

Submission to the Inquiry into the options available to survivors of institutional child sexual abuse in Western Australia

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Introduction

I am pleased to have this opportunity to make a submission that draws on material I've uncovered while writing a book about the context, circumstances and long term impact of abuse I experienced as an 11-year-old student at Aquinas College in Perth by a Christian Brother who was my teacher at the time.

The way I've gone about the exercise is peculiar to my own way of thinking and communicating. As a current affairs reporter of four decades, getting to the bottom of what happened to me became a journalistic exercise, involving extensive research and dozens of interviews, including a lengthy telephone interview with Daniel McMahon, the Christian Brother who assaulted me twice in the early months of 1965.

I was in my first weeks as a boarder at Aquinas. McMahon was 28-years-old, just out of teachers' college and in charge of his first class as a Christian Brother.

During the initial assault, McMahon [REDACTED]. Some weeks later, he attempted the same again but, on this occasion, I resisted and became the target of a different kind of attention that left me in constant fear of physical, psychological and emotional punishment.

Apart from his sexual abuse of boys, Daniel McMahon physically assaulted me and the other boys on a daily basis, causing fear and anxiety that left a lifelong impact on most, if not all, who endured it.

So, why have I taken myself down this rabbit hole? Predominantly, to uncover details of how the church dealt with my complaint about McMahon.

In 2002, the Christian Brothers - the religious order that ran Aquinas – sent out a form letter asking ex-students if they'd ever been sexually assaulted at a Brothers' school.

In response, I phoned Aquinas and was told that McMahon had moved to Tasmania to become a priest. That prompted me to contact the Archdiocese of Hobart and lodge an official complain about McMahon, the first such complaint the church had received about him.

Despite my complaint, and complaints from at least four other men, a bundle of letters and documents that I've acquired show that the Hobart Archdiocese allowed McMahon to continue practicing as a priest until his death in 2012. Twenty-four men have come forward so far to formally complain that McMahon sexual assaulted them when they were children. One of these men says the assault occurred after McMahon became a priest in Tasmania.

I understand from recent media coverage that the decision by the Christian Brothers not to cooperate with the WA Parliamentary Inquiry was prompted by a concern that they would be forced to respond to questions around contemporary investigations into Daniel McMahon.

I imagine that my submission will help clarify why that may be the case – it's the very reason that the working title of my book is "Unmasking a Monster".

Who knew and who acted?

On January 19, 2005, the then Head of the Christian Brothers in Western Australia and South Australia, Kevin Ryan, who I've interviewed a number of times over the past two years, wrote to the then Archbishop of Hobart, Adrian Doyle, to inform him of a new complaint against Daniel McMahon. Ryan told Doyle that the matter involved an incident in 1988 or 1989, when McMahon was the Brothers' vocations director in Perth.

The victim was Jarrod Luscombe, who was 16 years old at the time McMahon sexually assaulted him. Ryan told Doyle that Luscombe was suffering greatly and that the Brothers believed his allegation against McMahon.

Ryan wrote: "The man bringing the allegation has been very consoled by the information that Daniel is no longer in a ministry which could allow him to harm anyone."

Doyle wrote back to Ryan a week later, saying that 'at one point last year, when new issues were brought to my attention through Sr [REDACTED], I asked (McMahon) not to make himself available to assist with Sunday masses in parishes nearby (his home), as he had been willing to do since leaving his last parish.'

Doyle continued: "I would be keen to know whether, in your opinion, I should leave the restriction as it is, or could I allow him to be available for masses only. I think it revolves around the understanding of the phrase that 'Daniel is no longer in a ministry which could allow him to harm anyone.'"

Two weeks later, Ryan responded, telling Doyle that he'd discussed the matter with [REDACTED], the Christian Brother who'd met with Luscombe and documented his complaint. "We feel the complainant would be comfortable with Father Daniel being allowed to celebrate the Eucharist in parishes and elsewhere," said Ryan, "As long as he was not in a position, or involved in activity, which would provide him the opportunity to establish relationships which could lead to inappropriate behaviour."

Jarrod Luscombe has told me that the Brothers did not consult him about McMahon continuing to operate as a priest. For his part, Archbishop Doyle clearly interpreted Ryan's portrayal of Luscombe's attitude as a go ahead to reinstate McMahon to his limited priestly role, effectively placing young Tasmanian parishioners in harm's way.

By late 2006, Kevin Ryan had a radical change of heart regarding Daniel McMahon and his continuing ministry. On November 6, 2006, he wrote to Archbishop Doyle and made it clear that he thought McMahon should be completely 'defrocked'.

On December 19, Kevin Ryan, Adrian Doyle and Mark Freeman, who was then the Vicar-General of the Hobart Archdiocese, met with Daniel McMahon in the Archbishop's office in Hobart.

For Ryan, the purpose of the meeting was to confront McMahon with three credible complaints against him, to get him to admit to what he'd done and to support the Archbishop when he made the inevitable decision, as Ryan saw it, to withdraw McMahon's priestly powers, once and for all.

He went through the three complaints – the one from Jarrod Luscombe, another from a former student at Rostrevor College in South Australia where McMahon had taught for some years, and the one from me.

According to Mark Freeman, McMahon didn't say much while Ryan detailed the complaints against him. Freeman, who I have interviewed at length remembers it this way: "At the end of the meeting, McMahon simply said 'I don't know why they would say that about me.' And he paused for a second or two, and then he said 'Well, are we going to have lunch now?' The rest of us were so shocked that he could respond in that way. But that was the nature of the beast, really."

