

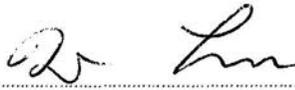
Witness Statement

Name	Brian Joseph Lucas
Address	REDACTED
Occupation	General Secretary, Australian Catholic Bishops Conference
Date	May 2014

- 1 My name is Brian Joseph Lucas. I am a Catholic priest and currently the General Secretary of the Australian Catholic Bishops Conference.
- 2 Unless I state otherwise, I have set out in this statement my independent recollection of the subject of the statement.
- 3 I have been asked to provide this statement in connection with my knowledge of the response to allegations of sexual misconduct involving former Marist Brother Gregory Joseph Sutton (**Sutton**) and Marist Brother John Chute (also known as Brother Kostka) (**Br Kostka**).
- 4 This statement has been prepared with the assistance of Gilbert + Tobin lawyers in response to and in compliance with a Summons or Notice issued by the Royal Commission in connection with a hearing into Case Study 13. It is produced to the Royal Commission on the basis that it will be tendered and received in evidence by the Royal Commission pursuant to that Summons or Notice, and on the basis that the statement will be treated as evidence pursuant to the Commonwealth or State legislation applicable to this Royal Commission case study.

Background and Qualifications

- 5 I hold a number of tertiary qualifications including a Bachelor of Laws (University of Sydney) (1974), a Master of Laws (University of Sydney) (1978), a Master of General Studies (University of New South Wales) (1985), a Diploma in Jurisprudence (University of Sydney) (1989), a Bachelor of Sacred Theology (Catholic Institute of Sydney) (1980), and a Licentiate of Sacred Theology (Catholic Institute of Sydney) (2000).
- 6 On 16 August 1980, I was ordained a Catholic priest, and I was incardinated in the Archdiocese of Sydney. I held various appointments within the Archdiocese of Sydney from that time, until I was appointed the General Secretary of the Australian Catholic Bishops Conference (**ACBC**) in August 2002.
- 7 In the late 1980s I became involved in the response of the Catholic Church in Australia to the emerging issue of child sexual abuse committed by Church personnel.

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- 8 In April 1988, I made a presentation to a Plenary Meeting of the ACBC on the issue of clergy and child sexual assault within the Catholic Church. I recommended to the ACBC that a National Committee be established. The recommendation was accepted and the ACBC Special Issues Committee (**Special Issues Committee**) was established at the November/December 1988 meeting of the ACBC (the minutes of which meeting are at **CTJH.301.02001.1431**).
- 9 The ACBC resolved in its meeting of November/December 1988 that the functions of the Special Issues Committee would include that it would:
- (a) act as a resource for bishops and major superiors in connection with legal proceedings brought against a priest or religious, or in which a priest or religious was otherwise involved;
 - (b) advise bishops and major superiors in relation to any aspect of legal proceedings involving a priest or religious and to monitor all such proceedings and identify any issues of concern;
 - (c) ascertain available treatment options for priests or religious alleged to be involved in criminal behaviour and identify needs with respect to the on-going education and formation of clergy and religious to the extent that this is relevant to issues connected with legal proceedings; and
 - (d) generally to be of such assistance to bishops and major superiors as they might request from time to time.

Development of the Special Issues Protocol

- 10 The Special Issues Committee was also required to "establish a protocol to be observed by bishops and major superiors if an accusation is made against a priest or religious alleging criminal behaviour, and to advise on the implementation thereof" (**CTJH.301.02001.1431** at **1437**). The Special Issues Committee presented various drafts of such a protocol to the ACBC including the draft presented to and accepted by the ACBC Plenary Meeting held in April 1992 (**1992 Protocol**) (**CTJH.056.11074.0289**).
- 11 I was appointed as a member of the Special Issues Committee in early 1989. During the period from 1989 to 1999, I acted as a source of advice and assistance to leaders within the Catholic Church in respect of providing guidance on and dealing with concerns about and complaints of child sexual abuse. Different bishops, provincials and major superiors of religious orders would seek my advice from time to time in respect of such matters.
- 12 The 1992 Protocol provided for the establishment of a Special Issues Resource Group (**SIRG**) in each province. The members of the SIRG were required by the 1992 Protocol to be available to Church Authorities for the purpose of assisting them in the area of child sexual abuse, including by providing advice, and assisting with investigations.
- 13 From 1992 until 1997, I was a member of the SIRG established for the Province of Sydney. The Province of Sydney included all of the dioceses of New South Wales and the ACT. The Sydney

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Province SIRG was available as a resource for the leaders of all dioceses and religious orders operating within the Province.

