



**Submissions in Response
to Submissions of
Counsel Assisting –
Case Study 43**

from

the Truth Justice and Healing Council

Royal Commission into Institutional Responses to Child Sexual Abuse

Case Study No. 43 | Maitland-Newcastle Diocese



Case Study No. 43 – Maitland-Newcastle Diocese Submissions in Response

- 1 These submissions are made on behalf of the Truth Justice and Healing Council (the **Council**) and the diocese of Maitland-Newcastle (together, the **Church parties**).
- 2 The Church parties were granted leave to appear in Case Study No. 43.
- 3 The submissions respond to the Submissions of Counsel Assisting in Case Study No. 43, dated 4 November 2016 (**CA submissions**).

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9 December 2016



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- 1 These submissions are made on behalf of the Truth, Justice and Healing Council and the Diocese of Maitland-Newcastle (the **Diocese**) (together, the **Church Parties**). The Church Parties adopt the defined terms used in the submissions of Counsel Assisting the Royal Commission (**CA**).
- 2 On behalf of the Diocese, Bishop Wright repeats the apology he gave to the Royal Commission:

“In my five years as Bishop of the Diocese, this is the second commission of inquiry before which I have appeared. There is a very considerable difference in scope between the Royal Commission into Institutional Responses to Child Sexual Abuse (‘Royal Commission’) and the Special Commission of Inquiry into matters relating to the police investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle. Nevertheless there are haunting similarities for me, inasmuch as I am once again called upon to bear witness to a terrible and shameful chapter in the history of this Diocese. I am called to account for how the Diocese meets its obligations to provide support to those who remain affected today by their abuse, and called to demonstrate how we are committed to ensuring that what happened in the past cannot happen again today.

To bear witness to this sad and terrible history I must first acknowledge the facts as I know them. I acknowledge that:

Ryan is a priest incardinated to the Diocese who committed multiple acts of sexual abuse against innocent boys beginning as early as 1972;

Ryan was a sexual predator who used his status as a priest and the power that gave him to gain access to boys, to convince their parents and other responsible adults that he was safe, and to conceal his abuse;

As early as 1974 deceased priest Mons. Cotter was told something of Ryan’s abusing and he abjectly failed to do anything meaningful to protect the children who should have been his primary concern;

In 1975, Mons. Cotter responded to a further report and promptly removed Ryan from ministry and sent him for treatment, but these acts were vitiated by subsequent failures to monitor or check whether Ryan had received any meaningful treatment;

There is some evidence that deceased priest Vincent Casey was told something of Ryan’s prior abusing. There is also evidence suggesting that Bishop Leo Clarke may have known of Ryan’s abuse. Before his death, Bishop Clarke denied knowledge of Ryan’s history, but if he were aware of what had occurred, then he failed to make further enquiries and subsequently placed Ryan in positions of responsibility, with access to children, across the Diocese for a further two decades;

Some of those men who were harmed as boys have managed to live stable and fulfilling lives, others have struggled to simply remain alive and continue to battle their demons on a daily basis. We also acknowledge that some of those who were abused have also taken their own lives;



The attitudes held by some in the Diocese put the perceived good of the Church before the safety of a child and this was fundamental to Ryan's being able to continue to abuse for over 20 years; and

The harm inflicted by Ryan may have been aggravated by the Diocese when certain victims sought redress for their harm through a contested court process. As Bishop I humbly offer an unreserved apology on behalf of the Diocese to all those men who have suffered and continue to suffer as a consequence of Ryan's abuse and the actions and omissions of members of the Diocese. Through those failures and omissions, the Diocese failed to act according to the Gospel. I apologise to the parents and siblings of those boys whose innocence was stolen by an evil presence who was allowed to remain amongst us by flawed and failed leaders. I apologise to the spouses and children of those men for any shadows that reach out from the past to affect your lives together today.

I renew my commitment, and that of the Diocese, to support fully the work of this Royal Commission generally, and particularly its inquiries into the Diocese's response to allegations of child sexual abuse made against Ryan. I have said previously that one of the most important and lasting benefits of holding public inquiries into these criminal and tragic stories, is that this can and should change public awareness of child sexual abuse and allow those affected to tell their truths, often for the first time publicly, with a sense of safety and acceptance. I have seen how these inquiries have significantly broken down the remaining walls of silence in the wider community and thereby reduced the sense of isolation and shame that has been one of the many burdens carried by those who were abused.

I expect that the days of this case study committed to Ryan will show the Diocese in its worst aspects. Nevertheless it is an unambiguously good and important thing that those whom Ryan has harmed are given this opportunity to give voice to their truths and I acknowledge their courage and strength in doing so. As the representative of the Diocese in which they were abused, I owe these brave men my respectful and humble attention.

I acknowledge that devastation and hurt has been caused by other priests who have sexually abused children in the Diocese, and I extend my apology to those affected, their families and to the community as a whole."



1 Introduction

1.1 Ryan

3 The appointments held by Ryan are set out in paragraph 9 of the submissions of CA. The history of his offending is set out in paragraphs 10 to 17. As stated by Bishop Wright, the seriousness of the abuse and its terrible effects is clear from the evidence before the Royal Commission.¹

4 The submissions of CA state at paragraph 11 that “*Ryan wrote that he told a priest in confession of his inclinations*”. The Church Parties submit that this is not an accurate description of the evidence. In Sister Woodward’s interview with Mr Firman,² Sister Woodward stated, “It’s a private letter. But it said something like “I went to confession and said to the priest something like, “maybe I should not think about going to the seminary”, and the priest said something like, “Oh, don’t be swayed by anything. Say your prayers and God will look after you”, that sort of stuff”. That evidence does not support any submission in relation to Ryan telling a priest of his inclinations or his conduct in confession.

1.2 Data relating to Ryan

5 Paragraph 18 of the Submissions of CA refer to 13 claims or complaints that have been substantiated against Ryan. This number reflected the data which was produced to the Royal Commission prior to Bishop Wright giving evidence. Since the time that the Diocese produced this data to the Royal Commission, two further claims have been made.³ Bishop Wright gave evidence that these two claims are currently in the process of being addressed through the Diocese’s Voluntary Protocol. Of the claims in relation to Ryan which have been resolved, a total of \$5,536,000 has been paid to the claimants.⁴

6 Bishop Wright also gave evidence that whilst the Diocese is a signatory to Towards Healing, almost all people affected by historic abuse currently choose to pursue claims for damages directly with the Diocese.

7 These claims are managed in accordance with a “Proposed Protocol for the Settlement of Civil Claims Brought Outside of Towards Healing”.⁵ This voluntary protocol is designed to minimise further risk of harm being caused to claimants pursuing civil claims against the Diocese, and to encourage the resolution of claims by settlement. The protocol is managed by the Manager, Zimmerman Services, and the process of managing claims is separated from the Healing and Support Team.

8 As at 9 August 2016, the Diocese had paid out a total of over \$26.8 million in 141 individual payments for compensation to 133 claimants, with the earliest settlements occurring in 1997. In addition to the compensation paid, the Diocese has funded over \$617,000 in treatment and other costs (excluding legal fees) for claimants as part of the compensation process. These

¹ Ex 43-0012 Statement of Bishop Wright at [25].

² Ex 43-0005 (Diocese of Maitland-Newcastle Tender Bundle) Tab 88, p 3.

³ Ex 43-0012 Statement of Bishop Wright at [98].