Kevin Ryan doesn't know when the 'hints and rumours' about McMahon first surfaced in Western Australia. "They were in existence when I came into Leadership in 2000," he told me. "And an allegation about him was brought to me in about 1996, or 1997, as a sexual abuse matter.

"Rumours about Danny came earlier to a previous member of the leadership team. That would have been in the early nineties, or late eighties, when there were no protocols about how to even respond to vague rumours.

"I assume they interviewed Danny at the time, presumably he made a denial, and there were no specifics upon which to base an investigation. Even the police would have had their hands tied if such rumours were relayed to them.

"As for the Archdiocese of Hobart, they might have been angry with us, thinking we should have warned them about McMahon, but McMahon was ordained in 1994, so he would have left us several years before that. I don't even know if these rumours had surfaced at Aquinas before he left our congregation.

"When matters did surface, the Christian Brothers contacted Hobart and told them that we had formal complaints and that we had dealt with them. If they were going to follow the right protocol by then, they would have stood McMahon down from ministry. But they didn't."

The silence continues

In May 2022, I contacted the Director of Professional Standards for the Hobart Archdiocese, [REDACTED], and asked if the Archdiocese had any documents relating to my allegations against Daniel McMahon. If it did, I asked if she could please send me copies.

Five months later, [REDACTED] sent me a single document: a copy of my original complaint against McMahon, which I'd dictated to Sister [REDACTED] back in 2002.

Given that I had already procured letters written by Archbishop Doyle relating to my complaint about McMahon, it was clear that the Archdiocese was holding out on me. So I asked its media officer, [REDACTED], if the Archdiocese would provide a spokesperson for me to interview. [REDACTED] declined my request and suggested I put my questions in writing.

My questions ended up back with [REDACTED], who sat on them for another four months before responding, and when she did, her responses were inaccurate in places and full of legalese and bureaucratese.

For example, asked for the date McMahon ceased any priestly role in Tasmania, [REDACTED] wrote that he'd 'retired from active ministry by 6/7 December 2003.'

This claim is belied by correspondence I obtained between Adrian Doyle and Kevin Ryan from 2005 and 2006. Their letters from that time show that McMahon was still a practicing priest in late 2006. And though he was banned from Mark Freeman's parish in late 2006, McMahon continued to serve as a relief priest in other parishes across Tasmania until his death in 2012.

Seeking "justice"

Dr Judy Courtin's law firm represents nine of McMahon victims in their claims against the Christian Brothers. "The Christian Brothers had a duty to prevent foreseeable harm to these victims," Courtin told me. "If we accept that McMahon's contemporaries knew, or ought to have known about McMahon committing these crimes, then those people breached their duty of care and are legally liable in negligence.

"Whether they are criminally responsible for the crime of concealment, is another matter. It is staggering that, in Australia, there are no convictions for the crime of concealment for members of the Catholic church. But when the contemporaries knew, or ought to have known, about the offender, but did nothing, they were negligent."

McMahon operated in church settings for 65 years, so there's every reason to believe that his victims number many more than the 24 men who have so far come forward. Research from the US, UK and Australia suggests around five percent of males who were sexually abused as children make such a report. On this basis, Courtin believes McMahon could have been one of Australia's most prolific paedophiles.

In July 2006, when I was living in Canberra, Kevin Ryan asked if he could come and visit me to apologise for what McMahon had done to me. I said yes.

A week later, I had an extended meeting with Kevin Ryan, where he apologised, and offered me \$58,000 to cover on-going counselling and as some form of recompense.

A few years later, I dipped into the Brothers' coffers again and came away with another \$150,000. Finally, due to a change in Western Australian laws governing indecent assault, particularly the state's statute of limitations, the Brothers agreed to pay me another \$300,000, essentially because my earning capacity had been compromised by the ongoing impact of McMahon's abuse.

Did it feel like justice? Not enough to prevent me from approaching McMahon himself for an interview in 2010, the full transcript of which is included in my book.

To offer a flavour: PC: “So Dan, have you any thoughts about what I was saying the other day (about the abuse)?

DM: “I’ve ahh. I really feel that, ahh, I would never, that I would never have done anything that was wrong with you. That’s my feeling because you were kind of special. You were my only border.

PC: “Do you have any memory of any sexual interference with any boy, ever?

DM: “Well, the thing was, what happened to me was, I was probably too familiar, if you understand what I mean. I used to talk to boys and I think my relationships with them were misunderstood ... I certainly didn’t feel that I was interfering with kids.”

“So the thing is, Peter, all I can do is apologise, profoundly, or profusely, for this kind of disturbance that you’re blaming me for in your life, and I would say that was never my intention.”

To sum up

Why have I researched and written a memoir about this traumatic time in my life? Wouldn’t it have been better to let it go? The thing is, I can’t identify or isolate the impact it’s had on me. Maybe it’s so fully integrated into who I am that I can’t separate it from the rest of me, though maybe it’s quite evident to others – for example, the counsellors and psychologists who assessed me in connection with my complaint to the Christian Brothers.

Ultimately, it’s been both illuminating and fulfilling to have the conversations with McMahon’s other victims, those who knew him, those who rationalised their silence, and with the monster himself.

In my view, if this Inquiry is to be of real value to people like me and the men I’ve spoken to, providing victims of child sexual abuse with access to the truth of their memories, and a recognition of their enduring pain, should be at the heart of your efforts.