

**MARIST COLLEGE CANBERRA
CLAIMS BY PORTERS LAWYERS' CLIENTS CONCERNING
BR KOSTKA CHUTE**

**TOPICS FOR DISCUSSION IN OUR INTERVIEW WITH
BR KOSTKA**

INTRODUCTORY COMMENTS

1. We have reviewed a number of the medical reports tendered to the Criminal Court on behalf of Br Kostka Chute, including four reports of Dr Canaris. We have also studied the Sentencing Judgment of the Honourable Justice Gray dated 23 June 2008 and the transcript of the proceedings in the criminal trial on Friday 9 May 2008 (which includes the oral evidence and cross-examination of Dr Canaris) on Thursday 5 June 2008.

2. In a report of Dr Canaris dated 20 August 2002, the following is stated:-

“He remarked that he had sought answers, adding that “under the old system it was say the three Hail Mary’s”. A superior had said to him “John you’ve got a bit of a problem here and you’d better solve it”. I remarked that it sounded as if he did not get help when he wanted it most. To cap things off, he did see someone some twenty years ago “but the person I sought help from started to make advances to me” adding that another Australian brother had said much the same.

Spiritual directors had been supportive and sympathetic but ultimately the help the Church could offer was very limited.”

3. There is also a further statement in Dr Canaris’ report dated 9 April 2008 to the following effect:-

“I note his history of being sexually molested in youth and of growing up in a setting which provided virtually no opportunity to acquire a deeper understanding or integration of his sexuality. I note also a recurring theme in his history, specifically that he had asked for help and received none until very late in the piece, i.e. the Encompass referral. These factors sadly contributed substantially to his history of offending behaviour”.

4. In his Sentencing Judgment Justice Gray said the following:-

“Dr Canaris who gave evidence before me in his report on 9 April 2008 commented, “I note”, talking of you, “his history of having been sexually molested

in youth and growing up in a setting which provided virtually no opportunity to acquire a deeper understanding or integration of your sexuality. I note also a recurring theme in his history.

Specifically that he asked for help and received none until very late in the piece. These factors sadly contributed substantially to his history of offending behaviour”

In the early 1990’s, as a consequence of a complaint in relation to your behaviour, you were stood down from teaching. You’ve not had contact with any student since 1991. In 2002, you participated in the Encompass Program, a specific program then set up for assessment and treatment of religious members suffering from psychosexual disorders.

As a consequence of that program, you have engaged with a consultant psychologist, Rebecca Campbell, and she still sees you once a month. Her conclusion, in speaking of you is:

“He has willingly undertaken extensive therapeutic work over the last five years and had attempted to seek assistance prior to this. He has identified risk factors ...”

5. As you will note, this includes a reference to the report of a Clinical Psychologist named Rebecca Campbell dated 4 May 2008 in which she said:-

“Br Chute voluntarily entered the Encompass Program, after asking for assistance in dealing with offending history ... he has willingly undertaken extensive therapeutic work over the last five years, and had attempted to seek assistance prior to this.

6. A further report from Duffy Robilliard Psychologists dated 28 April 2008 contains the following statement attributed to Br Kostka:-

“Br Chute acknowledges he engaged in indecent assault behaviour with a number of pupils and that the authorities of the school were made aware of it by complaints by parents. Br Chute believes his frequent moves from school to school arose partly from this behaviour. He was retired from teaching in 1992 due to complaints from

pupils in the Marist College in Canberra. ... He told me that he made many attempts over the years to seek help for his problem and remembers going to a psychologist who was also a Priest in Sydney whilst he was at Penshurst and was told "it will pass". He acknowledged a recurrent attraction to young boys and distorted cognitions in relation to his contacts with them, stating that he had regarded his actions as an expression of affection. He is aware however that he has made excuses in the past but ...". (We note that he was at Penshurst in either the late 1960's or the very early 1970's, before he moved to Coogee and then in 1975 to Parramatta).

TOPICS FOR DISCUSSION

7. Any and all complaints against Br Kostka concerning his sexual behaviour which he knows about, including the approximate dates of such complaints, the name of the alleged victim, the school involved and the substance of the complaints.
8. Details of the conversation or conversations which Br Kostka has had over the years with his Superior or his Headmaster about his sexual behaviour, proclivity and tendencies. In particular, who is the Superior mentioned in paragraph 2 above.
9. Details of any and all discussions which Br Kostka has had over the years with the Provincial of the Marist Brothers from time to time about his sexual tendencies, proclivities and behaviour.
10. An explanation from Br Kostka of the various quotations from the medical reports extracted above.
11. Details of all requests and attempts which Br Kostka made over the years to obtain help with his sexual difficulties from the Marist Brothers, and the response he received from the Marist Brothers.
12. Who did Br Kostka "*see 20 years ago*" and in what circumstances?
13. Details of his statement that his "*spiritual directors*" had been supportive and sympathetic – dates, names, details, etc.
14. Why he believes that his "*frequent moves from school to school arose partly from his behaviour*".

15. Does he remember a claimant named from St Anne's College Bondi Beach in 1962, and did he discuss his behaviour with Mr with either the Headmaster of the school at the time (Br Des Phillips) or the Provincial (Br Quentin Duffy) – details required?

16. says in 1986 at a Friday night film night, Br Kostka inappropriately touched him. He told his parents and they went to the school and told Br Heinrich, the Principal.
17. Br Heinrich says he spoke to Br Kostka about it. Does Br Kostka recall speaking to Br Heinrich; what was his explanation?
18. Br Heinrich says he told the Provincial Br Alman and Br Alman spoke to Br Kostka. What was the substance of the conversation between Br Alman and Br Kostka?
19. Subsequently, the Friday night film nights stopped; does Br Kostka know why?

PJM

1 April 2009