

ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES
TO CHILD SEXUAL ABUSE

AT NEWCASTLE COURT HOUSE

**CASE STUDY 43
PUBLIC INQUIRY INTO
THE RESPONSE OF CATHOLIC CHURCH AUTHORITIES IN THE MAITLAND-
NEWCASTLE REGION**

SUBMISSIONS IN RESPONSE ON BEHALF OF CNS

INTRODUCTION

1. CNS has read and considered the submissions in reply of CQP, Fr William Burston, Br Michael Hill, Br Alexis Turton, Br Christopher Wade, and the Truth, Justice and Healing Council and the Marist Brothers.
2. He wishes to make the following submissions in response to the submissions of Br Christopher Wade.

SUBMISSIONS OF BROTHER CHRISTOPHER WADE

Br Wade's honesty and reliability

3. It is submitted that this Commission is well-placed to form its own view as to Br Wade's honesty and reliability. For the reasons relied upon by Counsel Assisting at paragraphs [111]-[112] and [160]-[169], it is submitted that it is open to the Commission to conclude that Br Wade was evasive, and less than forthcoming. CNS does not accept Br Wade's Counsel's submissions that the moderate acceptance of responsibility that Br Wade did make, in response to close questioning by the bench, reflects favourably upon his credibility generally.

Complaints

4. CNS maintains his support of Counsel Assisting's submissions that CNS's evidence, that he reported allegations of sexual abuse by Brothers Romuald, Dominic and Patrick at Marist Brothers Hamilton to Br Wade, should be accepted.
5. Br Wade's Counsel's submits at [18] that, "[t]he terms of the complaint that CNS said that he made to Brother Wade seems, with respect, to be unusual for a teenage boy." This is entirely ill founded. Br Wade's Counsel put to CNS that

the complaint was something that he wanted to say but didn't actually say, and CNS summarily dismissed that proposition.¹

6. Br Wade's Counsel further put to CNS that he didn't say anything to Br Wade about those brothers molesting children, and CNS summarily dismissed that proposition.² CNS's answer was:

I disagree with that. I have a very clear memory of my conversation with Brother Christopher. I absolutely definitely spoke to him about it. It was the one important part of that conversation that meant something to me. I am absolutely sure that Brother Christopher remembered this, and it made an impression upon him, for the very reason that I was on the school grounds in 1974, I was in the company of the school captain, who was a friend of mine – the school grounds of Marist Brothers, Hamilton. He told me – he was showing me new developments at the school. He was quite proud of the fact that he was the school captain. Brother Christopher appeared in the quadrangle and saw me in the company of the school captain. He called the school captain over to him and my friend came back very embarrassed and said, "Brother Christopher just said to me, 'Get that bastard off the school grounds.'" I'm sure that it made a great impression upon him that I had the temerity to stand up to him and say, "What about these guys molesting us boys, you hypocrites," and I didn't use the word "hypocrite" to him.³

7. it is submitted that there is nothing unusual in the account that CNS gave, and that his evidence should be accepted, given:
- a. His affirmed evidence of the complaint and its terms;
 - b. His rejection of Br Wade's Counsel's questions in cross-examination suggesting that it had not occurred, and was wishful thinking;
 - c. The fact that the balance of the evidence adduced in this case study shows that the particulars of the report he made (i.e. that Brothers Patrick, Romuald and Dominic were molesting children) were entirely correct;
 - d. The verisimilitude in the further incident that CNS described, as showing a consistency between Br Wade understanding the complaint that he was receiving, and subsequently developing an animus towards CNS;
 - e. CNS reporting his conversation with Br Wade to CNR within what CNR told the Commission was a few days, or at most a week or two of [the

¹ Transcript of CNS, Case Study 43, 5 September 2016, T17904:23-26.

² Transcript of CNS, Case Study 43, 5 September 2016, T17903:41-44.

³ Transcript of CNS, Case Study 43, 5 September 2016, T17903:44-17904:16.

meeting] happening; CNR testified that CNS had told him that he had told Br Wade, *'Brother Patrick, Brother Dominic and Brother Romuald are poofers and are abusing guys,'*⁴ which is strikingly similar to his affirmed evidence to the Commission approximately 31 years later;

- f. Br Wade's sworn evidence of his inability to recall whether the conversation took place,⁵ and his evidence that he wasn't saying it didn't happen, it was just a case that he couldn't recall either way.⁶ It is immaterial that Br Wade initially told police that he believed that the conversation did not take place, given those answers.⁷
8. It is submitted that there is no factual or legal basis for Br Wade's Counsel's submission that CNS's evidence was an innocent reconstruction.
 9. Nor is there any basis for Br Wade's Counsel's further submission at paragraph [37] that, *'If there was a complaint it is more likely to have been a reference to the Brothers being "poofers". That is what CNS told CNR he had said, and something that was clearly said amongst the students.'* It is submitted that this statement is entirely misleading, given that CNR's evidence was that CNS had told him (immediately following the meeting with Br Wade) that he had told Br Wade, *'Brother Patrick, Brother Dominic and Brother Romuald are poofers and are abusing guys'*⁸ (emphasis added) as noted above.
 10. Given CNS's clear and unequivocal evidence as to his physical and sexual abuse in the classroom, leading to his complaint to Br Wade and departure from the School, it is not appropriate for Br Wade's Counsel to generalise about what it is more or less likely for a teenage boy to do.
 11. Further, CNS rejects Br Wade's Counsel's submission at [23] that *'[t]he fact that Brother Wade confronted Brother Romuald, although ineffectually, when the allegation was made about Brother Romuald, supports the fact that he wasn't told about Brother Patrick and Dominic or, at the very least, wasn't told in the clear manner suggested by CNS.'* The simpler explanation is indeed that Br Wade was utterly indifferent to his responsibilities to the students in his care, and those students were being sexually abused by three members of his faculty.

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Counsel for CNS
9 February 2017

⁴ Transcript of CNR, Case Study 43, 5 September 2016, T17932:22-24.

⁵ Transcript of WHT Wade, Case Study 43, 7 September 2016, T18163:42-18164:16.

⁶ Transcript of WHT Wade, Case Study 43, 7 September 2016, T18165:4-6; see also 7 September 2016, T18174:46-18175:2.

⁷ Cf. Submissions on behalf of Brother Christopher Wade dated 3 February 2017, [23].

⁸ Transcript of CNR, Case Study 43, 5 September 2016, T17932:22-24.