

We saw it coming, say ex-students, as brother acquitted

Natasha Wallace

Brother John Maguire has faced eight trials on child sex abuse charges. Eight times, including yesterday, he has been acquitted, with none of the jurors ever being told of the other allegations against him.

The *Herald* can now reveal that, due to a court ruling on the risk of contamination of evidence, a judge decided that each case against Brother Maguire had to be heard separately. The ruling followed defence claims that the students making the allegations had colluded at a school reunion in 1999.

The jurors at each trial, before Judge Megan Latham at the NSW District Court since last November, were therefore unaware of the extensive allegations against Brother Maguire.

Prosecutors were also hamstrung by the time - 20 years - that elapsed between the alleged offences and when the first complainant went to police in 1997. Legal rules prevented the Crown from calling several witnesses, such as psychologists, family members, girlfriends and other teachers in all but one case.

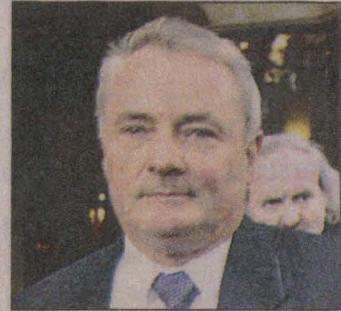
The Marist Brother, 60, was accused of sexually and indecently assaulting six boys at St Joseph's College in Hunters Hill 20 years ago. In all, he faced 17 counts of sexually related assault of boys aged between 11 and 13 while he was the year 7 dormitory and form master.

He now lives on school grounds at Marist College, Ashgrove, in Brisbane. He was suspended as deputy headmaster when he was charged on February 13, 2002. The school would not confirm whether he would now be reinstated.

Yesterday, after the eighth trial ended in a not guilty verdict, some of the complainants, now aged between 30 and 33, said they were disappointed and angry that the Crown was unable to bring the allegations to trial together.

"I never expected to get a result out of the trial... it becomes one person's word against another," one complainant said yesterday.

Another said: "To me, it was impossible from the start, as soon



Cleared... Brother John Maguire outside the court. Photo: Wade Laube

as they gave us separate trials. They said there was collusion, but we [the complainants] don't know each other... I still don't know the names. I don't even know what year they were in."

Brother Maguire, a former maths and religion teacher and coach of the 12As rugby team at St Joseph's, denied all of the charges. He has said he cuddled some of the boys when they cried because they were ill or homesick but it was never of a sexual nature.

During the trials it was alleged in court that he took all six boys into his quarters, attached to the dormitory, and fondled their penises. He was also accused of having anally raped one and of having put his penis into another student's mouth after performing oral sex on him.

"He pushed me down... and put his penis in my mouth," the court heard on Tuesday.

When asked if he had committed any of these sexual acts, Brother Maguire repeatedly replied: "No, I did not."

He allegedly threatened one of the boys not to speak out, telling him Satan would punish him and he would "go to hell" if he did.

All of the complainants told the court of their fear, shame, embarrassment and guilt.

When it was suggested by the crown prosecutor, Nanette Williams, that he was a "father figure" to the boys, responsible for disciplining them and attending to their every need, Brother Maguire agreed. He admitted using a cricket bat to hit the boys.

One complainant told a committal hearing last year that when he first took his allegations to the Marist Order in 1997 he was

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offered counselling but declined.

The order, which funded Brother Maguire's defence, had since "fought tooth and nail to stop this going to trial together", the complainant said yesterday.

Some of the boys told the committal they reported the allegations to the headmaster at the time, Brother Joseph McMahan.

A mother yesterday said she and her son had told Brother Joseph of the sexual abuse. "He just kept saying to me, 'I'm doing the best I can.' He said, 'This is something I've always dreaded in my professional career, and now my work begins.'"

Contacted by the *Herald*, Marshal McMahan (he has left the order), who is now headmaster of St Gregory's College, Campbelltown, refused to comment.

One complainant has begun civil proceedings against Brother Maguire and the trustees of the order, and another said yesterday he intended to do the same.

The provincial of the Marist Brothers Sydney Province, Brother John Thompson, said yesterday the complainants were free to use the order's Towards Healing counselling program. It was a "terrible time" for all involved, he said, including the former students.

Brother Maguire's lawyer, Greg Walsh, said his client was "appreciative of the jury's verdicts and their indication of his innocence".

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