⁴ Ex 43-0012 Statement of Bishop Wright at [101].

⁵ Ex 43-0012 Statement of Bishop Wright at [127]; CTJH.210.01194.0011.



figures are inclusive of claims pursued through the courts, or Towards Healing, or directly negotiated with the Diocese.

- 9 Bishop Wright further gave evidence that, in recognition of the fact that some past settlements that were made with claimants were financially inadequate, the Diocese has developed a “Proposed Protocol for Producing a Revised Settlement for a Previously Settled Claim”.⁶ This voluntary protocol is designed to assist those who wish to have their settlements revisited. There have been eight settlements of ‘re-visited’ claims to date. The original settlements totalled \$340,000 for the eight claimants, and on review an additional \$1,062,000 was paid in compensation with an additional \$50,000 paid in treatment and other costs.⁷
- 10 Paragraph 20 of the submissions of CA refers to one claim that resulted in a payment of \$3 million (including legal and other costs). In this case, the claimant suffered significant permanent physical disability resulting from a car accident, which may have been a suicide attempt.⁸

1.3 The Diocesan leadership

- 11 The Bishops in the Diocese during the relevant period are set out in paragraph 21 of the submissions of CA. The role held by Monsignor Cotter between October 1975 and June 1976 is described in paragraph 22 of the submissions of CA.
- 12 CA submits that an important issue in the case study was the extent to which Monsignor Cotter and Bishop Clarke had knowledge of Ryan’s offending in the 1970s.⁹ The evidence drawn on to determine that issue is set out in paragraphs 24 and 25 of the submissions of CA.

⁶ Ex 43-0012 Statement of Bishop Wright at [129]; CTJH.210.01194.0009.

⁷ Ex 43-0012 Statement of Bishop Wright at [126]-[129].

⁸ Ex 43-0005 (Diocese of Maitland-Newcastle Tender Bundle) Tab 133.

⁹ Submissions of CA at [23].

2 St Joseph's Merewether

13 The roles held by Ryan at Merewether are set out in paragraph 26 of the submissions of CA. As to paragraph 26, the Church Parties note Ryan's role was as an Assistant Priest, and not a chaplain to St Joseph's primary school.¹⁰ Ryan's offending while at Merewether is described in paragraphs 28 to 35 of the submissions of CA. It is appropriately described as "brazen and very serious".¹¹

2.1 Knowledge of Monsignor Cotter in 1974

14 CNA gave evidence of a discussion she had with Monsignor Cotter in 1974. That evidence is summarised in paragraphs 36 to 41 of the submissions of CA.¹² The submissions of CA also summarise other evidence provided to the Commission, which alleges that Monsignor Cotter was aware of offending by Ryan in 1974.¹³

15 The various accounts given by Monsignor Cotter as to the 1974 reports are set out in paragraphs 43 to 46 of the submissions of CA. As stated in paragraph 47 of those submissions, the accounts given by Monsignor Cotter are inconsistent with the letter he wrote to Dr Peter Evans in December 1975.

16 Ryan's recollections of the 1974 events are summarised in paragraphs 48 to 51 of the submissions of CA.

17 The Church Parties accept the submissions as to the knowledge of Monsignor Cotter in 1974, as set out in paragraphs 52 to 54 of the submissions of CA. As stated by Bishop Wright, "*As early as 1974 deceased Mons. Cotter was told something of Ryan's abusing and he abjectly failed to do anything meaningful to protect the children who should have been his primary concern*".¹⁴

2.2 December 1975 allegations

18 The evidence before the Commission is that a number of boys made disclosures of sexual abuse by Ryan following an incident on the second-last day of term in December 1975.¹⁵ The evidence of Mr McDonald in relation to those disclosures is described in paragraphs 56 and 58 of the submissions of CA.

19 Paragraph 57 of the submissions of CA summarises the evidence of CNC. Additionally, the Church Parties note, in paragraph 9 of the statement of CNC made on 6 January 1990,¹⁶ she states that she was aware that Ryan was sent away "for treatment".

20 The evidence of Mrs McDonald (from a police statement in 1995) is described in paragraphs 59 and 61 of the submissions of CA. Paragraph 60 of the submissions of CA sets out the evidence of the mother of another boy, who attended the McDonald's house.

¹⁰ Ex 43-0005 (Diocese of Maitland-Newcastle Tender Bundle) Tab 1; Ex 43-0003 Statement of Margaret Anne Geatches at [12].

¹¹ Submissions of CA at [31].

¹² Note – Submissions for CA state the statement to police was in January 1996, whereas it was on 7 March 1996. Also, footnote 28 refers to Tab 72, when it should be Tab 73.

¹³ Submissions of CA at [42].

¹⁴ Ex 43-0012 Statement of Bishop Wright at [11(c)]. See also Ex 43-0012 Statement of Bishop Wright at [66(a)].

¹⁵ Submissions of CA at [55].

¹⁶ Ex 43-0005 (Diocese of Maitland-Newcastle Tender Bundle) Tab 44.



21 The evidence of the son of CND is described in paragraph 62 of the submissions of CA.

Evidence of Sister Geatches

22 Sister Geatches was the principal of St Joseph's from 1973 to 1975.¹⁷ Sister Geatches was not aware of Ryan's offending against children until she received a report in late 1975.

23 Sister Geatches gave evidence that on the second last day of term in 1975, she was told that Ryan had been touching boys at the park, and that he had been touching boys for some time.¹⁸ Although it was clear to her that the touching was sexual in nature, Sister Geatches gave evidence that the boys did not mention or describe oral sex.¹⁹ Sister Geatches had no previous experience with reports of this kind²⁰ and there was no protocol or policy in place to guide her in how to deal with the problem.²¹

24 Her recollection of the events of that afternoon is described in paragraphs 63 to 68 of the submissions of CA. In addition to that summary, the Church Parties note the following additional evidence.

25 Sister Geatches gave evidence that she "*assured the children, and Mrs McDonald and CNC, that [she] would do something about what they had told [her], and that [she] would report it, to ensure that it did not happen again*".²²

26 Sister Geatches gave evidence that she had no recollection of telling Mrs McDonald or anyone else that they should keep what had happened to themselves.²³ Mrs McDonald is deceased and the Royal Commission had only her 1995 police statement. In these circumstances, the Church Parties submit that on the evidence available to the Royal Commission, Sister Geatches was an honest witness and the Royal Commission should accept that Mrs McDonald was not told that she should keep what had happened to herself. The Church Parties also submit that such a response would have been inconsistent with Sister Geatches' subsequent actions in immediately reporting the matters to Sister Patricia Jackson and Sister Woodward (as outlined below).

27 The matters described to Sister Geatches caused her to be alarmed²⁴. She knew she had to take action²⁵. That day, she informed Sister Patricia Jackson of the allegations, and sought advice from Sister Woodward, who was a trained counsellor. Sister Geatches "*asked [Sister Woodward] about it and asked what was the best way to proceed with the – with making a report about it and to whom would I make the report*".²⁶ The response of Sister Geatches to the events described in paragraphs 22 and 24 above is set out in paragraphs 69 to 70 of the submissions of CA. It is submitted that Sister Geatches took immediate action to ensure the matter was reported.

¹⁷ Ex 43-0003 Statement of Margaret Anne Geatches at [7].

¹⁸ Ex 43-0003 Statement of Margaret Anne Geatches at [17].

