



Royal Commission
into Institutional Responses
to Child Sexual Abuse

REPORT OF CASE STUDY NO. 39

The response of certain football (soccer), cricket and tennis organisations to allegations of child sexual abuse

OCTOBER 2016

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Report of Case Study No. 39

The response of certain football (soccer), cricket and tennis organisations to allegations of child sexual abuse

October 2016

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Preface

The Royal Commission

The Letters Patent provided to the Royal Commission require that it ‘inquire into institutional responses to allegations and incidents of child sexual abuse and related matters’.

In carrying out this task, we are directed to focus on systemic issues but be informed by an understanding of individual cases. The Royal Commission must make findings and recommendations to better protect children against sexual abuse and alleviate the impact of abuse on children when it occurs.

For a copy of the Letters Patent, see Appendix A.

Public hearings

A Royal Commission commonly does its work through public hearings. A public hearing follows intensive investigation, research and preparation by Royal Commission staff and Counsel Assisting the Royal Commission. Although it may only occupy a limited number of days of hearing time, the preparatory work required by Royal Commission staff and by parties with an interest in the public hearing can be very significant.

The Royal Commission is aware that sexual abuse of children has occurred in many institutions, all of which could be investigated in a public hearing. However, if the Royal Commission were to attempt that task, a great many resources would need to be applied over an indeterminate, but lengthy, period of time. For this reason the Commissioners have accepted criteria by which Senior Counsel Assisting will identify appropriate matters for a public hearing and bring them forward as individual ‘case studies’.

The decision to conduct a case study will be informed by whether or not the hearing will advance an understanding of systemic issues and provide an opportunity to learn from previous mistakes, so that any findings and recommendations for future change which the Royal Commission makes will have a secure foundation. In some cases the relevance of the lessons to be learned will be confined to the institution the subject of the hearing. In other cases they will have relevance to many similar institutions in different parts of Australia.

Public hearings will also be held to assist in understanding the extent of abuse which may have occurred in particular institutions or types of institutions. This will enable the Royal Commission to understand the way in which various institutions were managed and how they responded to allegations of child sexual abuse. Where our investigations identify a significant concentration of abuse in one institution, it is likely that the matter will be brought forward to a public hearing.

Public hearings will also be held to tell the story of some individuals which will assist in a public understanding of the nature of sexual abuse, the circumstances in which it may occur and, most importantly, the devastating impact which it can have on some people's lives.

A detailed explanation of the rules and conduct of public hearings is available in the Practice Notes published on the Royal Commission's website at:

www.childabuseroyalcommission.gov.au

Public hearings are streamed live over the internet.

In reaching findings, the Royal Commission will apply the civil standard of proof which requires its 'reasonable satisfaction' as to the particular fact in question in accordance with the principles discussed by Dixon J in *Briginshaw v Briginshaw* (1938) 60 CLR 336:

it is enough that the affirmative of an allegation is made out to the reasonable satisfaction of the tribunal. But reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal...the nature of the issue necessarily affects the process by which reasonable satisfaction is attained.

In other words, the more serious the allegation, the higher the degree of probability that is required before the Royal Commission can be reasonably satisfied as to the truth of that allegation.

Private sessions

When the Royal Commission was appointed, it was apparent to the Australian Government that many people (possibly thousands) would wish to tell us about their personal history of child sexual abuse in an institutional setting. As a result, the Commonwealth Parliament amended the Royal Commissions Act 1902 to create a process called a 'private session'.

A private session is conducted by one or two Commissioners and is an opportunity for a person to tell their story of abuse in a protected and supportive environment. As at 9 September 2016, the Royal Commission has held 5,886 private sessions and more than 1,616 people were waiting to attend one. Many accounts from these sessions will be recounted in later Royal Commission reports in a de-identified form.

Research program

The Royal Commission also has an extensive research program. Apart from the information we gain in public hearings and private sessions, the program will draw on research by consultants and the original work of our own staff. Significant issues will be considered in issues papers and discussed at roundtables.

This case study

In Case Study 39, the Royal Commission into Institutional Responses to Child Sexual Abuse examined the responses of certain sporting organisations to allegations of child sexual abuse.

The public hearing was held from 4 April 2016 to 13 April 2016 in Sydney.

The scope and purpose of this hearing was to inquire into the following matters:

- a. the experiences of men and women who were sexually abused as children in sporting clubs
- b. the response of Tennis Australia, Tennis NSW and the New South Wales Institute of Sport to allegations of child sexual abuse by a tennis coach
- c. the response of Football NSW to allegations of child sexual abuse by a soccer coach
- d. The systems, policies, practices and procedures in relation to child protection and for receiving, investigating and responding to allegations of child sexual abuse promoted and implemented by:
 - i. Australian Olympic Committee
 - ii. Australian Paralympic Committee
 - iii. Australian Sports Commission
 - iv. New South Wales Institute of Sport
 - v. Netball Australia
 - vi. Little Athletics Australia
 - vii. Surf Life Saving Australia

- viii. Football Federation Australia
- ix. Football NSW
- x. Tennis Australia
- xi. Tennis NSW
- xii. Cricket Australia
- xiii. Queensland Cricket
- xiv. a local Queensland cricket club.

Executive summary

Organised sport for children in Australia

In Case Study 39, the Royal Commission into Institutional Responses to Child Sexual Abuse examined the institutional responses of football (soccer), tennis and cricket organisations to allegations of child sexual abuse.

The focus of the public hearing was on the following children's sporting organisations:

- Football NSW (or Soccer NSW, as it was known until March 2007)
- a local cricket club in Queensland and the Queensland Cricket Association
- Tennis NSW.

A key purpose of this public hearing was to hear from national sporting organisations and peak bodies about their current procedures and practices in relation to child protection. The Royal Commission will consider further the challenges involved in keeping children safe when participating in sport and the opportunities for improving child safety in sport.

At the public hearing we heard evidence from Australian Olympic Committee President, Mr John Coates AC, and the Chief Executive Officer of the Australian Olympic Committee, Ms Fiona de Jong. They gave evidence jointly about what actions the Australian Olympic Committee has taken to ensure that the children playing in Olympic sports are safe from sexual abuse.

