions of the State of Queensland, Case Study 26, SUBM.1026.013.0001 at 0006.
- 729 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [119].
- 730 Exhibit 26-0001, 'Statement of AYB', Case Study 26, STAT.0531.001.0001\_R at [84].
- 731 Exhibit 26-0002, Case Study 26, CTJH.200.01119.0002\_R.
- 732 Exhibit 26-0002, Case Study 26, CTJH.200.01133.0021\_R.
- 733 Exhibit 26-0001, 'Statement of AYB', Case Study 26, STAT.0531.001.0001\_R at [86].
- 734 Exhibit 26-0001, 'Statement of AYB', Case Study 26, STAT.0531.001.0001\_R at [88].
- 735 Transcript of B Loch, Case Study 26, 22 April 2015, C7987:12–20.
- 736 Transcript of C D Rowan, Case Study 26, 22 April 2015, C8001:47–C8002:16
- 737 Transcript of C D Rowan, Case Study 26, 22 April 2015, C8001:42–C8002:16.
- 738 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [113].
- 739 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [113].
- 740 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [113].
- 741 Transcript of B Heenan, Case Study 26, 20 April 2015, C7714:2–10.
- 742 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [115].
- 743 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [115(a)].
- 744 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [115(b)].
- 745 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [115(c)].
- 746 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [120]–[136].
- 747 Exhibit 26-0017, 'Statement of Bishop Brian Heenan', Case Study 26, STAT.0535.001.0001\_R at [137]–[138].
- 748 Exhibit 26-0043, 'Statement of Bishop Michael McCarthy', Case Study 26, CTJH.500.52001.0001 at [3].
- 749 Exhibit 26-0043, 'Statement of Bishop Michael McCarthy', Case Study 26, CTJH.500.52001.0001 at [9(a)]–[9(d)], [9(h)].
- 750 Exhibit 26-0043, 'Statement of Bishop Michael McCarthy', Case Study 26, CTJH.500.52001.0001 at [9(f)].
- 751 Exhibit 26-0043, 'Statement of Bishop Michael McCarthy', Case Study 26, CTJH.500.52001.0001 at [9(g)].
- 752 Exhibit 26-0043, 'Statement of Bishop Michael McCarthy', Case Study 26, CTJH.500.52001.0001 at [9(f)].
- 753 Transcript of B Loch, Case Study 26, 21 April 2015, C7879:45–C7880:4.
- 754 Exhibit 26-0026, Case Study 26, CTJH.202.08006.0001.
- 755 Exhibit 26-0026, Case Study 26, CTJH.202.08006.0001; Exhibit 26-0027, Case Study 26, TEN.0024.001.0022, TEN.0024.001.0030.
- 756 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [121].
- 757 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [123].
- 758 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [123(a)].
- 759 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [126].
- 760 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [126].
- 761 Exhibit 26-0008, 'Statement of Margaret Campbell', Case Study 26, STAT.0533.001.0001\_R at [41]; Transcript of AYB, Case Study 26, 14 April 2015, C7329:5–6.
- 762 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [128].
- 763 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [128].
- 764 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [132], [136]–[171].
- 765 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [132].
- 766 Exhibit 26-0024, 'Statement of Sr Berneice Loch', Case Study 26, CTJH.500.51001.0001\_R at [134].
- 767 Exhibit 26-0003, Case Study 26, QLD.0062.001.0010\_R; Exhibit 26-0002, Case Study 26, CTJH.200.01005.0009.
- 768 Exhibit 26-0003, Case Study 26, QLD.0062.001.0006\_R at 0006\_R.
- 769 Exhibit 26-0003, Case Study 26, QLD.0062.001.0006\_R at 0006\_R.
- 770 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0541.001.0001\_R at [17]; Exhibit 26-0003, Case Study 26, QLD.0062.001.0032\_R.
- 771 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0541.001.0001\_R at [21]; Exhibit 26-0003, Case Study 26, QLD.0062.001.0049\_R.
- 772 Exhibit 26-0001, 'Statement of AYB', Case Study 26, STAT.0531.001.0001\_R at [30]–[31].

