

The Royal Commission into Institutional Responses to Child Sexual Abuse continued phase three of its hearings for Case Study 28 today. Case Study 28 is looking at the Diocese of Ballarat (and the Christian Brothers' schools within that diocese). The first stage of the hearing was held in May 2015 and the second session was held in December 2015.

In today's hearing, we heard evidence from Christian Brother, Brother Brian Brandon.

Testimony of Brother Brian Brandon

Brother Brian Brandon joined the Christian Brothers in 1953. He was a member of the Provincial Council between May 1984 and May 1996, and was a headmaster at a number of schools.

He gave evidence about the responsibilities of the Provincial Council, telling the Commission that its role was to advise the Superior rather than having the ability to make binding decisions. He said that the movement of Brothers would come up about 5 times per year at meetings (the Council met weekly.)

He also gave evidence about the purpose of visitations by the Provincial Council to Christian Brothers' schools. He said that the primary purpose was to provide an opportunity for those in leadership teams to be in communities and exercise "on the ground" leadership.

Brother Brandon was asked about his role of managing legal affairs for the Christian Brothers. This included civil and criminal proceedings, dealing with Catholic Church Insurances on matters of claims for compensation.

Brother Brandon was taken through records of complaints made about Brothers Dowlan, BWX and CCK, and asked about his own knowledge and the knowledge of the Provincial Council of these complaints. Some of these complaints were made prior to his time on the Council, and so he was asked about whether he was made aware of them when he joined the Council. He was also shown agendas for various Provincial Council meetings on which "Ted Dowlan" was an agenda item, and asked if he could remember the conversation. He could not.

Justice McClellan challenged Brother Brandon on comments that the Council knew of innuendo around Brother Dowlan's sexually inappropriate behaviour towards children, but not discharging their duty as management to investigate the concerns further.

Brother Brandon was asked about a comment he made to Catholic Church Insurances that the Council was not aware of Dowlan's offending until August 1993, and it was put to him that the Council knew much earlier. He said that the first formal complaint came to the Council at that time, and this led to a discussion about what constituted a "formal complaint" and how parents might be confused as to how to make a formal complaint.

It was also revealed that Brother Naughtin, who was a Provincial until 1984, destroyed personal files at the end of his tenure.

Brother Brandon was challenged on the hiring of a private investigator to look into victims. A report from the private investigator had suggested ways the evidence of witnesses could be undermined. Brother Brandon conceded that the hiring of the investigator was a waste of money and harmful to those involved, and offered an apology to those who were affected.

Cross-examination by Dr Hanscombe

In addition to raising some of the matters raised above, Dr Hanscombe also asked about her clients who have had prolonged claims against the Christian Brothers. Brother Brandon apologised for this.

Cross-examination by Mr Shaw

Mr Shaw cross-examined Brother Brandon on the issue of hiring a private investigator, arguing that lawyers would not have done that without instruction. Brother Brandon repeated his regret, but maintained that it was a strategy of the lawyers on behalf of Dowlan, and not instructed by him.

Cross-examination by Mr Gray

Mr Gray had Brother Brandon make a number of clarifications about his role in professional standards matters, and the existing protocols and processes for those matters.

At the end of this, Justice Murray asked Brother Brandon about the announcement from the Vatican that 2% of clergy were deemed to be guilty of child sexual abuse, and the appearance that the numbers were much higher amongst the Christian Brothers.

[Editor note: the 2% figure was not an official Vatican statistic. For more information, <http://catholictalk.com.au/walking-the-talk/blog/item/288-pope-francis-celibacy>]

The Commission proceedings will continue tomorrow.