We also convened two panels comprising members of leading sports organisations. Each gave evidence about their institution's child protection policies.

We will be considering further the area of sport and the work of the Australian Sports Commission, including its Member Protection Policy. Our final report will contain our observations and any recommendations relevant to sporting organisations.

A very large number of children participate in organised sport in Australia. Recent data shows that soccer, tennis and cricket are among the top 10 organised sports in terms of the number of children participating.

In section 1 of the report we give a brief overview of the level of participation of children in sport in Australia. We discuss the role of the Australian Sports Commission in sponsoring child protection initiatives in children's organised sport, including the development of member protection policies. We also examine the resources that are available on the Play By the Rules website.

In section 2 we consider the response of Football NSW to allegations of child abuse by one of its soccer coaches. We outline the experiences of BXA, who was allegedly sexually abused by BXK when she was a child. BXK was a soccer coach at a local club in New South Wales. We examine the steps that Football NSW (Soccer NSW) took when allegations against BXK later became known to

it. Football NSW's child protection policies are examined. In addition, we consider BXA's claim for victim's compensation arising from her abuse.

In section 3 we consider the experiences of three men who as children were abused by their cricket coach at a local cricket club in rural Queensland. We examine the response of that local cricket club and the Queensland Cricket Association (Queensland Cricket) to these allegations. We also consider Queensland Cricket's current child protection policies and identify some of the challenges it faces in promoting child protection.

In section 4 we consider the experiences of BXJ, who alleges she was sexually abused by her tennis coach when she was a teenager. We examine the response of Tennis NSW to this abuse as well as Tennis NSW's child protection policies.

Football(soccer)

BXA's experience

BXA gave evidence to the Royal Commission about her sexual abuse by her soccer coach, BXK, in 1996. At that time she was eight years old. She played in his under 10s team.

BXA had a difficult family background. BXK sometimes picked up BXA from home and took her to soccer. Sometimes BXA stayed overnight at BXK's house, including during school holidays.

BXA said she was raped by BXK on a number of occasions. In some instances, BXK's wife was present when this occurred.

BXA did not voluntarily disclose her abuse at the time, but she was caught passing a note in class when she was 12 and the allegations came to light.

BXK and his wife denied the allegations. In a criminal trial in 2001, BXK was acquitted of charges relating to BXA.

When BXA was 15 years old, she was diagnosed as HIV positive. She believes she contracted HIV from BXK. BXA said that her abuse by BXK has had a massive and irreversible impact on her life.

Further allegations against BXK and Soccer NSW's response

During the criminal investigation of BXK and his trial, BXK continued to coach children's soccer.

In late 2002 and early 2003, allegations came to light that BXK had sexually abused children other than BXA.

In late December 2002 the allegations against BXK were made known to a local soccer club association and in turn Soccer NSW. In January 2003, Soccer NSW became aware of BXK's identity and that he was a soccer coach and referee.

BXK claimed he was innocent and wanted to coach a junior team in 2003.

On about 31 January 2003, the NSW Police Joint Investigation Response Team (JIRT) contacted Soccer NSW. JIRT advised Soccer NSW that an apprehended violence order had been granted against BXK and that there was a current criminal investigation of him concerning a number of children.

Soccer NSW sought advice from the New South Wales Department of Sport and Recreation and the Commission for Children and Young People. Soccer NSW took steps to ensure that BXK was not registered as a coach for the 2003 season.

While Soccer NSW could not bind NSW Soccer Referees Inc, Soccer NSW encouraged it not to register BXK as a referee in the 2003 season. He was not registered as a referee that year.

JIRT also contacted Soccer NSW in March 2003 to seek its assistance in the event that BXK attempted to attend soccer games, which would be a breach of his bail conditions. As it turned out, Soccer NSW was not required to take any steps in this regard.

In late 2003, BXK was committed to stand trial for child sexual abuse offences. NSW Police notified Soccer NSW of this in early 2004 and advised Soccer NSW to stand down BXK indefinitely.

Later in 2004, Soccer NSW added BXK's name to its Suspended Persons Register as a person suspended from all soccer (football) activities generally. There was no national soccer register at the time, but there is now.

BXK is convicted of child sexual abuse offences

In July 2004, following two trials, BXK was convicted of child sexual offences against a number of children. In 2004, he pleaded guilty to further charges. Following an appeal, BXK was sentenced to five years with a non-parole period of two and a half years.

Relationship between Football NSW and NSW Police

Ms Michelle Hanley (nee Haigh) has been Football NSW's Child Protection Officer since 2000. She gave evidence that over time a line of communication has developed between the Football NSW

and the NSW Police Child Protection Crime Squad. However, she said that it would be preferable if the line of communication were formalised.

In 2014, a JIRT Local Contact Point Protocol was developed. The protocol guides JIRT and other relevant staff on liaising with parents and community groups in the case of certain child sexual abuse allegations where the alleged abuser has worked at an institution that provides services to children and young people. Under this protocol a designated JIRT officer works with a designated institutional representative to provide information to parents and community groups.

Past and present child protection policies and procedures of Football NSW

The Working with Children Check is a government-run screening tool for people who work or volunteer in child-related work. It involves a national criminal history check and a review of findings of workplace misconduct. In September 2000 the requirement for Working with Children Checks was applied to sporting organisations. After that time there was a gradual and limited evolution of child protection policies in Soccer NSW.

At present, Football NSW has adopted a number of child protection policies that have been adopted by its parent body, the Football Federation of Australia (FFA). These include the Member Protection Policy and the FFA Code of Conduct.

Football NSW has created a series of information resources for coaches, managers, club officials, parents and children in relation to the Member Protection Policy.

Football NSW has Member Protection Information Officers at the association, club and referee level and provides training and information seminars for them.

Football NSW promotes reference checking of people within its clubs and associations. Its main screening tool is the Working with Children Check. However, currently a parent who coaches his or her own child's team is exempted from the requirement to apply for a Working with Children Check. Football NSW favours removing this exemption.

