

HGH:

**POSTED**

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**29 FEB 2008**

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Brother A Turton  
Trustees of the Marist Brothers  
Box 6179  
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Dear Brother

**MARIST CANBERRA ISSUES**

We refer to recent discussions with Brother Jeff Crowe and yourself.

We understand that Brother Jeff is drafting a note to the local Marist communities and we **enclose** copy of email forwarded to him which may have gone astray.

We note the recent adverse publicity generated as a consequence of the press having access to Supreme Court common law pleadings.

These are obviously pleadings only involving untested and as yet undetermined allegations of prior knowledge and the like.

Clearly, there would appear to be some potential for criticism in respect of an alleged approach to school authorities in 1986 involving a young man with an issue in relation to Brother Kostka.

As with other cases from the time, it may be that more should have been done at that stage in respect of investigation and intervention in relation to Brother Kostka's contact with children.

On the other hand, at that time, the man has an unblemished record and it remains to be seen what information was actually made available to Brother Terry and as to what his reasoning process was.

As you know, CCI are currently providing indemnity in relation to the ACT claims.

This may change if they see that there was some prior knowledge of problems with Brother Kostka which was not handled properly by the Leadership Team.

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Our Mr Harrison will probably speak to Brother Terry Heindrick.

We look forward to discussing the same with you when convenient.

Yours faithfully  
**Carroll & O'Dea**  
Per:

Encl