

ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES
TO CHILD SEXUAL ABUSE
AT NEWCASTLE COURT BUILDING
COMMONWEALTH OF AUSTRALIA

Royal Commissions Act 1902 (Cth)

CASE STUDY 43

**PUBLIC INQUIRY INTO THE RESPONSE OF CATHOLIC CHURCH
AUTHORITIES IN THE MAITLAND NEWCASTLE REGION**

**SUBMISSIONS OF FR WILLIAM BURSTON IN REPLY TO COUNSEL ASSISTING
WITH REGARD TO THE MARIST BROTHERS**

1. Fr William Burston ("Fr Burston") gave oral evidence on 5 September 2016 before the Royal Commission into Institutional Responses to Child Sexual Abuse ("Royal Commission").
2. Fr Burston was not approached by the Royal Commission to provide a written statement.

Part 2.2 – The Death of Andrew Nash:

3. Fr Burston gave evidence that he was called to attend the Nash residence on the evening of Andrew Nash's death to anoint him¹.
4. Fr Burston gave evidence that he was not present at the Nash residence on the evening of Andrew Nash's death when any other Priest or Marist Brother was present².
5. Fr Burston gave evidence that he was present at the Nash residence for 20 – 30 minutes and following his leaving the Nash Residence he had made a number of calls from the Presbytery at Hamilton, he did not return to the Nash Residence that evening³. Fr Burston was pretty sure he rang the school and let them know that one of their students had died⁴. He gave further evidence that he called Fr Cahill and let him know what had happened and he could have spoken to Brother Wade at the school.
6. CQT is Andrew Nash's brother, he gave evidence that Fr Burston arrived at the Nash residence first and then a number of other Marist Brothers and

¹ Transcript reference C17882.10 - .40.

² Transcript reference C17883.06 - .20.

³ Transcript reference C17887.41 - C17888.17.

⁴ Transcript reference C17883.20 - .27.

priests arrived after that, he said *"I see all those other guys just as one big group arriving"*⁵. Mrs Audrey Nash is Andrew Nash's mother, she gave evidence that she thinks that the 6 were all there together⁶. There is some question of the accounts of Mrs Audrey Nash & CQT in that both viewed the Marist Brothers and priests who arrived together as a "group". This is in stark contrast to the evidence of Fr Burston who states that he was not present when any other religious was present.

7. CQT accepted that there was no telephone present at the Nash residence⁷. When this evidence is combined with the evidence of Fr Burston, that he left the Nash residence and made a number of phone calls and did not return it is submitted that the Royal Commission would accept Fr Burston's evidence that he was not present at the Nash residence when the various Marist Brothers and other priests were present. Importantly the fact that Fr Burston could not have made the telephone calls from the Nash residence, as there was no telephone available, and did not return is a determinative factor that the Royal Commission would comfortably be satisfied in its fact finding mission that Fr Burston was not present at the Nash residence when the other religious persons arrived.
8. Should the Royal Commission make a finding that Fr Burston was present at the Nash residence on the evening of Andrew Nash's death at the same time as the other religious persons then there is no evidence to support a finding that Fr Burston was involved in any conversation with regard to a suicide note. It was not put to Fr Burston that he was part of this conversation.

Simon J McMahon
Counsel for Fr William Burston
3 February 2017

⁵ Transcript reference C18035.37.

⁶ Transcript reference C18045.31 - .32.

⁷ Transcript reference C18035.40 - .41.