Ms Hanley also believed it would be of assistance in protecting children from abuse if sports officials had mandatory reporting obligations imposed upon them under the *Children and Young Persons (Care and Protection) Act 1998* (NSW).

BXA's applications for victim's compensation

In 2001, BXA applied for statutory victim's compensation. Her application was rejected in late 2002. The reasons for rejection included the delay in disclosing the abuse and the fact that BXA and his wife denied the allegations.

After BXA was diagnosed with HIV, she submitted a second application for victim's compensation, but this was rejected in April 2003 on the ground that it was a duplicate claim.

In June 2013, a new statutory victim's compensation scheme commenced in New South Wales. BXA has made a submission to the New South Wales Victims Compensation Tribunal claiming that the April 2003 decision was wrong. The Victims Compensation Tribunal is currently considering the submission.

Cricket

Mr Troy Quagliata's experiences

Mr Troy Quagliata joined a local cricket club in rural Queensland when he was about 13 years old. At that club he encountered club coach Mr Robert Ross. Mr Ross sexually abused Mr Quagliata from 1989, when he was 14 years of age, until 1991.

Mr Quagliata did not disclose his abuse for fear that he and his family would be stigmatised and he would not be believed.

The impact of the abuse on Mr Quagliata has been severe. In the past he has abused drugs and has been incarcerated, but he is now clean. He has suffered flashbacks and depression.

Mr Quagliata reported his abuse to police in 2014.

BXI's experiences

BXI joined the same local cricket club when he was about nine years old. He assisted Mr Ross in preparing the cricket pitches. Mr Ross sexually abused BXI from around 1986, when he was 11 years old, until about 1990.

BXI did not disclose his abuse at the time because he feared he would not be believed and he was concerned his family would be vilified.

BXI left school in year 11 and abused drugs and alcohol for some years. He has struggled to maintain relationships and does not trust men.

BXI disclosed his abuse to a friend in 2012 and to police in 2014.

BXE's experiences

BXE was coached by Mr Ross at the local cricket club when he was 11 years old. In 1989, when he was about 14 years old, Mr Ross began to sexually abuse him.

BXE did not disclose his abuse at the time because he felt ashamed and did not think he would be believed. He told his girlfriend about the abuse in 1994. His girlfriend reported the matter to her mother, who then told BXE's mother.

Around 1994, BXE's mother told the police and the school at which Mr Ross worked about the abuse. There is no evidence on how these disclosures were responded to, if at all.

BXE reported his abuse to the police in 2014.

Like Mr Quagliata and BXI, BXE said it is difficult to report child sexual abuse in small towns.

BXE has struggled with depression and lack of motivation. He struggles with relationships and finds it difficult to show affection to his family.

Criminal charges are laid against Mr Ross

On 24 September 2014, Mr Ross was charged with 10 offences relating to BXI. In early November 2014, he was charged with another 44 offences relating to Mr Quagliata, BXE and three others.

Mr Ross committed suicide around 9 November 2014.

First notification to the local cricket club of allegations against Mr Ross

Mr Ross was involved in the local cricket club from 1981 until shortly before his death. He held various roles, including president of the club, coach and groundsman.

At the time of their abuse, BXI and BXE both heard people in the club make jokes about Mr Ross, including 'watch out for Bob'. However, no concrete evidence emerged as to knowledge of Mr Ross's offending at the time BXI and BXE were abused.

We are satisfied that the local cricket club first became aware of allegations against Mr Ross shortly after he was charged by police in September 2014.

Mr Ross notified the club of the charges and from that time had no further involvement in the club.

The local cricket club's response to the allegations against Mr Ross

The local cricket club did not consult with the police or Queensland Cricket about the allegations. The club did not have a close relationship with Queensland Cricket and did not advise Queensland Cricket of the allegations against Mr Ross.

Mr Ross's conduct was discussed at an annual meeting of the club after his suicide.

The club's treasurer, BXM, gave evidence that the management committee did not know how to respond to the allegations. Before the Royal Commission hearing, the club was unaware that there were more than three survivors of Mr Ross's abuse.

In 2015, the club adopted Cricket Australia's Member Protection Policy without modifying it in any way and for the first time appointed a Member Protection Officer. The club only became aware of child protection resources on the Play By the Rules website very recently.

The only screening procedure the local cricket club uses is the Queensland Government's blue card system for screening adults who work with children and young people. The club requires all people working with children, including parents who coach cricket teams, to hold a blue card.

The local cricket club faces challenges in promoting child protection, including that:

- everyone who works for it does so in a voluntary capacity
- there is a frequent turnover of people involved in the club.

Queensland Cricket policies and procedures

Queensland Cricket is the peak body for cricket at the state level in Queensland. However, unlike many other state peak sporting bodies, it has a 'bottom up' structure – that is, the local clubs and associations are autonomous and they are independent of Queensland Cricket. As a result of this, cricket clubs and associations are not bound by Queensland Cricket's rules.

Queensland Cricket attempts to promote child protection in cricket by influencing cricket clubs and associations. It conducts annual 'roadshow' events in Queensland, although only in certain cities and regional centres. It distributes memoranda, circulars and other child protection resources to cricket clubs.

Queensland Cricket acknowledges that there is an 'information gap' at the cricket club level about the resources that are available on the Play By the Rules website and that it could do more to promote these resources.

Queensland Cricket is not as well-resourced as some state peak sporting organisations because it does not receive fees from cricket participants.

We are satisfied that the local cricket club has not to date been well supported by Queensland Cricket in understanding, implementing or applying child protection policies and practices, but this has arisen because of the independence of local cricket clubs from the state body, limited funding and the volunteer nature of the organisations.

We consider that Queensland Cricket should do more to support local cricket clubs in implementing and applying child protection policies and practices.

Queensland Cricket might also consider developing a suspended person's register along the lines of, for example, that implemented by Football NSW.