- 773 Exhibit 26-0003, Case Study 26, QLD.0062.001.0006\_R at 0006.
- 774 Exhibit 26-0003, Case Study 26, QLD.0062.001.0006\_R at 0007.
- 775 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0451.001.0001\_R at [27]–[28].
- 776 Exhibit 26-0002, Case Study 26, IND.R-002842.PS.0141\_R.
- 777 Exhibit 26-0002, Case Study 26, QLD.0014.001.0209\_R at 0211\_R.
- 778 Exhibit 26-0002, Case Study 26, QLD.0052.001.3827\_R.
- 779 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0451.001.0001\_R at [33].
- 780 Exhibit 26-0003, Case Study 26, QLD.0062.001.0006\_R at 0007\_R.
- 781 Exhibit 26-0003, Case Study 26, QLD.0062.001.0006\_R at 0007\_R; Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0451.001.0001\_R at [35].
- 782 Exhibit 26-0002, Case Study 26, CTJH.200.01008.0048.
- 783 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0451.001.0001\_R at [38].
- 784 Exhibit 26-0002, Case Study 26, QLD.0052.001.0560; Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0541.001.0001\_R at [39].
- 785 Exhibit 26-0003, Case Study 26, QLD.0062.001.0006\_R at 0008\_R.
- 786 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0451.001.0001\_R at [41]; Exhibit 26-0003, Case Study 26, QLD.0062.001.0162 at 0164.
- 787 Exhibit 26-0002, Case Study 26, QLD.0052.001.0846.
- 788 Exhibit 26-0002, Case Study 26, CTJH.202.01030.0004\_R at 0004.
- 789 Exhibit 26-0003, Case Study 26, QLD.0009.002.5860.
- 790 Exhibit 26-0002, Case Study 26, CTJH.202.01030.0004\_R at 0005\_R.
- 791 Exhibit 26-0002, Case Study 26, CTJH.202.01030.0004\_R at 0005\_R.
- 792 Exhibit 26-0002, Case Study 26, QLD.0013.001.0997\_R at 1014\_R.
- 793 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0541.001.0001\_R at [47].
- 794 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0541.001.0001\_R at [48].
- 795 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0541.001.0001\_R at [49].
- 796 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0541.001.0001\_R at [52].
- 797 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0541.001.0001\_R at [55]–[56].
- 798 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0541.001.0001\_R at [57]–[59].
- 799 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0541.001.0001\_R at [61]–[62].
- 800 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0541.001.0001\_R at [63].
- 801 Exhibit 26-0003, Case Study 26, QLD.0062.001.0283\_R.
- 802 Exhibit 26-0003, Case Study 26, QLD.0062.001.0286 at 0290.
- 803 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0451.001.0001\_R at [66].
- 804 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0451.001.0001\_R at [67].
- 805 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0541.001.0001\_R at [70].
- 806 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0541.001.0001\_R at [71].
- 807 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0541.001.0001\_R at [75].
- 808 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0541.001.0001\_R at [77].
- 809 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0541.001.0001\_R at [78].
- 810 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0541.001.0001\_R at [81].
- 811 Exhibit 26-0003, Case Study 26, QLD.0052.001.1036; Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0541.001.0001\_R at [73].
- 812 Exhibit 26-0037, 'Statement of Daniel Boyle', Case Study 26, STAT.0451.001.0001\_R at [73].
- 813 Exhibit 26-0003, Case Study 26, QLD.0062.001.0326.
- 814 Exhibit 26-0003, Case Study 26, QLD.0062.001.0326.
- 815 On 3 July 1989, s 23 of *The Criminal Code, Evidence Act and Other Act Amendment Act 1989* (Qld) was enacted to create the offence as s 229B of the Criminal Code.
- 816 Section 18 of the *Sexual Offences (Protection of Children) Amendment Act 2003* (Qld) replaced s 229B of the Criminal Code.
- 817 *R v SCE* [2014] QCA 48 at [5]–[11], [19]–[34].
- 818 Exhibit 26-0037, 'Supplementary Statement of Daniel Boyle', Case Study 26, STAT.0541.002.0001\_R at [32].
- 819 Transcript of D Boyle, Case Study 26, 22 April 2015, C8066:23–7.
- 820 Transcript of D Boyle, Case Study 26, 22 April 2015, C8082:5–23.

- 821 Exhibit 26-0046, Case Study 26, QLD.0076.001.0001.
- 822 *Sutton v The Queen* (1995) 182 CLR 461.
- 823 *Phillips v The Queen* (2006) 225 CLR 303.
- 824 *Pfennig v The Queen* (1995) 182 CLR 461.
- 825 *Hoch v The Queen* (1988) 165 CLR 292.
- 826 Exhibit 26-0046, Case Study 26, QLD.0076.001.0004 at 0028.
- 827 Exhibit 26-0046, Case Study 26, QLD.0076.001.0004 at 0029.
- 828 Exhibit 26-0046, Case Study 26, QLD.0076.001.0001 at 0003.
- 829 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [115]; Exhibit 26-0002, Case Study 26, QLD.0051.001.0001.
- 830 Exhibit 26-0002, Case Study 26, QLD.0051.001.0001 at 0005.
- 831 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [117]; Exhibit 26-0002, Case Study 26, QLD.0051.001.0001 at 0005.
- 832 Exhibit 26-0002, Case Study 26, QLD.0051.001.0001 at 0006.
- 833 Exhibit 26-0002, Case Study 26, QLD.0051.001.0001 at 0006.
- 834 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [117].
- 835 Exhibit 26-0002, Case Study 26, QLD.0009.020.0133.
- 836 Exhibit 26-0022, 'Statement of M Ryan', Case Study 26, STAT.0542.001.0001 at [150].
- 837 Find & Connect: History & information about Australian orphanages, children's homes & other institutions, *Queensland – Event, Redress Scheme (2007–2010)* <http://www.findandconnect.gov.au/guide/qld/QE00466> (viewed 9 April 2015).
- 838 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [158].
- 839 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [158].
- 840 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [158]–[159].
- 841 Find & Connect: History & information about Australian orphanages, children's Homes & other institutions, *Queensland – Event, Redress Scheme (2007–2010)* <http://www.findandconnect.gov.au/guide/qld/QE00466> (viewed 9 April 2015).
- 842 Exhibit 26-0022, 'Statement of Majella Ryan', Case Study 26, STAT.0542.001.0001 at [163].



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