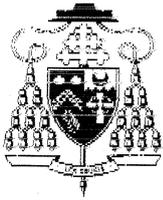


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TO: MOST REV. B. HEENAN, D.D.
MOST REV. J. FOLEY, D.D.
MOST REV. W. MORRIS, D.D.

TOTAL NO. OF PAGES
[including this one]: 3

DATE: 14 OCTOBER, 1999

MESSAGE: Archbishop Bathersby asked me to send the enclosed draft letter.

If you have any suggestions he would be pleased if you would communicate them to Bishop Gerry.

Thank you.

FROM: *Responded to Mary*
14/10/99

Mary

If you have not received all pages nominated please advise immediately



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13 October, 1999

The Hon. M. Foley, M.L.A.,
Attorney-General,
Parliament House,
Cnr. George & Alice Streets,
BRISBANE. OLD 4000

Dear Attorney-General,

I am writing on behalf of the Catholic Bishops of Queensland to register our concern about the remarks of His Honour Judge Howell in the District Court, Brisbane, on 30th September, 1999. We are not protesting the decision of the Jury that convicted Father Reginald Basil Durham of criminal conduct. We acknowledge that decision as the mind of the Court.

What does concern us however are the extraordinary remarks of Judge Howell in sentencing the accused. In his address on passing sentence Judge Howell attacked both the Church and the two witnesses, Bishop Raymond Benjamin of Townsville and Sister Mary Francis Regis of Rockhampton. He suggested that there was an attempted cover-up by the Church, as well as indicating that Bishop Benjamin "clearly manifested his desire and intention not to give truthful evidence", while describing Sister Mary Francis Regis was "an unashamed and unabashed liar". These remarks are typical of the emotional and, we believe, inaccurate language used in His Honour's address. It needs to be read in full if one is to understand its lack of balance. Naturally Catholics and other people who know the witnesses well have been deeply offended by the Judge's remarks.

We believe two issues arising from this particular case, need further attention.

1. In the first place the question arises about the protection that witnesses have in a court of law, and about the opportunities for redress that are available when their character is publicly attacked by a Judge, as has happened in this case?
2. Secondly considering the attitude to the Church shown by Judge Howell, whether it is at all appropriate that he be listed in the determination of any future cases related to the Church and its members. We believe measures should be taken by some appropriate authority to ensure that he is not listed in such cases.

.../2

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The Hon. M. Foley, M.L.A.,
Attorney-General

13 October, 1999

These are matters that the Bishops of Queensland believe should be given due attention if all citizens of this State are to continue to have confidence in its judicial processes.

We thank you Mr. Attorney-General for considering these matters which we reluctantly communicate to you but which we feel need attention for purposes of the common good of this State.

With thanks for your consideration and with every best wish,

Yours sincerely,

Most Rev. John Bathersby, D.D.
ARCHBISHOP OF BRISBANE

For:

Most Rev. Brian Heenan, D.D.
Bishop of Rockhampton

Most Rev. John Gerry, D.D.
Auxiliary Bishop, Brisbane

Most Rev. James Foley, D.D.
Bishop of Cairns

Most Rev. Michael Putney, D.D.
Auxiliary Bishop, Brisbane

Most Rev. William Morris, D.D.
Bishop of Toowoomba