At the time of the public hearing, Mr Quagliata, BXI and BXE had not been contacted by the local cricket club, Queensland Cricket or Cricket Australia about their abuse at the hands of Mr Ross. The organisations should offer support to these men as well as any others who report abuse by Mr Ross.

Tennis

BXJ's experiences

BXJ was a promising young tennis player with ambitions to play at Wimbledon.

Mr Noel Callaghan started to coach BXJ in 1995, when she was 15 years old. At that time, Mr Callaghan was the licensee of the White City tennis facility in Sydney, where Tennis NSW was then situated, and also the assistant state coach.

BXJ alleges that from around 1997 to early 1998 she was abused by Mr Callaghan. She alleges that on one occasion at a tennis camp he entered her unlocked room, straddled her on the bed and attempted to kiss her.

In early 1998, BXJ gradually began to disclose her allegations of abuse to her mother and then to her female tennis coach, BXD. BXD alleged that she had also been abused by Mr Callaghan when she was a junior.

Around mid-1998, Ms Amanda Tobin (now known as Ms Amanda Chaplin) started to coach BXJ. BXJ disclosed her allegations to Ms Chaplin.

On 3 August 1999, representatives of Tennis NSW met with BXJ and her parents about the allegations. By this time, Mr Callaghan was the state coach. Tennis NSW arranged for a firm of solicitors, Rigby Cooke Lawyers, to investigate the allegations.

BXJ was interviewed twice during the investigation. The then president of Tennis NSW, Mr John Whittaker, and the then CEO of Tennis NSW, Mr Craig Watson, attended that interview. The interviewing solicitor asked BXJ highly personal and inappropriate questions. BXJ became extremely distressed and immediately after the interview she ran away from home for a number of weeks. She did not feel believed. She never played tennis again.

The solicitor who conducted the investigation preferred BXJ's account to that of Mr Callaghan. However, Tennis NSW never made BXJ or her parents aware of the investigation's findings. Mr Callaghan continued his duties as state coach.

Around April 2001, BXJ reported allegations of her abuse to NSW Police. Mr Callaghan was charged, but the charges were withdrawn around March 2004 because by that time BXJ was too ill to proceed.

Impact of the abuse and Tennis NSW's handling of the matter

According to BXJ's mother, who gave evidence on BXJ's behalf, the alleged abuse was distressing, but what defeated BXJ was Tennis NSW's subsequent handling of the matter.

BXJ became seriously involved with drugs after the investigation. She is borderline anorexic and has been in rehabilitation many times. She has attempted suicide.

The impact on BXJ's family has also been profound. BXJ's mother grieves the loss of BXJ's happiness and opportunities. Her illness has placed financial strain on the family.

Reporting of the allegations to Tennis NSW

In late 1998, Ms Chaplin raised BXJ's allegations with Mr Watson, who was the general manager of Tennis NSW at that time. Mr Watson met with both her and Mr Callaghan. Mr Callaghan denied the allegations and no further actions were taken at the time.

Ms Chaplin also reported to Mr Watson the derogatory remarks that Mr Callaghan had repeatedly made about BXJ.

By 1999, Mr Callaghan was the state coach and was employed by Tennis NSW, although his position was partly funded by the New South Wales Institute of Sport (NSWIS). Mr Callaghan was also a member of Tennis Coaches Australia Limited (TCA).

Applicable policies

As at 1999, Tennis NSW was aware of TCA's Code of Ethics and Conduct, the NSWIS Code of Conduct for Coaches and Tennis Australia's Sexual Harassment Guidelines for Coaches.

Tennis NSW's investigation of BXJ's allegations

As already noted, in 1999 Tennis NSW retained Rigby Cooke to investigate BXJ's allegations. Rigby Cooke lawyer Ms Maria Shand (now Ms Maria Clarke) had principal carriage of that investigation.

Ms Shand conducted two interviews with BXJ. We are satisfied that the second interview that Ms Shand conducted with BXJ was done in an inappropriate way:

- Mr Watson and Mr Whittaker were present at the interview, where sensitive personal information was discussed
- some of the questions asked were irrelevant and offensive
- the interview was conducted in an insensitive way and insufficient consideration was shown for BXJ's needs.

Ms Shand acknowledged to the Royal Commission her inexperience at that time in conducting an interview of this sort.

On 10 September 1999, Rigby Cooke provided its investigation report to Tennis NSW. The investigation report found that it was more likely than not that BXJ's allegations were true.

The investigation report also recorded that BXD had made allegations against Mr Callaghan and that a number of people interviewed had expressed concerns about the closeness of Mr Callaghan's relationship with another female junior that he coached.

Rigby Cooke also advised that, whatever the board of Tennis NSW's decision, it should consider providing assistance with counselling to BXJ.

Advice of senior counsel sought

The board of Tennis NSW considered the investigation report and resolved to obtain the advice of senior counsel.

Mr Alan Sullivan QC provided advice on an urgent basis. Mr Sullivan QC said he did not have the same confidence in the conclusions of the investigation report as Ms Shand, while accepting she had had the benefit of actually hearing the various witnesses. Mr Sullivan QC recommended that Tennis

NSW invite BXJ to take her allegations to the police or the New South Wales Equal Opportunity Tribunal or hold its own hearing on the allegations, applying the rules of natural justice.

Actions taken by Tennis NSW

In a letter to BXJ dated 20 September 1999, Tennis NSW invited her to take her allegations to NSW Police or the Equal Opportunity Tribunal. It also advised her that Tennis NSW would amend some of its policies. BXJ was not advised of the findings in the investigation report.

BXJ was not offered any support by Tennis NSW. Mr Callaghan, who had taken leave during the investigation, resumed his duties as state coach after the investigation concluded.

We are satisfied that in view of:

- the serious allegations made against Mr Callaghan
- the fact that the allegations were substantiated in the investigation report
- the investigation report's reference to BXD making more serious allegations about Mr Callaghan's conduct towards her in the past
- the investigation report's reference to four people having expressed current concerns about the nature of Mr Callaghan's relationship with another female junior tennis player,

Tennis NSW unreasonably failed to consider the risk that Mr Callaghan may present to other young players.