¹⁹ Geatches, T17614:10-17 (Day 165).

²⁰ Geatches, T17614:26-30 (Day 165). See also Geatches, T17631:11-20 (Day 165).

²¹ Geatches, T17617:40-43 (Day 165); Geatches, T17627:38-41 (Day 165); Geatches, T17631:16-20 (Day 165).

²² Ex 43-0003 Statement of Margaret Anne Geatches at [17].

²³ Ex 43-0003 Statement of Margaret Anne Geatches at [41].

²⁴ Geatches, T17614:19-21 (Day 165).

²⁵ Geatches, T17614:19-21 (Day 165).

²⁶ Geatches, T17617:19-31 (Day 165).



Conversations with Mr Hallinan

- 28 Mr McDonald, Mr Hallett and Mr Hallinan gave evidence about conversations said to have taken place between them shortly after Sister Geatches was told about the conduct of Ryan. That evidence is summarised in paragraphs 71 to 75 of the submissions of CA.
- 29 Mr Hallinan gave evidence that, subsequent to the conversations between him, Mr McDonald and Mr Hallett, the mother of another of his students approached him in the playground. Mr Hallinan could not recall the exact words exchanged, but he understood from her that “[REDACTED] had also been sexually assaulted by Fr Ryan”.
- 30 Mr Hallett, Mr Roohan, Sister Geatches and Mr Hallinan gave evidence about a conversation between Sister Geatches and Mr Hallinan that took place some time after Sister Geatches was told about the abuse by Ryan. Some of that evidence is described in paragraphs 73 and 77 to 87 of the submissions of CA.
- 31 On numerous occasions, Sister Geatches stated that the conversation occurred just before the end of the school day and that she asked Mr Hallinan to settle the children down so that they could close the school for the day and organise for the children to go home²⁷. Sister Geatches also gave evidence that she told Mr Hallinan she would deal with the issue²⁸ for the children’s sake²⁹. In response to the question “so it’s not possible at all that you would have told Mr Hallinan that in dealing with it yourself, Mr Hallinan should not make a report”, Sister Geatches said “If I said that, I would have said that he - there was no need for him to make a report; that I would deal with it”³⁰.

Alleged additional remark by Sister Geatches

- 32 In his statement, Mr McDonald alleged that Sister Geatches said to Mr Hallinan words to the effect of “Don’t listen to those boys. You will never work in a Catholic school again”.³¹ Mr Hallinan had no recollection of Sister Geatches saying words to that effect,³² and Mr McDonald said he “couldn’t really hear, but it sounded like something like that”.³³ Sister Geatches had no recollection of saying such words to Mr Hallinan,³⁴ and said that she could be almost certain that she did not say such a thing.³⁵ Evidence given on this topic is described in paragraphs 89 to 94 of the submissions of CA. The Church parties submit that Sister Geatches did not say the words attributed to her by Mr McDonald.
- 33 The Church Parties note the following additional evidence. On numerous occasions, Sister Geatches gave evidence that she did not consider her or anyone else’s employment to be in jeopardy.³⁶ In response to the question from Mr Willoughby, “It didn’t come into your mind that

²⁷ Geatches, T17619:12-26 (Day 165); Geatches, T17627:44-46 (Day 165); Geatches, T17628:6-11 (Day 165); Geatches, T17628:19-28 (Day 165); Geatches, T17628:43-46 (Day 165). See also Ex 43-0003 Statement of Margaret Anne Geatches at [18] and [52(b)].

²⁸ Geatches 17637:28-1768:10 (Day 165).

²⁹ Geatches, T17637:37-43 (Day 165).

³⁰ Geatches, T17638:2-7 (Day 165).

³¹ Ex 43-0001 Statement of Gerard McDonald at [33].

³² Hallinan, T17711:33-43 (Day 166).

³³ McDonald, T17604:10-16 (Day 165).

³⁴ Geatches, T17615:3-16 (Day 165). See also Geatches, T17619:43-17620:4 (Day 165).

³⁵ Geatches, T17638:19-20 (Day 165).

³⁶ Geatches, T17620:6-9 (Day 165); Geatches, T17628:6-11 (Day 165); Geatches, T17628:19-28 (Day 165); Geatches, T17628:43-46 (Day 165); Geatches, T17638:37-42 (Day 165); Geatches, T17645:35-38 (Day 165).



Mr Hallinan might make a report of what he had heard within the classroom on that afternoon, and that, in doing so, such a report may have a damaging consequence for his prospective employment”, Sister Geatches said “I didn’t think anything like that would occur...I at no time mentioned that he – it would affect his employment or future employment within the Catholic education system”.

- 34 The Church Parties note that there are conflicting recollections of what was said between Sister Geatches and Mr Hallinan.³⁷ The Church Parties do not accept the submission of Counsel Assisting that the effect of the conversation was that the matter would be dealt with, that it would be dealt with by the Church, and consequently Mr Hallinan ought not take any further steps in relation to the matter. On the basis of the evidence described in paragraphs 30 to 31 above, the Church Parties submit that the conversation occurred close to the end of the school day at a time when the primary school students were about to go home, and that the effect of the conversation was that the matter would be dealt with by Sister Geatches, and there was no need for Mr Hallinan to make a report himself.
- 35 On the basis of the evidence, the Church Parties submit that Sister Geatches did not make the alleged remark to Mr Hallinan, and submit that she did not convey to Mr Hallinan that his job would be in jeopardy if he pursued an investigation of the offences committed by Ryan.³⁸

Matter reported to Sister Woodward

- 36 Sister Geatches and Sister Woodward gave evidence as to the matter reported by Sister Geatches to Sister Woodward. Sister Geatches also gave evidence as to whom she did and did not inform about the abuse. That evidence is described in paragraphs 97 to 104 of the submissions of CA.
- 37 The Church Parties note that there is some difference between the accounts of Sister Geatches and Sister Woodward.³⁹ In the course of giving her evidence, Sister Woodward told the Commission that her memory may not be completely clear.⁴⁰ Sister Geatches, on the other hand, was unequivocal about what was reported to her by the students.
- 38 The Church Parties submit that another relevant factor in assessing the evidence is the fact that Sister Geatches received the disclosures from the students firsthand. Sister Woodward did not. In those circumstances, it is more likely that Sister Geatches' recollection of what she conveyed to Sister Woodward is accurate.
- 39 Sister Woodward also stated at one point that *“I’m thinking ahead because I heard a list later on...”*.⁴¹ It is not clear (and was not explored by Counsel Assisting) what Sister Woodward meant by the fact that she *“heard a list later on”*, and whether, for example, her evidence (including her evidence in 1997) could have been influenced by public details of Ryan’s crimes when he was convicted in 1996.

³⁷ Submissions of CA at [95].

³⁸ Submissions of CA at [96].

³⁹ Submissions of CA at [105].

⁴⁰ Woodward, T17649:1 (Day 165).

⁴¹ Woodward, T17648-T17649 (Day 165).



40 The Church Parties submit that both witnesses gave their best recollection of events that took place in 1975. However, given that Sister Woodward stated that her memory may not be completely clear and the fact she did not receive the disclosures firsthand, the Church Parties submit that the evidence of Sister Woodward should not be preferred to the evidence of Sister Geatches.

41 The Church Parties also submit that, because of these conflicting accounts, the evidence is inconclusive as to exactly what was reported to Sister Woodward. The Church Parties nonetheless submit that on either account, sexual misconduct was raised, both of them took the matter seriously, and each took action to have it reported immediately to the relevant superior.