- 14 During the period in which I was a member of the Sydney Province SIRG, I provided advice and assistance to Church authorities as requested. The assistance provided was proactive in the sense that I would provide guidance and advice to the religious leaders and I would also meet with accused priests and religious brothers in respect of allegations. A purpose of such meetings was to have a frank discussion with the accused priest or religious about what may have happened and their ongoing position within the Church.
- 15 In 1996, I was called as a witness to the Wood Royal Commission. I gave evidence in relation to the development of the response of the Catholic Church in the period from 1988 in respect of allegations of child sexual abuse made against priests and religious brothers, including as to my role in respect of responding to such allegations.
- 16 During the period 1994 to 1996, I was also involved in the development of the *Towards Healing* protocol. *Towards Healing* was adopted by virtually all dioceses and religious orders in Australia towards the end of 1996, and from then became the accepted policy for those dioceses and religious orders in dealing with complaints.
- 17 With the establishment of the Professional Standards Office in New South Wales in 1997, I had less of a role in respect of professional standards matters within the Church, although bishops and religious leaders have continued to seek my advice from time to time.

Br Gregory Sutton

- 18 I understand that Br Alexis Turton was the Provincial of the Sydney Province of the Marist Brothers from 1989 until 1995. I recall that from time to time Br Turton would consult with me in relation to matters relating to inappropriate behaviour and child sexual abuse. When Br Turton consulted with me during this period, he would typically seek my advice as to how to proceed with a particular complaint, issue or concern that had been raised. Br Turton would sometimes come to meet with me in order to do so, and I recall that on occasion he brought brothers to me for interviews.
- 19 I have been asked for any recollections I have concerning a special issues matter relating to the activities of Sutton which I understand was raised with me in the late 1980s/early 1990s. I am unable now to recall any matter relating to Sutton having been raised with me by Br Turton or otherwise.

Br Kostka (John Chute)

- 20 I have been asked for any recollections I have concerning a special issues matter relating to the activities of a Marist Brother, Br Kostka (John Chute) in the early 1990s. I have only a vague and general recollection of meeting Br Kostka. I am unable now to recall any details of the matter relating

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to Br Kostka or the content of any conversation with him or about him with Br Turton or any other person.

Communications with Police

21 From the mid-1990s, I began to liaise with the New South Wales Police in respect of child protection matters generally, as well as investigations they were conducting concerning Church personnel. As a part of this process, sometimes the Police would ask me to obtain information from Church Authorities to send to them to assist with Police investigations. I always complied with such requests and liaised with the relevant Church Authorities to do so.

22 I have been shown the following documents:

- (a) a letter dated 2 May 1997 from Inspector Davidson of the NSW Police Service Child Protection Enforcement Agency to me (CTJH.053.07085.0036). In that letter, Inspector Davidson requested information regarding a number of Marist Brothers, including Br Kostka (although Br Kostka's name is spelt Koscer in the letter);
- (b) a fax dated 14 May 1997 from Br Rodney at Marist Brothers Provincial House to me (CTJH.053.07085.0038). The fax includes the information requested by Inspector Davidson in the letter to me dated 2 May 1997;
- (c) a letter dated 15 May 1997 from me to Inspector Davidson (CTJH.053.07085.0037) providing the response from Br Rodney to the request for information and asking the police to advise immediately if they considered any action to be required by any Church Authority; and
- (d) a further letter from Inspector Davidson to me dated 4 June 1997 (CTJH.053.01073.0078). In this letter, Inspector Davidson confirmed that the Child Protection Enforcement Agency would be taking no further action at that point in time in relation to Br Kostka.

23 I do not now recall the correspondence described in the preceding paragraph. However, it was the kind of correspondence that I engaged in with the NSW Police at about this time in connection with Police investigations of Church personnel.

Signature 
 Name Brian Joseph Lucas
 Date 28 May 2014

Witness 
 Name ELISABETH COWIE
 Date 28 May 2014