We are also satisfied that, in deciding to take no further action and inviting BXJ to take her allegations to the Equal Opportunity Tribunal or the police, Tennis NSW abrogated its responsibility to BXJ and transferred the burden of pursuing the complaint to her. Tennis NSW completely disregarded BXJ's welfare and interests.

We consider that Tennis NSW should have informed BXJ that the investigator had found it more likely than not that her allegations were true and that the board of Tennis NSW believed her allegations.

Tennis NSW is also to be criticised for failing to offer any counselling or support to BXJ in the aftermath of the investigation.

Victimisation of Ms Chaplin

From the time Ms Chaplin first made Tennis NSW aware of allegations against Mr Callaghan, she was victimised by him, his family and close associates. She reported this victimisation to Mr Watson.

In 1999, Ms Chaplin was assistant state coach and reported to Mr Callaghan as state coach. Her working life was made very unpleasant.

Ultimately, in April 2000 Ms Chaplin resigned as assistant state coach, stating that the reason for her resignation was the victimisation she had experienced and the lack of support from Tennis NSW in regard to this.

We are satisfied that Tennis NSW failed to take appropriate steps to protect Ms Chaplin from victimisation.

Dealings between Tennis NSW and the NSWIS

As state coach, Mr Callaghan had responsibilities to both Tennis NSW and the NSWIS. He was required to comply with the NSWIS's policies as part of his conditions of employment.

On 13 August 1999, Tennis NSW advised the NSWIS that a complaint had been made against Mr Callaghan but advised that it was 'general in nature'. The NSWIS expressed concern about the welfare of other NSWIS athletes who were minors and requested that Mr Callaghan be suspended pending investigation. Despite this request, Tennis NSW decided not to suspend Mr Callaghan. However, Mr Callaghan did agree to take leave.

On 20 September 1999, Tennis NSW's solicitors advised the NSWIS's solicitors that Tennis NSW had resolved to take no further action but had invited BXJ to take her allegations to the police or the Equal Opportunity Tribunal. The NSWIS was not advised of the findings in the investigation report.

In view of the tennis program partnership between Tennis NSW and the NSWIS and the requirement that the state coach comply with NSWIS policies, we consider that Tennis NSW should have informed the NSWIS of the outcome of the investigation report.

Complaints to NSW Police about Mr Callaghan

BXD alleged to NSW Police that she had been abused by Mr Callaghan. In August 2000, Mr Callaghan was charged with offences relating to BXD.

Mr Callaghan resigned from Tennis NSW in October 2000. In 2003, following a hearing, Mr Callaghan was acquitted of these charges.

In February 2001, Mr Callaghan was charged with two counts of indecent assault against a person under 16 years. The charges related to BXL, who Mr Callaghan had coached when she was a junior. These charges were ultimately dismissed in October 2002.

As already noted, charges laid against Mr Callaghan in relation to BXJ were withdrawn in 2004 because BXJ was too ill to proceed to hearing at that time.

Current Tennis NSW policies

In 2000, Tennis NSW adopted Tennis Australia's Membership Protection Policy, which it was bound to do under its arrangements with Tennis Australia. This policy prohibits harassment, abuse and discrimination.

Working with Children Checks relating to Mr Callaghan

In New South Wales, the Working with Children Checks regime commenced in July 2000. Since that time the regime has undergone a number of changes.

Between 2004 and 2009, two schools sought Working with Children Checks for Mr Callaghan when he sought employment with them as a tennis coach. The checks disclosed the three sets of criminal charges that had been brought against him.

Self-employed people were not originally covered by the Working with Children Check. Mr Callaghan applied for a Certificate for Self-employed Persons (CSEP) in 2009 and 2012. Because he was not a 'prohibited person' under the then Working with Children Checks regime, he was granted the CSEP on each occasion. Since that time, changes have been made to the regime and now persons holding CSEPs are gradually being required to obtain Working With Children Checks. On 27 July 2015, the New South Wales Office of the Children's Guardian directed Mr Callaghan to apply for a Working with Children Check.

1 Organised Sport for Children in Australia

1.1 Introduction

In Case Study 39, the Royal Commission into Institutional Responses to Child Sexual Abuse examined the institutional responses of football (soccer), tennis and cricket organisations to allegations of child sexual abuse.

The focus of the public hearing was on the following children's sporting organisations:

- Football NSW (or Soccer NSW, as it was known until March 2007)
- a local cricket club in Queensland and the Queensland Cricket Association
- Tennis NSW.

A key purpose of this public hearing was to hear from national sporting organisations and peak bodies about their current procedures and practices in relation to child protection. The Royal Commission will consider further the challenges involved in keeping children safe when participating in sport and opportunities for improving child safety in sport.

A very large number of children participate in organised sport in Australia. The most recent data shows that soccer, tennis and cricket are among the top 10 organised sports in terms of the number of children participating.¹

In the 12 months to April 2012, 1.7 million children aged five to 14 years participated in at least one organised sport outside school hours. At the time the data was collected, on average, children spent five hours in the previous school fortnight playing and training in organised sport outside of school hours.²

1.2 The Australian Sports Commission and child protection policies

One of the key drivers of child protection policies in sport in Australia is the Australian Sports Commission (ASC). The ASC is a corporate Commonwealth entity within the Commonwealth Government Department of Health.³ The ASC is responsible for the Australian Government's funding of National Sporting Organisations (NSOs).⁴

Currently over 90 NSOs are recognised by the ASC.⁵

Recognised NSOs must comply with relevant Commonwealth, state and territory legislation, including child protection and anti-discrimination legislation. They must also adopt, implement and enforce a member protection policy or similar framework that addresses issues relating to harassment, discrimination, child abuse and codes of behaviour, to the satisfaction of the ASC.