2.3 Monsignor Cotter, Monsignor Casey and the Other Consultors

42 Sister Woodward recalled discussing the matters reported to her by Sister Geatches with Monsignor Cotter. Her evidence is summarised in paragraphs 106 to 111 of the submissions of CA.⁴² Additionally, the Church Parties note that prior to her discussion with Sister Geatches, Sister Woodward had not encountered any incidence of clergy sexually molesting children,⁴³ and she had no precedent for responding to such cases.⁴⁴

43 Prior to his death, Monsignor Cotter gave a number of accounts of his knowledge about the conduct of Ryan. A summary of those accounts is set out in paragraphs 112 to 121 of the submissions of CA. The accounts given by Monsignor Cotter also described his confrontation of Ryan and his sending of Ryan to Dr Evans in Melbourne. The evidence relating to those matters is described in paragraphs 122 to 131 of the submissions of CA.

44 Paragraphs 132 to 136 of the submissions for CA set out the evidence relating to the knowledge of Monsignor Casey and the other consultors about the conduct of Ryan in 1975.⁴⁵

2.4 Counselling and support for the students abused by Ryan

45 Sister Woodward gave evidence that she suggested to Monsignor Cotter that counselling should be offered to the students, but that no student approached her for counselling. Her evidence is summarised in paragraphs 137 and 138 of the submissions of CA and set out in paragraph 26 of her statement.

46 The Church Parties note the following additional evidence.

47 Sister Geatches gave evidence that at the time, there were no counselling services that existed to assist the students.⁴⁶ She gave evidence that she regretted that she did not take further action in relation to the children at the school, and that in hindsight, counselling was “*one of the things that I would have done for the children and for the parents responsible –*

⁴² Note – The reference to “the primary school” in [107] should be “in the sacristy”: T17652:34-36, and FN116 should refer to [23], not [21-22].

⁴³ Woodward, T17649:19-21 (Day 165).

⁴⁴ Ex 43-0004 Statement of Evelyn Mary Woodward at [45]; Woodward, T17653:22-26 (Day 165).

⁴⁵ Note – The first sentence of paragraph 135 of the submissions of CA refers to a conversation between Monsignor Cotter and Monsignor Casey. It should be Bishop Clarke and Monsignor Casey.

⁴⁶ Geatches, T17623:21-26 (Day 165).

*who – the parents of those children, but I didn't do anything at the time.*⁴⁷ The evidence of Sister Geatches is described in paragraphs 139 and 140 of the submissions of CA.

- 48 In 1976, Sister Geatches was transferred from St Joseph's, and Sister Ursula Kauter became Principal. Sister Kauter was not made aware of the complaints against Ryan prior to becoming Principal. The evidence relating to Sister Kauter is set out in paragraphs 141 to 143 of the submissions of CA. In addition to that evidence, Sister Geatches gave evidence that she did not discuss the matter with Sister Kauter because she believed that Ryan had been dealt with and he was no longer a threat to the children of the school.⁴⁸ She also gave evidence that there was very little time for any general handover to Sr Kauter because the appointment was made four days before school started.⁴⁹

2.5 Reporting to Police

- 49 Sister Geatches immediately reported the conduct to Sister Woodward,⁵⁰ and after a discussion between them, Sister Woodward reported the matter to Monsignor Cotter, who was in charge of the Diocese at that time.⁵¹ Sister Geatches and Sister Woodward both gave unambiguous evidence that they reported the matter in an attempt to ensure that it did not happen again.⁵²
- 50 Both Sisters gave evidence to explain why the matter was not reported to the Police. That evidence is summarised in paragraphs 144 to 149 of the submissions of CA. Additionally, the Church Parties note that Sister Geatches took the view at the time that what should happen with Ryan was a matter to be dealt with by Monsignor Cotter,⁵³ and Sister Woodward explained in paragraph 45 of her statement:

...Troy Grant asked me why I did not go to police. I did not think of doing so in 1975. I thought then that my responsibility was to report the issue to the most senior Church official in the Diocese, then Mons. Cotter for him to deal with. In those days it would have been unthinkable for a nun to go around the Bishop. The status of women in the church then would not have contemplated that happening. We also had no precedent at that time for responding to such cases, and there was no guidance about what reporting was required.

- 51 Sister Woodward also said in her interview with Paul Firman in 1997:

...I was very low in the pecking order in the Church, and it seemed to me that the appropriate thing to do was to go the Reverend in charge of the Diocese, who had the power to do something with this, and report it, and expect that something would be

⁴⁷ Geatches, T17623:32-34 (Day 165). See also Ex 43-0003 Statement of Margaret Anne Geatches at [34].

⁴⁸ Geatches, T17623:2-4 (Day 165).

⁴⁹ Geatches, T17623:12-16 (Day 165).

⁵⁰ Ex 43-0003 Statement of Margaret Anne Geatches at [21].

⁵¹ T17658:35-17659:6; Ex 43-0004 Statement of Evelyn Mary Woodward at [45].

⁵² Ex 43-0003 Statement of Margaret Anne Geatches at [17]; Geatches, T17618:30-36 (Day 165); Geatches, T17645:40-45 (Day 165); Woodward, T17649:37-40 (Day 165); Woodward, T17650:22-44 (Day 165); Woodward, T17653:10-16 (Day 165); Woodward, T17683:1-4 (Day 166).

⁵³ Geatches, T17618:24-6 (Day 165).



*done, which is what I did. As it is now I would probably have gone straight to the Police, as the obvious thing to do, but in those days, it wasn't.*⁵⁴

- 52 Sister Geatches and Sister Woodward both gave evidence that should any such incident occur today, they would report it to the Police and the Church authorities.⁵⁵
- 53 Monsignor Cotter also did not report the matter to the Police. A letter explaining his reasons for not reporting the allegations is extracted in paragraphs 150 and 151 of the submissions of CA.

2.6 The Diocesan response to the 1975 allegations

Knowledge of the Diocese

- 54 CA submits that “Monsignor Cotter was made aware in December 1975 of serious allegations of sexual assault by Ryan against altar boys from St Joseph’s school”, and that “[N]otwithstanding the multiple accounts of reports of serious allegations to him directly”, in the records of interview with him, “he professed to have little or no recollection of those events and the substance of those complaints”.⁵⁶ CA further submits, “[G]iven the gravity of the matters, his claimed lack of recollection defies belief”.⁵⁷
- 55 The Church Parties accept the submissions made by CA with respect to Monsignor Cotter, as set out in paragraphs 153 to 155. The Church Parties note that on any view, the matters reported to Monsignor Cotter were serious.
- 56 CA further submits in paragraph 156, “The statements attributed to Monsignor Cotter that the allegations were of homosexual rather than paedophilic conduct are impossible to reconcile with the evidence of witnesses before the Royal Commission and the documents which indicate that the reports made to Monsignor Cotter were about sexual interference of children”.
- 57 With respect to Monsignor Cotter, CA concludes in paragraph 158 of his submissions:

Monsignor Cotter...did not take appropriate or adequate steps to respond to these serious allegations, which were plainly credible and which Ryan admitted. No official reprimand or sanction was put in place and the allegations were not properly documented and recorded in the Diocese’s files. The only step taken was to refer Ryan to Dr Evans and remove him from the parish. That was completely inadequate. The decision to send Ryan for treatment in Melbourne was one of convenience only, which was to remove Ryan from the parties and the area where his continued residence was likely to cause a scandal for the Church.

