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College 'ignored' claims of sex abuse Court told Marist brother kept working with boys despite

Victor Violante

The Marist Brothers allowed one of their Canberra teachers to continue working with boys even after they were told he was molesting students, an ACT court was told yesterday. Former Marist College teacher, Brother Kostka Chute, 75, pleaded guilty in the ACT Magistrates Court to sexually molesting four students between 1986 and 1987 when they were aged 13 and 14. All the offences occurred on the school's premises in Pearce, including in Kostka's office and in his on-campus residence.

The ACT Director of Public Prosecutions was forced to drop seven charges of committing acts on indecency relating to two other students because they had allegedly happened pre-1985, when a statute of limitations of one year applied in the territory for such offences.

Documents tendered in court yesterday revealed a teacher and one headmaster at the school were told by victims that Kostka had molested them, but the school allowed him to teach for several more years.

One alleged victim, whose complaint was dropped yesterday because it related to an incident in 1981, told police in August last year that he had reported Kostka's assault on him to a teacher in 1986 because he was concerned Kostka was spending a lot of time with another young student.

However, the teacher, John Doyle, told him the next day that "nothing was going to be done regarding his allegation and concerns".

Several years later, in the early 1990s, he went to the school and told the then-headmaster of the assault. But when he spoke to the headmaster soon after, he was told Kostka had denied assaulting him and the investigation had been passed on to Kostka's "superiors". The alleged victim told police he had been intent in preventing Kostka whose legal name is John William Chute from having further contact with children. He met a senior Marist brother Brother Alexis Turton, who is now professional standards officer only to be asked "what he wanted" from the Marist Brothers, and was offered counselling.

Brother Alexis later informed him Kostka had been moved to a Mittagong farmhouse for retired Marist brothers, the Hermitage, where he remained until his arrest last month.

The alleged victim's brother went to the farmhouse in 2002 to visit another brother, where he discovered Kostka was running a youth drop-in centre for boys.

Kostka's victims told police he would win their trust and confidence before developing a pattern of systemic abuse, some boys being molested on a daily basis over more than a year. Kostka would often put his hands down the boys' pants, sometimes in classrooms with other students in the room. Other times, he would expose himself and force the boys to touch his penis, with two victims recalling vividly the expression that came over Kostka's face when he was molesting them "He would raise the outer edges of his eyebrows and his tongue would be out the side of his mouth," one boy recalled.

The victims told police Kostka befriended lots of boys through a movie club he ran, in which a film would be screened at the school's theatre on a weekly or bi-weekly basis.

One victim, who was molested in 1986 in the theatre, recalled how Kostka sat next to him and put his hand on his groin.

When he moved away, Kostka followed, and did so about three times before finally giving up.

The boy told his parents the next day and they made an appointment to see the headmaster, Brother Terrence Heinrich. Brother Terrence told them they could either go to police or the school could handle the matter "in-house". They opted for the latter. However, Kostka taught for a further seven years.

Another victim, to whom six of the admitted 11 offences relate, said Kostka abused him between 1985 and 1987 "almost daily" and sometimes in the classroom while other students were present. In turn, Kostka "showered him with kindness". On one occasion, he threatened another victim to whom another four of the offences relate with expulsion if he told anyone. Kostka walked out of court yesterday without saying a word, and will appear in the ACT Supreme Court next month for the start of sentencing proceedings. He is living with Brother Turton in Sydney.

Brother Turton issued a statement expressing the Marist Brothers and Kostka's regret for the offences.

"In acknowledging his responsibility, he wants also to communicate his deep sorrow at having caused so much hurt," the statement said.

"We Marist Brothers wish to express deep regret for the way your lives have been damaged through your association with us and for the breakdown in trust that has resulted."

Kostka's offences are also the subject of a civil claim for compensation yet to be lodged in the Supreme Court.

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