Recognised NSOs must keep this policy or framework updated to ensure that they comply with the relevant legislation.⁶

Recognised NSOs may seek funding support from the ASC.⁷ The ASC requires that all funded and recognised NSOs implement a current member protection policy as a condition of funding or recognition.⁸

The relevant peak bodies for the organisations considered in this report – that is, Football Federation Australia, Cricket Australia and Tennis Australia – are all recognised NSOs.⁹

The Royal Commission convened two panels comprising senior executives from national and state-based sporting organisations:

- Australian Sports Commission
- Football Federation Australia
- Australian Paralympic Committee
- Tennis Australia
- Little Athletics Australia
- Netball Australia
- Surf Life Saving Australia
- Cricket Australia

Each gave evidence about their institution’s child protection policies.

At the end of this report, we refer to the evidence we heard from the panels. We will be considering further the area of sport and the work of the ASC, including its policies and procedures. Our final report will contain our observations and any recommendations relevant to sporting organisations.

1.3 Play By the Rules resources

One of the key resources in Australia for child protection policies in sport is a website known as ‘Play By the Rules’.¹⁰

Play By the Rules is administered by the ASC, the Australian Human Rights Commission, all state and territory departments of sport and recreation, all state and territory anti-discrimination and human rights agencies, the New South Wales Office of the Children’s Guardian and the Australian and New Zealand Sports Law Association (ANZSLA).¹¹

Play By the Rules provides information, resources, tools and free online training to assist administrators, coaches, officials, players and spectators to manage child safety issues in sport.¹²

We consider that Play By the Rules is a very valuable and effective resource in promoting child protection in sport.

Evidence before us showed that over 142,915 people visited the Play By the Rules website during 2014 and 2015.¹³ A further, 18,863 completed free Play By the Rules online training courses in child protection, harassment and member protection. In particular, approximately 8,669 participants completed the Play By the Rules online child protection training course.¹⁴ We consider that Play By the Rules requires greater promotion.

In addition, consideration should be given to including both a parent 'toolkit'¹⁵ (portal) and a children's 'toolkit'.

2 Football (Soccer)

2.1 Introduction

In this section of the report we consider the response of Football NSW to allegations of child sexual abuse by a soccer coach.

We examine:

- the organisational history of Football NSW
- the experiences of BXA, who was allegedly sexually assaulted by her soccer coach, BXK, when she was eight years old, and the impact of the abuse upon her
- the response of Football NSW to allegations that BXK had sexually abused children, including steps that the organisation took to prevent BXK from registering as a coach and referee and Football NSW's liaison with NSW Police
- the past and current policies and procedures of Football NSW on child protection
- BXA's application for victim's compensation.

2.2 Football NSW

Football NSW is one of two peak bodies for football in New South Wales. It oversees football conducted by clubs, associations and their members in all areas of New South Wales that are not part of the Northern NSW Football zone.¹⁶

Before December 2002, there were two independent soccer federations in New South Wales. The NSW Amateur Soccer Federation (NSWASF) was the peak body for amateur football and the NSW Soccer Federation (NSWSF) was the peak body for semi-professional football.¹⁷

In December 2002, the two federations unified to become Soccer NSW.¹⁸ Soccer NSW changed its name to Football NSW in March 2007.¹⁹

As at 1 March 2016, there were 126,745 players under 18 years registered with Football NSW.²⁰

Football NSW is not an NSO. Its NSO is Football Federation Australia (FFA). The ASC provides funding to the FFA and requires the FFA to adopt certain policies.²¹

Football NSW is a member of the FFA and is therefore required to abide by all policies issued by FFA.²² In turn, Football NSW provides copies of policies and procedures and undertakes training for its members, including coaches, parents and volunteers.²³

2.3 BXA's experience

BXA's evidence about her abuse

BXA had difficult family circumstances. Her parents separated when she was around four years old. Her mother abused alcohol and occasionally drugs and was physically and mentally abusive to BXA when she was affected by alcohol or drugs.²⁴ BXA's older half-siblings also abused drugs.²⁵

In 1996, when BXA was eight years old, she started to play soccer at a local soccer club.²⁶ She was coached by BXK. BXA's mother came to know BXK because she had become friendly with his wife at her work.

BXK registered BXA in his under 10s team for the 1996 soccer season. BXA was only eight years old at this time.²⁷

During 1996, BXK picked BXA up from home and took her to training sessions.²⁸ Sometimes BXA had dinner at BXK's house and often stayed at his home overnight, including on weekends and during the school holidays.²⁹

BXA alleges that during the 1996 soccer season BXK sexually abused her. BXA gave evidence that BXK raped her on multiple occasions and that sometimes his wife would be in the same room while the abuse occurred.³⁰ BXK told BXA not to tell anyone about the abuse, as she would get into trouble.³¹

BXA continued playing soccer into 1997 but frequently made excuses not to go.³² Eventually, BXA told her mother she did not want to play soccer anymore but did not tell her mother why.³³ Once BXA stopped playing soccer in early 1997, she had no further contact with BXK.³⁴

BXA's health issues

In about July 1997, BXA was taken to the doctor because she was experiencing pain going to the toilet and was passing blood.³⁵ BXA did not disclose her abuse to the doctor or her mother at that time.³⁶

BXA was often ill and had frequent bouts of diarrhoea and infections.³⁷

BXA's disclosure of abuse

Once BXA received some sex education at school, she realised what BXK had done to her was wrong. However, she did not disclose her abuse.³⁸

In November 1999, when BXA was 12 years old, she wrote a note to her schoolfriend stating that she 'was raped in year 3 but no one knows'.³⁹ This note was intercepted by her teacher and passed on to the deputy principal. The deputy principal reported the matter to the Liverpool office of the New South Wales Department of Community Services (DOCS).⁴⁰

The NSW Police Joint Investigation Response Team (JIRT) at Liverpool was notified later the same day.⁴¹

BXA came home from school and found a note from DOCS on the door. She destroyed the note because she feared being in trouble with her mother.⁴²

On 3 February 2000, NSW Police officers visited BXA at her home and took the first of three statements from her.⁴³ BXA found being interviewed by police to be very intimidating. It was difficult to talk about the details of the abuse, especially in front of her family.⁴⁴