- 58 Bishop Wright acknowledged the failings of Monsignor Cotter in his statement.⁵⁸ The Church Parties again acknowledge the following facts:

⁵⁴ Ex 43-0005 (Diocese of Maitland-Newcastle Tender Bundle) Tab 88.

⁵⁵ Ex 43-0003 Statement of Margaret Anne Geatches at [26]; Ex 43-0004 Statement of Evelyn Mary Woodward at [46].

⁵⁶ Submissions of CA at [153-155].

⁵⁷ Submissions of CA at [155].

⁵⁸ Ex 43-0012 Statement of Bishop Wright at [11].



- (a) As early as 1974, Monsignor Cotter was told something of Ryan’s abusing and he abjectly failed to do anything meaningful to protect the children who should have been his primary concern.
- (b) In 1975, Monsignor Cotter responded to a further report and promptly removed Ryan from ministry and sent him for treatment, but these acts were vitiated by subsequent failures to monitor or check whether Ryan had received any meaningful treatment.
- (c) The attitudes held by some in the Diocese put the perceived good of the Church before the safety of a child and this was fundamental to Ryan’s being able to continue to abuse for over 20 years.
- 59 The Church Parties do not accept the submission of CA that “The decision to send Ryan for treatment in Melbourne was one of convenience only, which was to remove Ryan from the parties and the area where his continued residence was likely to cause a scandal for the Church”.
- 60 This submission ignores the context of the time, in which medical treatment was seen as an option to address the condition of paedophilia. It also ignores Sister Woodward’s evidence that her actions were based on a credible belief that sending Ryan for psychiatric help would assist in his changing his behaviour.⁵⁹ This submission is also inconsistent with the submissions of CA at paragraph 222, which state that Monsignor Cotter arranged for Ryan to be sent to Dr Evans with an expectation that he would be treated by Dr Evans on an ongoing basis.
- 61 This is also supported by evidence led from Dr Peter Evans in Case Study 28, noting that it was believed in the 1970s that treatment for paedophiles was seen as legitimate.⁶⁰
- 62 CA submits, “*it is likely that Monsignor Casey knew that allegations had been made against Ryan of sexually interfering with altar boys*”.⁶¹ The Church Parties accept that there is some evidence that Monsignor Casey was told something of Ryan’s prior abusing.⁶²

Failure to recognise the criminality of conduct

- 63 CA submits that the “allegations should have been referred to the police, and not doing so was an abject failure to act in the best interest of the children of St Joseph’s School and the Diocese”.⁶³
- 64 As described in paragraphs 49 and 50 above, Sister Geatches and Sister Woodward gave evidence that at the time, while they did not think to report the matter to the Police, both thought it their responsibility to report the issue to the most senior Church official in the Diocese – which they did. Sister Geatches and Sister Woodward both expressed regret that they did not do more at the time, and said that if the complaint came to their attention today, they would notify both the Police and the Church Authorities.⁶⁴

⁵⁹ T17666:23-25 (Day 165).

⁶⁰ Case Study 28: Evans, T16194:9-15 (Day 153).

⁶¹ Submissions of CA at [157].

⁶² Ex 43-0012 Statement of Bishop Wright at [11(e)].

⁶³ Submissions of CA at [159].

⁶⁴ Ex 43-0004 Statement of Evelyn Mary Woodward at [46]; Ex 43-0003 Statement of Margaret Anne Geatches at [26].



65 The Church Parties accept that “no counselling or support was provided to those students who had been abused”. The Church Parties submit that Sister Woodward said to Monsignor Cotter that she would be “happy to provide counselling should any of the families whose sons had been affected come forward”, but that no such counselling was provided.⁶⁵ As stated by Bishop Wright in his statement:⁶⁶

It does not appear that any action was taken to provide assistance to the parents or the students who were involved at the time: (a) Sister Woodward has said that she recommended to Mons. Cotter that the affected children receive counselling. It does not appear that any counselling occurred; and (b) the incoming principal in 1976, Sister Kauter, was not made aware of the incidents.

66 CA submits, “The response plainly demonstrates an attitude that favoured protecting the Church and the perpetrator (Ryan) over the welfare of the children of the parish”⁶⁷. The Church Parties submit that this attitude was not held by Sister Geatches nor Sister Woodward, who had the wellbeing of the children at the forefront of their minds. The Church Parties also submit that the decision to send Ryan for treatment was one that was made in the context of a belief at the time that paedophiles could be treated (for the reasons identified in paragraphs 59 to 61 above). However, the Church Parties accept that, as stated by Bishop Wright, “the attitudes held by some in the Diocese put the perceived good of the Church before the safety of a child and this was fundamental to Ryan’s being able to continue to abuse for over 20 years”.⁶⁸

⁶⁵ Ex 43-0004 Statement of Evelyn Mary Woodward at [26].

⁶⁶ Ex 43-0012 Statement of Bishop Wright at [47].

⁶⁷ Submissions of CA at [161].

⁶⁸ Ex 43-0012 Statement of Bishop Wright at [11(g)].



3 Referral to Dr Evans, Melbourne

3.1 The referral

67 The evidence relating to the referral of Ryan to Dr Evans is summarised in paragraphs 162 to 180 of the submissions of CA.

68 The Church Parties accept the conclusion set out in paragraph 181 of the submissions of CA, namely that “the referral [to Dr Evans] occurred and some level of detail about the offending was conveyed to Father Evans”.

3.2 Assessment by Dr Evans

69 The evidence relating to the assessment of Ryan by Dr Evans is set out in paragraphs 182 to 202 of the submissions of CA.⁶⁹

3.3 Reports sought by Monsignor Cotter

70 During 1976, Monsignor Cotter spoke to Ryan from time to time on the telephone.⁷⁰ The evidence relating to the reports sought by Monsignor Cotter is summarised in paragraphs 203 to 210 of the submissions of CA.⁷¹

3.4 Conversations between Sister Woodward and Father Cantwell

71 The evidence relating to the conversations between Sister Woodward and Father Cantwell is set out in paragraphs 211 to 218 of the submissions of CA.

72 The Church Parties accept that Sister Woodward gave evidence to the Commission that Father Cantwell told her at or around the time Ryan returned to the Diocese that he had had only one session with Dr Evans, and that Sister Woodward did not know if Ryan had had other sessions with someone else.⁷²

73 At the same time she was not completely confident in her answer. When asked by Counsel Assisting “As best as you can recall, how did you find out that information?” her response was “It may have come from Peter Cantwell; otherwise, I'm not quite sure.”⁷³

74 Sister Woodward also gave evidence that she only knew the *reason* why Ryan had only one session with Dr Evans – because he had left for London by early 1976 - when she gave evidence at the hearing before the Commission in 2016. She did not know that in 1975 or 1976.⁷⁴ Given that this logically would have been something discussed in any conversation on the issue, there is a real possibility that Sister Woodward may have been confused about whether she in fact had a conversation with Father Cantwell after Ryan’s session with Evans, as opposed to a conversation with him before that (for the purpose of arranging treatment).

⁶⁹ Note – The references to T17794 in footnotes 219 and 220 should be to T17795.

⁷⁰ Ex 43-0005 (Diocese of Maitland-Newcastle Tender Bundle) Tab 86, p 3.

