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STATEMENT OF BROTHER TERRY HEINRICH

TAKEN ON 31 MARCH 2008

My full name is Terrence Gregory Heinrich and I was born on 12 December 1945.

I joined the Marist Brothers as a trainee in 1963 and I think my final profession would have been in about 1969.

Thereafter, I taught in a number of different Marist Colleges before being appointed as Principal of Marist Canberra in 1983.

I was Principal at Marist Canberra from 1983 to 1988.

My deputy at that time was for the first three years Brother Joe McCabe who is also the superior of the local Marist community and for the second period, Brother Peter Pymble.

Previously, I had served as Principal of Marist College Enoggera in Brisbane and from there I had assisted to establish a senior co-ed Marist College known as Mount Maria Mitchelton in Brisbane.

Accordingly, I came to Canberra with some experience as a principal.

REDACTED

During my time in Canberra, my path did cross with REDACTED.

I had no recollection of REDACTED being engaged in any kind of problematic behaviour or tutoring children at his own home or having children stay over or anything of that sort.

Quite frankly, if I had been aware that any lay teacher was having contact with children outside of school hours and away from school premises, that would have registered for me as a problematic issue requiring some thought and investigation.

I, in fact, had something of a difference of opinion with REDACTED over I suppose our approach to teaching and in particular, the management of children.

I think he would have thought of me as being a little soft on the question of corporal punishment.

Ultimately, both he and his brother who is also a teacher left the College and I don't think that they would have been particularly happy with the relationship that they had with me in respect of these issues.

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Prior to my time at Canberra, there had been something of an incident involving **REDACTED** and a football tour in New Zealand.

REDACTED was a very hard working librarian whose sons had been through Marist Canberra.

I had some consciousness or now believe I may have had some consciousness of something in the nature of an outstanding residual question mark over whether or not one of her boys may have had contact of some sort with **REDACTED**.

This is now just a vague recollection; I can't recall any communication with **REDACTED** about it or anything other than the idea that there was some unfinished business out there around **REDACTED**'s time in Canberra to do with one of the **REDACTED** boys.

REDACTED

RE was a lay teacher involved primarily in the primary school.

We did bring in a program whereby one of the primary school teachers would stay with the boys as they progressed to the secondary school for a year and **RE**, I think, was in that position, that is, one foot in the primary camp another foot in the secondary camp.

I do have a recollection of a conversation of some sort with a parent about **RE** in which there may have been something articulated to me in respect of a concern with **RE** but to be honest with you, this is all quite distant, vague and unclear and I simply disclose it to you in case it's of relevance to anything down the line.

Brother Koska Chute

Koska was at Canberra during my time and he would have been a man who was then aged about mid-50s, about 15 years older than me.

I had had some exposure to Koska during training in years gone by and I was certainly never briefed with any information suggesting a need to keep an eye on Koska or suggesting that he had any difficulties with behaviour.

He was a very energetic man who was actively involved in sport and gave a lot of himself to the local college community.

He had a Labrador called Jason that was always receiving attention from children.

He was significantly involved in sport and also in relation to the operation of the film club, photography club and the toastmasters club and Friday night movies.

He was everywhere.

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I did develop an issue about the Friday night movies which was something a little outside of our normal range of operations in a Marist school.

It had developed a life of its own; it was something of a fund raiser. I had questions in my own mind as to whether there was adequate supervision and just as to whether the nights were being properly handled.

There was never any question of pornographic films or anything of that sort but I do recall having an issue at one stage about whether a film was a little more violent than you might like to have for the range of kids who might turn up to participate in the night.

I do have a quite vague recollection of a father speaking to me in respect of an incident in which it was alleged that the son's penis had come into contact with Koska's hand at a Friday night movie.

I can't recall whether the conversation was in person or over the phone. I suspect it was in person.

Dad was pretty uncomfortable about the whole thing and I can't recall whether or not I got back to him thereafter.

I do recall a conversation of some sort which did result in me then confronting Koska Chute.

He sought to dismiss the matter or pass it off as some kind of mishap or misunderstanding of an inconsequential type.

He was something of a larger than life kind of character and an energetic and positive man but he had some personality traits which one would tolerate given the overall goodness in the man.

I would describe Koska as being a bit dramatic for me.

In any event, my conversation with him was a little unsatisfactory and inconclusive.

He did not admit to any wrong doing or problem in the area.

He, of course, was older than me and I was seeking to settle into my role as principal which involved a range of different functions and responsibilities.

I believe that again, quite frankly, my memory is problematic that I would have raised the issue with the then Provincial Brother Jack Alman.

The Provincial would attend at the College and the community from time to time for periodic visitations.

I would also have regular meetings with him at Drummoyne.

The father who reported the matter was quite ill at ease about the whole thing.

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I can't recall in any detail the nature of the exchange with Brother Alman and I do wonder whether in raking back over these memories, I am imagining something or creating something.

Jack Alman I don't think would have said much to me about it.

My gut feeling is there probably was a limited conversation with Jack in which the body language would have been "thank you, leave it with me" but I cannot be confident in asserting that as a matter of any certainty.

John Doyle Conversation

John Doyle was a senior teacher and house master.

Again, I have a pretty vague recollection of a conversation with him in the office at some stage in which he raised a "concern" with Koska Chute.

I recall that this is more about general behaviour rather than any one incident.

HGH: Terry, in relation to that John Doyle conversation, do you think you took anything to Alman while on that one or not?

TH: I think I did.