Criminal proceedings against BXK in relation to BXA

On 12 July 2000, BXK was arrested and charged with three counts of sexual intercourse with a person under the age of 10 years in relation to BXA.⁴⁵ He pleaded not guilty to all charges.⁴⁶

BXK's trial commenced on 28 May 2001. BXA was 13 years old at that time. She did not want to go to court and did not feel ready to talk about the abuse.⁴⁷ However, she attended the trial to give evidence, supported by her mother and her niece. She told the Royal Commission that there was no-one from the police or DOCS to support her during the trial.⁴⁸

On 30 May 2001, a jury acquitted BXK of all three charges.⁴⁹ BXA said that it seemed to her that it was BXK's evidence against her evidence about what happened to her as an eight-year-old who had not told her mother, and that meant she was a liar.⁵⁰

Diagnosis with HIV

When BXA was about 13, she told a teacher she could not go home because her mother had threatened to kill her.⁵¹ DOCS placed BXA with relatives.⁵²

BXA continued to suffer numerous health problems. In March 2013, BXA was admitted to hospital for approximately three months. While she was in hospital, just before her 15th birthday, BXA was diagnosed as HIV positive. She was told the disease was quite advanced and she had probably had it for a number of years.⁵³

BXA had not had boyfriends, taken drugs or received any blood transfusions.⁵⁴ BXA believes that BXK infected her with HIV.⁵⁵

Impact of the abuse on BXA

BXA gave evidence that the sexual abuse by BXK has had a massive and irreversible impact on her life. She lives with a constant reminder of the abuse every day because of the HIV.⁵⁶ BXA has self-harmed by cutting herself.⁵⁷

The sexual abuse has also impacted on BXA's working life. Due to health complications, it has been difficult to hold down a full-time job.⁵⁸

BXA finds it difficult to make friends, as she does not want to tell them she has HIV.⁵⁹ She is conscious that she has something that isolates her socially.⁶⁰ Within her own family, one of her father's daughters, BXA's half-sister, told BXA that she did not want BXA around her children.⁶¹

BXA told the Royal Commission that she had a good counsellor whom she used to see every week and who helped her access the Department of Housing and find her own place to live.⁶² She now feels that, with her own home, she is in a better place. BXA also has the care of a young relative.⁶³

2.4 Response of Soccer NSW (now Football NSW)

First notification to NSWASF about allegations against BXK

Ms Michelle Hanley (nee Haigh) has been the Child Protection Officer for what is now known as Football NSW since 2000.⁶⁴ Until December 2002, the organisation was known as the NSWASF.

Ms Hanley did not become aware of any allegations against BXK until December 2002 and did not become aware of his identity until early 2003.

According to Ms Hanley, DOCS and NSW Police had not notified the NSWASF of the allegations against BXK in the period 1999 to 2002.⁶⁵ She had expected NSW Police would have informed the NSWASF if the police were investigating charges against a soccer coach or referee.⁶⁶

On 6 December 2002, Ms Hanley received a telephone call from the president of the Southern Districts Soccer Football Association. She was told a coach/referee had been charged with a child sexual offence but had been acquitted.⁶⁷ The coach/referee claimed to be innocent, but other parents had also complained that he had inappropriately touched their children.⁶⁸ The local club that the coach volunteered at did not want the coach to continue and requested advice. Ms Hanley was not told the name of this person.⁶⁹

The NSWASF seeks advice from the NSW Department of Sport and Recreation

On the same day, Ms Hanley sought advice from Mr David Rees of the then New South Wales Department of Sport and Recreation, who was at that time her contact for obtaining advice in relation to the Working with Children Check (WWCC). She emailed:⁷⁰

There is no official complaint as yet, however the coach/referee has indicated to the club that he will be back coaching next year now that he is innocent.

In response, Mr Rees said:⁷¹

He is not innocent. From what I can gather, he was charged and a magistrate considered that there was enough to go to trial. ... he was found not guilty in court. If this person was screened, these matters would be considered in a risk assessment and the result would be a high risk to working in a child related environment.

Mr Rees advised that, as the coach/referee was a volunteer, there were sufficient grounds for refusing his 'employment' and that Ms Hanley's concerns about this person were sound.⁷²

Ms Hanley understood from Mr Rees' response that, if the coach/referee had applied for a position that required a WWCC, he would be considered 'high risk' under that screening tool.⁷³

Ms Hanley had a responsibility for notifying the police of these sorts of complaints if they came to her attention.⁷⁴ She did not do so. She told us that she did not notify the police because, at that time, she did not know the name of the coach/referee.⁷⁵

Soccer NSW takes steps to reject BXK's registration

Around early January 2003, Ms Hanley found out the name of the relevant coach/referee.

Ms Hanley then contacted the New South Wales Commission for Children and Young People and was advised that BXK would be deemed high risk.⁷⁶

On 9 January 2003, Ms Hanley emailed the president of the Southern Districts Soccer Football Association and informed him that Soccer NSW (as it was by then) would do whatever was necessary to allow it to reject BXK's application for registration but could only do so if the president provided sufficient evidence of the coach/referee's previous offences and by investigating any new allegations.⁷⁷

In January 2003, Ms Hanley also wrote to NSW Soccer Referees Inc advising it that the president of the Southern Districts Soccer Football Association and the president of Southern Districts Referees Association had contacted her raising serious concerns for the safety of other children should BXK be permitted to coach and referee for the 2003 season.⁷⁸

Ms Hanley informed NSW Soccer Referees Inc that the Commissioner for Children and Young People had informed Soccer NSW that BXK would be deemed 'high risk' for either paid or voluntary employment involving children and recommended that any application by BXK for the 2003 season be rejected.⁷⁹ Ms Hanley also advised that the local club and the Southern Districts Soccer Football Association had already rejected BXK's application to hold any position for the 2003 season.⁸⁰

On 28 January 2003, Ms Hanley obtained copies of BXK's soccer coach registration forms for 2001⁸¹ and 2002⁸² as well as the Prohibited Employment Declaration form signed by BXK on 22 February 2001.⁸³