⁷¹ Note – Footnote 230 should refer to paragraph 32 of the statement of Evans, not [7-8].

⁷² Submissions of CA at [219].

⁷³ Woodward, T17681:29-32 (Day 166).

⁷⁴ Woodward, T17663:14 (Day 165).

75 The Church Parties note that the fact that Ryan only had one treatment session with Evans appears to have first become public in 1996 when Ryan was sentenced and this was reported in the media.⁷⁵ Overall, it is possible that notwithstanding her answer, which was genuinely given to the best of her recollection, Sister Woodward may have come to learn of this then. The Church Parties submit that the evidence is inconclusive as to whether Sister Woodward knew that Ryan had had only treatment session in 1976.

76 The Church Parties adopt the submission of CA that Sister Woodward was a “candid, credible and forthright witness”.⁷⁶ The Church Parties submit that on each occasion that she has been asked to recall the events of 1975 and 1976, Sister Woodward has given her best recollection of those events at that time. To the extent that her various accounts of those events differ or her memory may not be completely clear, it is submitted that so much is to be expected in circumstances where Sister Woodward is 81 years old, and is recalling events and phone calls that took place over 40 years ago.

3.5 Ryan’s return to the Diocese

77 The evidence relating to Ryan’s return to the Diocese is summarised in paragraphs 220 and 221.⁷⁷

78 The Church Parties accept the conclusions drawn in paragraphs 222 to 225 of the submissions of CA. In his reflections on how the Diocese responded to complaints, Bishop Wright came to similar conclusions. He stated:⁷⁸

- (a) *“...there appears to have been no advice given by Dr Evans to anyone at the Diocese, other than that it was appropriate for Ryan to undertake academic studies in Melbourne”;*
- (b) *“there was no evidence of any monitoring of Ryan, and indeed none was occurring”;*
- (c) *“those senior clergy in the Diocese who were aware of the reasons why Ryan had been removed from the Diocese appear to have assumed whatever treatment he had received in Melbourne had been successful, without having any information about the treatment or receiving any advice about the suitability for his placement in the Diocese”;* and
- (d) *“in any event, there is no evidence that any conditions, restrictions or supervision measures were placed on Ryan when he returned to the Diocese at the end of 1976, or at any time after when he was appointed to subsequent parishes, where he abused further children”.*

79 Bishop Wright also gave evidence that Monsignor Cotter’s explanation that “*he understood Father Ryan had been cured of his problem*” was a poor one.⁷⁹ During the hearing, Bishop Wright said:⁸⁰

⁷⁵ Ex 43-0005 (Diocese of Maitland-Newcastle Tender Bundle) Tab 53 and Tab 57.

⁷⁶ Submissions of CA at [265].

⁷⁷ Note – The reference to July 1997 in paragraph 221 of the Submissions of CA should be to July 1977.

⁷⁸ Ex 43-0012 Statement of Bishop Wright at [66].



Clearly you would think that someone coming back from what you perceived as treatment – you would require some report, some – the notion that he comes back home so he must be right seems to me either incompetent or stupid or something.

⁷⁹ Wright, T17825:11-17 (Day 167).
⁸⁰ Wright, T17825:11-17 (Day 167).

4 Knowledge of Bishop Clarke in 1976

80 The Church Parties agree that there is some controversy in the evidence about the degree of Bishop Clarke's knowledge of Ryan's offending.⁸¹ As stated by Bishop Wright in his statement, some of the material suggests that Bishop Clarke did not know about Ryan's conduct before 1995, whereas other documents suggest that Bishop Clarke was aware that Ryan had been sent to Melbourne for treatment.⁸²

4.1 Conversations between Monsignor Cotter and Bishop Clarke

81 The various accounts given by Monsignor Cotter and Bishop Clarke of conversations between them about Ryan are set out in paragraphs 230 to 239 of the submissions of CA.⁸³

4.2 Conversations between Sister Woodward and Bishop Clarke

82 The evidence relating to the conversations between Sister Woodward and Bishop Clarke is set out in paragraphs 240 to 256 of the submissions of CA.

83 The Church Parties again adopt the submission of CA that Sister Woodward was a "candid, credible and forthright witness".⁸⁴ The Church Parties repeat their submission that on each occasion that she has been asked to recall the events of 1975 and 1976, Sister Woodward has given her best recollection of those events at that time. To the extent that her various accounts of those events differ or her memory may not be completely clear, again it is submitted that so much is to be expected in circumstances where Sister Woodward is 81 years old, and is recalling events and conversations that took place over 40 years ago.

4.3 Other documents indicating knowledge of Bishop Clarke

84 Other evidence indicating that Bishop Clarke was aware of allegations relating to Ryan prior to 1995 is set out in paragraphs 257 to 263 of the submissions of CA.

4.4 Conclusions in relation to knowledge of Bishop Clarke

85 The Church Parties note the conclusions drawn by CA in paragraphs 264 to 270, and accept that if Bishop Clarke did know, he failed to take appropriate action. The Church Parties also note that Bishop Wright said of Bishop Clarke: "...there is also evidence suggesting that Bishop Leo Clarke knew of Ryan's abuse. Before his death, Bishop Clarke denied knowledge of Ryan's history, but if he were aware of what had occurred, then he failed to make further enquiries and subsequently placed Ryan in positions of responsibility, with access to children, across the Diocese, for a further two decades."⁸⁵

86 Overall, the Church Parties submit that there is evidence both in support of and against the proposition that Bishop Clarke knew of Ryan's abuse as at the end of 1976, and there is insufficient evidence to establish Bishop Clarke knew that Ryan had received only one treatment session from Evans.

⁸¹ Submissions of CA at [227-229].

⁸² See Ex 43-0012 Statement of Bishop Wright at [54-55].

⁸³ Note – the reference to a phone call in [236] should be a letter. Also footnote 236 should refer to page 0186, not 0185.

⁸⁴ Submissions of CA at [265].

⁸⁵ Ex 43-0012 Statement of Bishop Wright at [11(e)].



5 Marist Brothers Hamilton

- 87 The evidence relating to the appearance of Ryan at Marist Brothers Hamilton is summarised in paragraphs 271 to 276 of the submissions of CA.
- 88 The Church Parties agree with the submissions in paragraphs 277 and 278 of the submissions of CA.



6 Sexual abuse by Ryan in other parishes

- 89 The evidence relating to the sexual abuse by Ryan in other parishes is set out in paragraphs 279 to 296 of the submissions of CA.
- 90 As to paragraph 286, the Church Parties note that when Ryan was in Cessnock, Sister Geatches was not in the Diocese. She was in Sydney as the Executive Secretary of the National Centre for Religious.⁸⁶
- 91 The Church parties agree with paragraph 297 of the submissions of CA.

⁸⁶ Ex 43-0003 Statement of Margaret Anne Geatches at [8(d)]

7 Criminal Proceedings

Diocese becomes aware of criminal investigation

92 A summary of the evidence relating to the circumstances in which the Diocese became aware of the criminal investigation into Ryan is set out in paragraphs 298 to 304 of the submissions of CA.⁸⁷

93 As to paragraph 304, when Sister Woodward was asked whether she held any concerns at the time that telling other people within the Diocese of the impending police investigation or charges in relation to Ryan could interfere with what the police were doing, her actual evidence was: *“No, I didn’t think like that because the question was to tell the Bishop, not anybody else in the Diocese”*.⁸⁸

Alleged conversation with Bishop Malone prior to Ryan’s arrest

94 The evidence relating to the alleged conversation between Sister Woodward and Bishop Malone prior to Ryan’s arrest is summarised in paragraphs 305 to 317 of the submissions of CA.

