

NOTES IN RESPONSE TO MINTER ELISON LETTER 2/11 (3 Pgs)

1. "Control and Supervision" over Priests at Neerkol.
 - a. I cannot speak to the situation of Diocesan "control and supervision" of Priests.
 - b. Fr. Anderson, like any Parish Priest, would have enjoyed considerable autonomy in his own Parish and Neerkol was (and is) a Parish centre.
 - c. The Sisters were led by a Superior who was responsible for the running of the Home.
 - d. The Superior did not employ or appoint the Parish Priest of Neerkol.
 - e. The Priest did interact strongly with the Home, e.g.

his house was in among the other buildings in which children and sisters were accommodated
 his cooking, washing, cleaning etc. were done by the Sisters
 he acted as a "father figure" to the children to the degree that he was willing to undertake this voluntary role.
 the Priest's living costs were met by the Home (or perhaps from Convent funds), but it is not known if this constituted Chaplaincy fees or if additional Chaplaincy fees were also paid.
 he was a not a member of staff working under the Superior.

Fr. Anderson was very involved with sport and other activities for the children, e.g. he coached Netball for years. He also actively involved himself with the management of the Meteor Park Cattle property on which the Home was located.

- f. It is true that some of the Priests (Fr. Anderson particularly) exercised a lot of influence at Neerkol. Some perceived themselves to have authority in the Home as such, and some were perceived by the public as "running Neerkol". To this day the local Council will refer questions about Neerkol to Fr. Durham the present Parish Priest. Some of this is simply the inability of people to comprehend that a woman can be in charge if a man is available. However, although the Sisters tolerated a lot of this type of thing I do not know of any period during which the Sisters did not take their authority when the chips were down. They ran the Home.
- g. Priests were Parish Priests and answerable only to the Bishop
- h. "Administrative Structures" could probably be described as parallel. The Priest had influence but no authority in the Home. The Superior had to be approved by the Departmental authorities as the person responsible for the operation of the Home. The Superior had lines of accountability to both the Department and to the Major Superior of the time.

- i. To my knowledge the "rosters and duties" of a Neerkol Parish Priest (as for any other Parish Priest) were entirely his own affair.
2. The Home was owned and operated by the Sisters of Mercy of the Diocese of Rockhampton, not by the Diocese. The Congregation is an Institute of Pontifical Right and not under the Bishop. The Parish was (and is) a Parish of the Diocese of Rockhampton and as such is subject to the authority of the Bishop. Details of such authority are not known by me.
3. Refer to Fr. John Grace for details.

RE AFFIDAVIT

Fr. Noel Hynes will not be able to certify to all of it and possibly to very little. It will be necessary to refer the question of Noel's involvement to the Bishop.

I am the one who searched records referred to in clauses 4, 5, 6, 7, 8, 9, and I would swear to 12 - 14 with some changes, also 1 - 3. 10, 11, yes if I do see death certificates, 15 if the Bishop assures me that the full details of correspondence have been given.

1. I am Sister Berneice Mary Loch, professed member of the Congregation of the Sisters of Mercy of the Diocese of Rockhampton since 24/8/1966 and at present the Major Superior of the Congregation.
2. St. Joseph's Home for Children (also known as Meteor Park Orphanage, or Neerkol, or Neerkol Orphanage, or Neerkol Home for Children) was owned and operated by the Congregation of the Sisters of Mercy of the Diocese of Rockhampton from 1885 when it was transferred from Mackay until a process of relocating the children into foster or group homes was completed in 1978. (See further details attached). The Home was located on the Meteor Park property (owned by the Congregation) on which farming and grazing were carried out. The Property was adjacent to the Neerkol Railway siding from which the popular use of the name "Neerkol" comes.

The Home was always registered with the Government, and children were admitted under departmental authority or privately by a Parent or Guardian. The majority of children were admitted under care and protection orders or care and control orders. The Director of Family Services was the legal guardian of all the children except those privately admitted. The Superior was the approved "carer".
(is more needed?)

3. Seems to suppose someone other than 1st or 2nd defendant is making the statement. Who is needed?
4. N.B. Records from 1943 - 1948 were examined. Admission date was 16/10/1946.

- 5,6 Agreed.
7. "did not administer" implies more authority than the book has. I would prefer "is not shown as having administered"
8. I do not have a certified copy of the Baptismal Register. Is one needed? (Fr. Reg Durham showed me the Register, we looked at it together but I did not get a copy certified.) The facts are correct.
9. Agreed.
10. Have not seen a Death Certificate. Needed?
11. Fr. William O'Donnell died in Ireland on 29 July 1979. I have not seen a Death Certificate. Needed? (will take time to come from Ireland unless faxed)
12. I do not have a Death Certificate for Sr. Regis Taaffe. Needed?
13. Prefer "There is no Sister of Mercy still alive who is known to have been on the staff at Neerkol during the period 1946 - 1948".
14. Cannot agree with this as it is. I have not tried to find any other person able to give evidence. Not sure what direct evidence means. I know of no member of staff still alive. I think Mr. Tim O'Connor from children's services might still be alive and living in Brisbane. I can certainly find adults who were children at Neerkol at the times specified but they may not be considered as able to give "direct evidence".
15. Correspondence: The following is the full list of correspondence (two letters) received by the Congregation from the plaintiff and his solicitors (there are no records here of what may have been received by the Diocese):

Paul Everingham & Co. (solicitors). Letter dated 7 th March 1995. It asks if we are "prepared to admit the claim". Answered by John Shaw on our behalf.

Groom & Lavers (solicitors). Letter dated 4 th September 1995. It advises us that the hearing had been adjourned from 6 th September to 13 th September. Before receipt of this letter we knew nothing about 6 th September. The Affidavits from AYQ and from AYQ, and the documents about the Summons were received at the same time.

John Shaw
14/11/95.