

COPY

IN THE SUPREME COURT  
OF NEW SOUTH WALES  
SYDNEY REGISTRY  
COMMON LAW DIVISION

NO. \_\_\_\_\_ of 1997

On <sup>27</sup> ~~26~~<sup>th</sup> March 1997 I DENIS WILLIAM <sup>148</sup> ~~PD~~

DOHERTY of 10/19 Stewart Street Glebe in the State of New South Wales, Teacher, say on oath:

1. I am now 51 years of age having been born on 17 August 1945.
2. I attended school at Villa Maria, Hunters Hill, and then Marist Brothers at Mosman. I obtained my Leaving Certificate in 1962 and entered the Marist Brothers in 1963. I was a postulant for six months and then a novice for the next 12 months. Thereafter I taught as a Marist Brother until I left the Order in about 1988.
3. Between 1970 and 1976 I taught at the Marist Brothers School at REDAC and lived with four other Brothers in a house. The house had a Superior who was also the Principal of the School. When I first arrived the Superior was Brother Elston Mullins, who later changed his name to John. I believe he was the Superior until about 1973. Thereafter the Superior was Brother John Holdsworth. Gregory Sutton came to live and teach with us in about 1973. I was the Head Master of the Primary School at the time.

AFFIDAVIT

Deponent: Denis William Doherty  
Sworn: 27 March 1997.  
Filed for:

ADS

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Plaintiff

GREGORY SUTTON  
First Defendant

BROTHER CHARLES HOWARD  
Second Defendant

TRUSTEES OF THE MARIST BROTHERS  
Third Defendant

R. J. BENJAMIN & COMPANY.  
Solicitors  
50 Connells Point Road  
SOUTH HURSTVILLE 2221  
DX 11357 HURSTVILLE  
Tel: (02) 9547 1733  
Ref: SB

*Denis William Doherty* *[Signature]*

3. During his time at the School, I became concerned about the behaviour of Gregory Sutton with the children. It became obvious to me that he was selecting two or three children who became 'pets' and he allowed them to misbehave. He, became more like their playmate than their teacher. There were a number of other incidents which caused me concern. Once I arrived at the school early and heard noise in Gregory Sutton's classroom. I entered his classroom and found him wrestling three Grade Four boys. He went red in the face and stood up. On another occasion I saw him mowing the school oval using a tractor mower with a young Year Four child sitting between his legs. On that occasion I approached him and said words to the effect of "Greg, you can't do that you are in front of the public". He replied in words to the effect of, "I am just giving the kid a lift, he comes from a rough household, he needs some attention".

4. Toward: the end of 1973 I approached Brother Elston and discussed my concerns with him about Gregory Sutton. I recall saying to Brother Elston words to the effect of, "It is crazy, it is bordering on scandalous". I am not aware of any action being taken by Brother Elston.

5. I recall an incident in 1974 when I forbade Gregory Sutton from taking children away on weekends. He had on a number of occasions taken children to a holiday home at Mission Beach, <sup>Quinnville</sup>. Gregory Sutton took the issue to Brother John Holdsworth who was the Principal at the time. Brother Holdsworth overruled me and at the time I recall saying to Brother Holdsworth words to the effect of "It doesn't look right. I am suspicious of him". Brother Holdsworth set a condition that Gregory Sutton had to be accompanied by a parent when he took children away in the future.

6. I also recall raising my concerns about the behaviour of Gregory Sutton with Brother John Holdsworth in about 1974. I spoke to Brother Holdsworth about what I thought was a potentially serious matter. I raised with Brother Holdsworth that I thought Gregory Sutton was involved in serious "petting". I brought to his attention the fact that I had found Gregory Sutton wrestling with young boys and that I had observed him with a child between his legs on the tractor mower. I am not aware of any action taken by Brother Holdsworth.

*Handwritten initials: W.D., H.R.*

*Handwritten notes: 2/3 pets? may have been some of fellow no evidence - but w/ clear & obvious impressions*

*Handwritten note: Quinnville*

*Handwritten signature: Dennis Doherty*

*Handwritten signature: H. J. Swain*

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7. In 1975, I recall approaching the then Provincial Brother Charles Howard when he was visiting the school. I recall saying to Brother Howard in words to the effect of "I am suspicious about Greg. I fear that he may be interfering with children". Brother Howard responded in words to the effect of "It sounds serious, we will move him to Sydney for counselling". About a year later Brother Howard returned for his next annual visit and I recall speaking to him again and asking, "What have you done about Greg?" He said "None of your business". By this time Gregory Sutton had moved to another school.

SWORN by the deponent  
at Sydney before me:

*Karen Lynn Sweeney*  
Karen Lynn Sweeney J.P.

*Dennis William*  
*Roberts*