95 The Church Parties agree with the submission of CA that there is insufficient evidence to establish that Sister Woodward informed Bishop Malone of the substance of the allegations against Ryan prior to his arrest.⁸⁹

Ryan informed of criminal investigation

96 The evidence relating to the informing of Ryan about the criminal investigation is set out in paragraphs 319 and 320 of the submissions of CA.

97 The Church Parties agree with the submission of CA that Bishop Clarke and Monsignor Cotter should have appreciated that informing Ryan of potential or pending criminal investigations could have prejudiced those investigations and it was wrong for them to inform Ryan.

Ryan’s arrest

98 The evidence relating to Ryan’s arrest is set out in paragraphs 322 to 325 of the submissions of CA.

Diocesan response to Ryan’s arrest

99 The evidence relating to the initial response of the Diocese to Ryan’s arrest is summarised in paragraphs 326 to 354 of the submissions of CA.

100 Paragraphs 355 to 357 of the submissions of CA relate to matters particular to Bishop Malone. Bishop Malone was and is separately represented. The Church Parties make no submission as to Bishop Malone.

⁸⁷ Note – Sister Woodward said she was “concerned”, not “confused”: see [299]. Further, the relevant reference should be to [34] of her statement, not [33].

⁸⁸ T17679:15-16

⁸⁹ Submissions of CA at [318].



Independent Review

- 101 In 1996, Bishop Malone appointed an independent committee to review the response by the Diocese to the crimes committed by Ryan. The evidence relating to the independent review is set out in paragraphs 358 to 370 of the submissions of CA.
- 102 Paragraph 371 of the submissions of CA relates to matters particular to Reverend Burston. Reverend Burston was and is separately represented. The Church Parties make no submission as to Reverend Burston.

Indemnity

- 103 The evidence relating to the indemnity position in relation to the claims against Ryan is described in paragraphs 372 to 375 of the submissions of CA.

7.1 Decision not to laicise Ryan and conditional financial support

- 104 Bishop Malone opted for supervision of Ryan rather than laicisation. It seems that that decision was based on an assessment that the Diocese had an ongoing responsibility to monitor and supervise Ryan to try to ensure that he did not offend again.⁹⁰ The evidence relating to Bishop Malone's decision is summarised in paragraphs 376 to 380 of the submissions of CA.
- 105 The Church Parties note the evidence of Bishop Wright and his decision to continue the supervision of Ryan. Bishop Wright gave evidence that after he commenced as Bishop, he received a detailed briefing from the Manager of Zimmerman Services (Sean Tynan) on Ryan's status as a priest, and the reasons why he had not been laicised. Mr Tynan also obtained a risk assessment from Ryan's self-referred therapist, Mr Webster (who is accredited by the Office of the Children's Guardian at the highest supervisory level of the NSW Child Sex Offender Counsellor Accreditation Scheme).
- 106 After considering these issues, Bishop Wright decided that it was appropriate that the existing arrangements for the supervision and monitoring of Ryan continue, taking into account the benefit of the ongoing supervision by the Diocese, and the decisions of his predecessors.
- 107 Bishop Wright gave evidence that Ryan's status was a matter of regular discussions amongst the Bishop's advisory panel, and that today Ryan lives alone in accommodation approved by the NSW Police and Corrective Services. He continues to receive financial support from the Diocese for his living arrangements, and receives ongoing clinical treatment from Gerard Webster, (in line with the risk assessment prepared by Mr Webster referred to in the preceding paragraph). Mr Webster remains in contact with the Manager of Zimmerman Services. This remains the principal way that Ryan is monitored today.⁹¹
- 108 CA submits that Ryan should be laicised for the reasons stated in paragraph 381 of his submissions. Bishop Wright gave evidence to the Commission that he has recently been

⁹⁰ Ex 43-0012 Statement of Bishop Wright at [102].

⁹¹ Ex 43-0012 Statement of Bishop Wright at [84]-[91].



giving further consideration to the question of whether Ryan should be laicised.⁹² Bishop Wright said:⁹³

...I am more conscious today that there is a growing expectation in the community that priests who are convicted of child sexual abuse offences should be laicised. I understand that allowing those priests to remain within the Priesthood causes further trauma to survivors of abuse, their families, and the community generally.

For all of these reasons, I am re-considering the issue of Ryan's laicisation. I propose to seek the advice of the Diocesan Protection and Safety Council (which includes a number of lay and professional people) but subject to their advice, I would propose to ask Ryan to seek voluntary laicisation, and if he does not agree, I would propose to make an application to the Congregation for the Doctrine of the Faith for his laicisation.

⁹² Ex 43-0012 Statement of Bishop Wright at [102].

⁹³ Ex 43-0012 Statement of Bishop Wright at [104-105].

8 Zimmerman Services

- 109 Zimmerman Services is an agency which operates under the direction of Bishop Wright.⁹⁴ It works with a number of government agencies and the Police with the mandate of child abuse prevention, responding to complaints of child abuse, and the provision of support to persons affected by child abuse (both current and historic).⁹⁵ It is staffed by lay people with specialist child protection qualifications and experience.⁹⁶ Some of the evidence relating to Zimmerman Services is summarised in paragraphs 382 to 410 of the submissions of CA.
- 110 The current structure of Zimmerman Services has developed in response to a range of factors, including external legislative changes and the Diocese's own experience in relation to responding to child abuse. These factors are described in Bishop Wright's statement.⁹⁷ Between 2008 and 2012, there have also been a number of external reviews of the service.⁹⁸
- 111 Zimmerman Services has three main teams: the Preventative and Response Team, Healing and Support and the Administrative Support Team. The evidence relating to Healing and Support is set out in paragraphs 392 to 410 of the submissions of CA. The evidence relating to the Preventative and Response Team and the Administrative Support Team is found in paragraphs 116 to 117 and 124 to 125 of the statement of Bishop Wright.
- 112 The Diocese provides significant support to Zimmerman Services. Between 2009 and the last financial year, the operating budget of Zimmerman Services has increased from around \$480,000 to around \$770,000 per year, and the number of full-time equivalent positions has increased from 4 to 8.⁹⁹ The operating budget does not include funds paid in support costs for victims through Healing and Support.¹⁰⁰
- 113 Bishop Wright gave evidence that when a report of child sexual abuse is made (be it by a member of the clergy or someone working for the Diocese), the response of the Diocese is subject to a range of controls, as well as the Bishop's direction as head of agency or as Bishop.¹⁰¹ These include:
- (a) intake: where a member of Zimmerman Services receives, records and analyses complaints made, ensures that these matters are notified to statutory authorities, and provides feedback to those who report;
 - (b) investigations: where a member of Zimmerman Services (or an external contracted investigator) conducts investigations, including into matters which are required to be reported to the NSW Ombudsman. Investigators are required to have tertiary qualifications in psychology, social work, social science or equivalent industry experience in the field of child protection or criminal/statutory investigations; and
 - (c) risk management: where a member of Zimmerman Services is responsible for conducting risk assessments for potential and existing Diocesan personnel or children

⁹⁴ Ex 43-0012 Statement of Bishop Wright at [107].