HGH: And Alman would have said something like that at some stage, there was a conversation in which he indicated that he had put an end to the movies or dealt with the issue in some sort but again....

TH: (He couldn't say he can't remember the John Doyle conversation,) I have no idea at what stage of my time there it took place. I have a feeling it was at a late stage but I'm not even sure of that. I mean I don't really, this started when I heard that John is suppose to have known and there's a guilt in not acting and I just, I don't, that wouldn't have been the case I'm sure with him, and so I think to myself then it has to be at a meeting, somewhere in my memory there is a moment where he expresses some concern about Koska and I think my reaction is that I've already spoken with Bralman again I think that's it.

HGH: So in your mind Terry, courtesy of the conversation with the parent and the conversation with John Doyle, you had an awareness of an issue to do with Koska Chute and that undoubtedly would have been something which would have come up from time to time in your periodic discussions with the Provincial.

TH: Well, you know, my memory of the Provincial saying how is Koska going and saying well, everything seems to be okay and I think, true to, again, my

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memory of him saying, well, I've put an end to, there'll be no more of movies or no more photography club or both whatever, again I don't know when this was but just this vague memory and being a bit surprised for his intervention around that, so the message was that there'd been some sort of direction from him to Koska but he has done something about my initial concern. But apart from that not too much.

HGH: Okay, that's fine.

TH: And certainly not regular discussions with him about Koska....

HGH: Now there was no other brother or person during that time that you were concerned about at Canberra?

TH: No.

HGH: No, Koska was the only Brother who would have been on or off your radar screen from time to time as a possible problem issue.

TH: Yes.

HGH: And the appropriate thing was to raise it with the Provincial which is what you are quite sure that you did and you also had a recollection of some kind of feedback from the Provincial to the effect that he received the ball and he dealt with it as he saw fit.

TH: Yes.

Di Marco Incident 1995-ish

After the completion of my time at Canberra and when I was the Principal at Ashgrove, I did give a job to a very good ex-student from Canberra, REDACTED who was newly married and living up in Brisbane.

Apart from other responsibilities, RED was coach of the senior volleyball team.

I recall a Saturday morning game watching the volleyball when I ran into REDACTED who I had known from Canberra days.

The REDACT were a fine family and very supportive of the Brothers who attended their family home on a few occasions.

RED didn't warmly embrace me and we did have a limited Saturday morning sports type of conversation in which RED did share with me that there were clearly issues confronting the Marist Brothers in terms of the numbers of vocations and that there were also issues in relation to public confidence in the Brothers or perhaps, I injected that into the conversation.

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My recollection is he said something to me along the lines of:

“I am one of those with an issue with the Brothers.”

By this, I do think he was hinting at or referring to a potential abuse issue of some sort but he did not give me any details and I did not seek any details and he did not mention Koska Chute's name and it was a throw away line in the course of a Saturday morning conversation rather than a formal discussions in which he made an appointment to see me to raise the matter, etc.

HGH: Terry, do you think you would have done anything with REDACTED presentation or offering or was it really just an informal chat in which you received some further information going to the concern people had with Koska Chute.

TH: My awareness of this problem with Koska was so limited in the sense that only in December when we received some newspapers from Australia in Cambodia and realised what was happening did I start to literally think about this again and remember the incident with the parent but before those years even at the time of my leaving Canberra, for whatever reason, I don't think I really had anything like er, appropriate concern with Koska, I think maybe the contrast between the way he operated there, the work he did and so on, I never quite tried to reconcile that with the possibility that he was responsible for a lot of misbehaviour, and I mean, I sort of think of myself as being very marginal to the whole issue you know and that's not a happy admission to make, it's just the way it was but I never really registered that this was er, could be as serious as it turned out to be. It just didn't fit that way.

HGH: Sure, okay, so probably you didn't do anything with that REDAC Saturday morning conversation post your time in Canberra.

TH: No, I didn't do anything with it.

HGH: I mean Koska was not a person then within your jurisdiction...

TH: No.

HGH: and you'd already aired with the Provincial early on the information that had come to light. You'd received some sort of indication from Alman that he dealt with it and Di Marco was raising another bit of historical data rather than something contemporary which people might have a need to be aware of.

TH: I don't remember making a connection between what REDACTED said and Koska at that stage, you know, it was er

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- HGH: And Di Marco didn't specify Koska?
- TH: No, there was no mention of Koska.
- HGH: That's fine. Now Terry, after Ashgrove, where else did you go?
- TH: I went straight to Cambodia.
- HGH: Cambodia. So you've been involved in the establishment of a facility just outside of Phnom Penh and what year was that that you went to ...
- TH: '97.
- HGH: And what's the name of the facility?
- TH: Lavalla.
- HGH: I think you've got 64 children?
- TH: 100 children in the school.
- HGH: Okay, live-in facility?
- TH: 64 live in with us.
- HGH: And the rest come from the city?
- TH: We bring them out everyday.
- HGH: And it sounds like a very challenging and rewarding....
- TH: It's a very good place for us to be doing this with these kids and....
- HGH: It's around education...
- TH: These are very poor young people, children and young people who are physically handicapped who can't get to school or can't get around a school who need a chance to finish their elementary education and then, this program has grown into another program as well that helps them get through secondary education and even in tertiary education and job training.
- HGH: Okay, so Terry, your plans are, I think you are returning to Cambodia on 4 April?
- TH: On Friday.
- HGH: Friday of this week?
- TH: Yeah.
- HGH: And you will be in Cambodia indefinitely into the future?

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TH: Yeah.

HGH: Thank you.

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Terry Heinrich

DATED: