

# CARRINGTON

## INVESTIGATIONS

PTY LIMITED

19 Stanbury Street,  
Gladesville,  
N.S.W. 2111

A.C.N. 003 580 283

Tel: 816 2284  
Fax: 817 4371  
DX: 8448 Ryde**CONFIDENTIAL**Mr Gerard Phillips,  
Carroll & O'Dea, Solicitors,  
111 Elizabeth Street,  
SYDNEY

05 April, 1997.

Dear Mr. Phillips,

Re: Ex-Brother Sutton.

As requested in your facsimile of the 03 April, 1997 we have undertaken interviews with the Brothers mentioned in the affidavit of Denis William Doherty.

On the 04 April, 1997 we interviewed Brother John Mullins at Provincial House, Drummoyne. Brother Mullins was the Superior for the Marist Community at REDACTED in 1973, which was the year of Gregory Sutton's first teaching appointment.

It is alleged in the affidavit that Doherty approached Brother Mullins towards the end of 1973 and discussed his concern about Gregory Sutton and says that he used words to the effect, "It is crazy, it is bordering on scandalous". The affidavit does not comprise the information on which Doherty based that opinion in 1973. There is reference in paragraph 6 of the affidavit of him allegedly voicing his concern to Brother John Holdsworth "in about 1974" (Brother Holdsworth took up his appointment as Superior in 1974) that Sutton was involved in "serious petting" and he had been observed wrestling with boys in his class and had a child on the mower seated between his legs.

According to Brother Mullins he has no recall whatsoever of such comments being made to him by Doherty in 1973. He is certain that if they had been made he would have remembered them. He had previously stated: "There was never any complaint of which I am aware made against Brother Sutton during the year 1973". (p.3 statement of 17.01.97). He says that he has no reason to depart from that original comment.

He believes that Doherty is a very straightforward person, but has nonetheless confused his facts. Any beliefs that he may have personally entertained were never imparted him in that tenor. If any comment had been made during that year it must

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have been of very little significance otherwise he would have remembered it and also acted upon it. It certainly would not have been in the terms now couched in the affidavit.

He did not have anything adverse to say about the deponent, other than the fact that Doherty had wanted to demonstrate at **REDACTED** about nuclear disarmament. He thought that it was inappropriate for a Brother to take part in such demonstrations. More recently he has observed that Doherty has participated in demonstrations against the American fleet.

**BROTHER CHARLES HOWARD**

On Saturday the 05 April, 1997 we interviewed Brother Charles Howard at Provincial House, Drummoyne. Brother Charles was the Provincial between the years 9/72 - 10/76. According to the affidavit, Doherty alleges that on an occasion of Brother Charles visit to **REDACTED** in 1975 he expressed his concerns about Gregory Sutton, in the following terms: "I am suspicious about Greg. I fear that he may be interfering with children". Brother Charles is alleged to have said, "It sounds serious we will move him to Sydney for counselling."

Brother Charles says that if such a comment had been made to him he would have remembered it. It would have also been discussed with Brother Holdsworth the Superior of the Community. There was never any discussion along these lines. Until this matter was raised he did not have any independent recollection of Sutton being at **REDACTED**. If there had been suspicions raised about his relationships with the children he would have cause to remember it. Sutton was not moved from the school for counselling as has been suggested. When he was transferred to Mosman in 1976 he went to a normal teaching environment. There was no reason for him (Brother Charles) to impart any information to Brother Crispin, the Superior there, as he was quite ignorant of any suspicions that Doherty might have entertained. Moving Sutton to Sydney for counselling without the testimony of Brother John Holdsworth (The Superior) would also have been "unthinkable". He rebuts any suggestion of a conspiracy theory.

He finds it difficult to believe that Doherty would invent the content of his affidavit, but suggests that it has been coloured by subsequent events. He makes the comment:- "It is not difficult to see that possibility of hindsight wisdom entering into the picture there". Furthermore, he finds it difficult to believe that if Doherty believed that Sutton was actually interfering with children why he was not confronted by the deponent.

His own impression of Doherty is that of a person with intended goodwill, but of poor judgment. Although it is said that he left the Order in 1988 he was phasing out before that

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time. He was constantly getting into trouble with Authorities for participating in demonstrations and the Order was paying fines. One incident involved Pine Gap. Just recently he came to the Provincial House at Drummoyne, but there was no discussion of the facts involving Sutton.

#### BROTHER JOHN HOLDSWORTH

On Saturday the 05 April, 1997 we interviewed Brother John Holdsworth at St Vincent's Boy's Home at Westmead. He took up the role of Superior for the Marist Community at REDACTED in 1974. He had previously supplied a statement in relation to Sutton, that document was prepared on the 17 January, 1997. He does not depart from the contents of same.

In relation to paragraph 5 of the affidavit, he says that he has no recall of any such conversation and never had occasion to overrule Doherty on such a subject. According to Brother John, the Order did have access to two houses at REDACTED REDA, mainly used by the Brothers from Cairns; they were identified as REDACTED and REDACTED. He went there once or twice himself, but never with the children. He has no recollection of Sutton taking the children there, but is aware that Greg did arrange father and son camps.

He has no independent recollection of Doherty complaining about Sutton wrestling with the children or having a child on a tractor. However, he envisages that the latter did occur as Sutton was always using the tractor and the children liked to ride on it.

According to Brother Holdsworth, Doherty certainly did not produce any allegation of "serious petting."

He last saw Doherty about ten years ago when they both attended a service at Malabar. When asked where he was then living Doherty produced a card depicting Australia with numerous stars thereon. These were reported to be American bases throughout Australia; the suggestion being that Doherty could be found at any one of these venues demonstrating. He was a strong supporter of the A.L.P.

#### COMMENT

From the interviews it is evident that the content of the affidavit is in dispute.

#### ATACHMENTS

1. The notes attached to the report were made by Brother Charles Howard.

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We trust that the information contained within this report will prove of assistance and we thank you for instructions in the matter.

Yours faithfully  
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J.E. Anderson