⁹⁵ Ex 43-0012 Statement of Bishop Wright at [107].

⁹⁶ Ex 43-0012 Statement of Bishop Wright at [107].

⁹⁷ Ex 43-0012 Statement of Bishop Wright at [108].

⁹⁸ Ex 43-0012 Statement of Bishop Wright at [112].

⁹⁹ Ex 43-0012 Statement of Bishop Wright at [113].

¹⁰⁰ Ex 43-0012 Statement of Bishop Wright at [121].

¹⁰¹ Wright, T17851 (Day 167).



in receipt of a diocesan service, and assisting in the management of individuals identified as posing an elevated risk.¹⁰²

- 114 Bishop Wright also gave evidence of the policies and procedures the Diocese applies today in relation to the prevention of child sexual abuse. These include screening measures, codes of conduct, and child protection training. This training includes specialist or tailored training from Zimmerman Services. As an example, child protection training is available for teachers in Special Religious Education programmes in NSW government schools, and specific training for clergy in relation to boundaries in ministry, which includes detailed discussions around the interaction of power and vulnerability in the context of the relationship between clergy, parishioners and children.¹⁰³
- 115 Diocesan policy uses the broad term “concerns for children” in relation to reporting, and requires members of the Diocese to report indicators of sexual abuse which might not of themselves constitute an actual complaint (for example, if a person becomes aware of a situation that makes them feel anxious for the safety, welfare or well-being of a child, or if a person identifies behaviour in a child which is consistent with child sexual abuse).¹⁰⁴
- 116 Bishop Wright gave evidence that a key part of the child protection training programs in the Diocese is to ensure that people are made alert to the indicators of child sexual abuse, and that the Diocese’s reporting policy places a responsibility on them to report those indicators to Zimmerman Services. This process is designed to ensure that concerns or “red flags” are acted upon, in order to try and prevent abuse or further abuse from occurring.¹⁰⁵

¹⁰² Ex 43-0012 Statement of Bishop Wright at [116].

¹⁰³ Ex 43-0012 Statement of Bishop Wright at [152]-[160].

¹⁰⁴ Ex 43-0012 Statement of Bishop Wright at [161].

¹⁰⁵ Ex 43-0012 Statement of Bishop Wright at [162].

9 Bishop Wright's evidence

- 117 Bishop Wright's evidence is summarised in paragraphs 411 to 420 of the submissions of CA.
- 118 CA submits in paragraph 418 of his submissions, "*The work undertaken by the Diocese to improve responses to and management of complaints, and provide sensitive, effective and appropriate support to complaints survivors of child sexual abuse is commendable and ought to be acknowledged*". The Church Parties embrace that submission. The Chair also specifically acknowledged that Zimmerman services was unique.¹⁰⁶
- 119 CA further submits in paragraph 420 of his submissions, "*The approach of [the] Diocese in establishing and supporting Zimmerman Services is a positive model to be promoted by Bishop Wright for the consideration of other Church leaders*". The Church Parties agree that Zimmerman Services is a positive model to be promoted by Bishop Wright for the consideration of other Church Leaders, and say further that Bishop Wright has discussed his views with his brother Bishops "many a time". The Church Parties submit that the Zimmerman model is a positive example of a localised approach to the specific issues that the Diocese has faced, and that the application of that model (or aspects of that model) to other Dioceses and religious institutes should be considered on a case by case basis having regard to the unique factors of each Diocese or order.
- 120 The informal promotion of Zimmerman Services seems to have been effective in that Ms O'Hearn gave evidence that the Parramatta Diocese, Armidale Diocese and Marist Brothers have contacted Zimmerman Services to ask that they meet with them to talk about Zimmerman Services. However, the Church Parties accept that "*there needs to be structured education before you will get change*".¹⁰⁷
- 121 CA submits in paragraph 421 of his submissions that "Bishop Wright's comments in response to questions from the Chair suggest a degree of resistance, if not resentment, on his part to the level of scrutiny to which the Catholic Church has been subjected regarding past incidents". The Church Parties reject this characterisation of the exchange between Bishop Wright and the Chair, which is found at T17836:21-17837:30, and say that Bishop Wright's comments should be seen in the overall context of his evidence, including his strong support for victims services, for redress, for Zimmerman Services, and his oversight and record with respect to those issues as Bishop. Those comments should also be seen in the context of his insistence on public acknowledgement and acceptance of past wrongs by the Diocese.
- 122 Bishop Wright gave evidence that he is committed "to support fully the work of this Royal Commission generally, and particularly its inquiries into the Diocese's response to allegations of child sexual abuse made against Ryan".¹⁰⁸ Bishop Wright acknowledged the valuable work of the Commission on numerous occasions.¹⁰⁹ During the hearing, Bishop Wright described the "fruit of the commission" to be the "thoroughly tested and national and comprehensive data about child abuse offending",¹¹⁰ which he described as "enormously useful".

¹⁰⁶ Wright, T17852:3 (Day 167).

¹⁰⁷ Wright, T17853:4-8 (Day 167).

¹⁰⁸ Ex 43-0012 Statement of Bishop Wright at [13].

¹⁰⁹ Wright, T17836:24-25 (Day 167); Wright, T17837:20-27 (Day 167); Wright, T17854:24-38 (Day 167); Wright, T17855:13-17 (Day 167); Ex 43-0012 Statement of Bishop Wright at [13]-[14].

¹¹⁰ Wright, T17854:24-28 (Day 167).



- 123 During the hearing, Bishop Wright stated, "I think the Diocese, as the Church, is an enduring institution, so its present leadership must answer for past matters that were done by us".¹¹¹ His acceptance of that responsibility is evidenced in his apology to those affected by abuse, which is found in his statement and in the transcript, and which is repeated at the start of these submissions.
- 124 As part of the actual exchange between Bishop Wright and the Chair of the Royal Commission, Bishop Wright clarified his position and earlier comments to reduce risk of misunderstanding, saying "I hope I haven't come across as saying that that's an exercise that should not have been performed and it's certainly absolutely right and we're answerable for that, but you asked me a spotlight question and I do have that concern as to where the balance falls, not so much between Catholics and others as between past and present".¹¹²

¹¹¹ Wright, T17814:24-27 (Day 167).

¹¹² Wright, T17837:20-30 (Day 167).

10 Conclusion

- 125 In his statement, Bishop Wright offered an apology to those affected by the abuse of Ryan and other priests who had sexually abused children in the Diocese.¹¹³ Bishop Wright restates that apology and also wishes to make the following additional remarks.
- 126 *For a person unused to court, it is daunting to give evidence to a Royal Commission and those who have been abused have described the competing emotions they struggle with when they choose to come forward and publically speak of their harm. To those men who came forward and shared their truths at the Royal Commission's Case Study 43 and to those who were abused and bore silent witness in the Court room or over the internet; the Church Parties express their profound respect for the courage and that of their families. The shame to be borne in this time is entirely that of the Church Parties and not those who were abused.*
- 127 *The Church Parties also thank the Royal Commission for shining the light on the past failings of the Diocese of Maitland-Newcastle and the Marist Brothers to protect a generation of children. Through dedicated investigation and providing support and encouragement to those who were harmed the community has a comprehensive picture of an era that the Church Parties and the whole of society are invested in ensuring cannot happen again.*

¹¹³ Ex 43-0012 Statement of Bishop Wright at [10]-[15].