

Dear members of the Marist College community,

There have been a number of recent headlines and stories in the Canberra media that have been disturbing to us and, we presume, to many of you. It was our intention to produce a press release last week at the end of the criminal trial of Br Kostka. That was not appropriate because sentencing was deferred until June 23. This leaves a gap in our communication with yourselves and the purpose of this message is to fill that gap.

In regard to criminal proceedings against Br Kostka, he has admitted his guilt and given a public apology. As Marist Brothers we have expressed our sincere regrets and apology to all who have suffered harm as a consequence of his actions. We apologise also to the Catholic Church community of Canberra for the scandal and embarrassment we have caused.

We are determined to listen to each and every victim of criminal abuse at Marist College and ensure that each one receives whatever healing is possible and justice. This is a public commitment that we have repeatedly made. We hope that all such cases can be referred to mediation and that just and fair outcomes are achieved for all victims at the earliest possible time.

We recommend victims to use the Towards Healing process. Over the years many complaints have been brought to closure through this process. It provides far greater opportunities for true human reconciliation, including financial reparation and access to counselling, than normal court processes.

As reported in the media, a number of civil legal actions have been filed on behalf of former students in the Supreme Court. Because these claims are being made in court and in front of public media, it is normal that someone establish the truth as far as this is possible after such a length of time. We accept that abuse occurred but the severity and consequences need to be examined in each case. We believe most people would understand this, including the victims who want their experience of abuse and its impact on their lives acknowledged.

In regard to the legal liability of the Marist Brothers as such in these civil claims, many of you would have seen the headline about Marist denying "duty of care" to victims of Br. Kostka. This particular assertion must have disturbed you as members of the Marist College community, not just in terms of feeling for the victims but also in terms of all students past and present. There can be no question that the school then and now has a duty of care to its students. What is at issue is if and in what measure the Marist Brothers as an institution carries the liabilities associated with that duty of care. This is where things get complex, contentious and difficult. For example, we will defend our past leaders at Province and College level against charges of indifference or conspiracy. They were men of integrity. Whether their actions at that time are to be judged negligent is for the courts to determine. We accept our responsibilities.

Once again, we want to assure you that the protection of young people entrusted to our care is our priority. Learning from the past, we are confident that Marist now has all possible protective systems and practices in place. Further, the highest standards of pastoral care are being offered so as to provide the optimal environment for each young person to grow and learn.

We appreciate your faith and support. Our faith urges us to seek justice and reconciliation for victims. It also urges us to remain honest and hopeful even in the most difficult times and to believe that acting in a brotherly fashion to all, including our detractors, is the best way to create a better future.

Br Jeff Crowe Provincial

June 9, 2008