The Prohibited Employment Declaration form required a person to declare if they had been convicted of a serious sex offence.⁸⁴ At the time of signing the form, BXK had been charged with offences against BXA but not convicted.⁸⁵ The Prohibited Employment Declaration form did not contain any questions about current charges.⁸⁶

On 31 January 2003, the Ashfield JIRT advised Ms Hanley that civil apprehended violence orders (AVOs) had been granted in relation to BXK and that a criminal investigation was in progress concerning a number of children, one of whom attended a soccer club. JIRT also advised that '[BXK] is considered high risk at this time and [we] would certainly not recommend his appointment as coach or official'.⁸⁷

On 31 January 2003, Soccer NSW advised the Southern Districts Soccer Football Association that it should reject any application by BXK to hold any official position in the local soccer club or any other club under the jurisdiction of the Southern Districts Soccer Football Association for the 2003 season.⁸⁸ On the same day, Soccer NSW wrote to NSW Soccer Referees Inc and 'urged' them to reject any application by BXK to hold an official position during 2003.⁸⁹

At that time, Soccer NSW had no way of requiring the Southern Districts Referees Association to also reject BXK's application for registration.⁹⁰ Similarly, today, Football NSW cannot impose child protection policies on football referees. It can disseminate information through the referees' branches but cannot require some referees' branches to implement policies or otherwise follow a direction relating to child protection.⁹¹

The current situation is that some football associations have incorporated the referees' branch into their association, but in other cases the referees' branch is independent of any football association.⁹² Football NSW is working towards bringing all referees' branches within the local association's organisation.⁹³

Ms Hanley gave evidence that keeping referees independent removed any misconceptions that the association or club could manipulate games through the referee. However, Ms Hanley agreed that referees' independence would not be impeded by having child protection policies apply equally to them.⁹⁴

On 31 March 2003, Ms Hanley received a phone call from BXK querying the letter that had been sent from Soccer NSW to Southern Districts Soccer Football Association rejecting his application to referee in 2003. Ms Hanley told BXK that he would have to apply to NSW Soccer Referees Inc for reinstatement and that Soccer NSW had the right to reject any application of any person wishing to act in an official capacity. BXK denied he was currently being investigated by the police. Ms Hanley made it clear to BXK that any request he made for reinstatement was not likely to be granted.⁹⁵

On 16 May 2003, Newcastle JIRT contacted Ms Hanley. She advised Newcastle JIRT that Soccer NSW had rejected BXK's application to be a coach and referee for 2003. Newcastle JIRT advised Ms Hanley that BXK had been attending soccer games as a member of the public and that police were going to take action to prevent him from attending any soccer games. That prohibition would be achieved by bail conditions. Newcastle JIRT asked Soccer NSW to assist it in enforcing these bail conditions by contacting them should BXK be seen at any game.⁹⁶

Ms Hanley gave evidence that she did not believe that Soccer NSW was ever required to assist the police in enforcing BXK's bail conditions, as she had no record or recollection of any further contact from the police regarding BXK until January 2004.⁹⁷

We are satisfied that, upon becoming aware of allegations that BXK had abused children, Soccer NSW took prompt action to reject BXK's application to be registered as a coach and urged NSW Soccer Referees Inc to reject BXK's application to be registered as a referee.

As a part of the work Football NSW is undertaking to bring the referees' branches within the local association's organisation, Football NSW should require the referees' branches to adopt the same child protection policies and procedures as Football NSW.

Soccer NSW includes BXK on its Suspended Persons Register

On 3 December 2003, BXK was again committed to stand trial.⁹⁸

On 21 January 2004, Ms Hanley met with NSW Police. NSW Police advised her that BXK had now been formally charged with sexual offences against children under the age of 10 years. Ms Hanley informed the police that BXK had been stood down from any involvement in soccer as a coach or referee for the 2003 and 2004 seasons.⁹⁹

NSW Police advised Ms Hanley that BXK should be stood down indefinitely and should never be permitted to work with children again.¹⁰⁰ Ms Hanley stated that NSW Police suggested that BXK's name should be included on the Soccer NSW database of unsuitable persons / suspended persons (Suspended Persons Register).¹⁰¹ On that same day, Ms Hanley sent a memorandum to the CEO of Soccer NSW confirming her meeting with NSW Police.¹⁰²

On 21 January 2004, Ms Hanley wrote to NSW Soccer Referees Inc to formally notify them that Soccer NSW strongly supported the recommendation that BXK not hold any official position within soccer until further notice.¹⁰³

In 2004, BXK's name was added to the Soccer NSW Suspended Persons Register as a person suspended from all football activities indefinitely.¹⁰⁴

Ms Hanley told the Royal Commission that in 2004 Soccer NSW was not obliged to tell FFA, the national body, about suspended people.¹⁰⁵ Therefore, if a suspended person sought involvement with soccer in another state, he or she could do so.¹⁰⁶ Ms Hanley gave evidence that Soccer NSW did not inform FFA about BXK because it was not the practice at that time.¹⁰⁷

There is now a national database, developed and managed by FFA, to which all state bodies have access. A suspended person in one state cannot now be registered in another state.¹⁰⁸

Ms Hanley advised the Royal Commission that she had no record or recall of any further contact from the police in relation to BXK after 2004.¹⁰⁹

BXK is convicted of offences against other children

In July 2004, BXK faced two jury trials in the District Court of New South Wales. The first took place from 19 to 23 July and the second took place from 26 to 28 July.¹¹⁰ BXK denied the charges. He was convicted of one count of aggravated sexual intercourse with a child under 10 years in 2002 and two counts of aggravated indecent assault in relation to another child in 2002.¹¹¹

On 12 October 2004, BXK pleaded guilty to a further charge of sexual intercourse with a child under 10 years and to a charge of aggravated indecent assault upon a third child in 2002.¹¹² There is no suggestion that any of the children concerned were involved in soccer.

On 22 April 2005, BXK was sentenced for this offending.¹¹³

On 22 April 2005, the Crown appealed against the adequacy of the sentences imposed. The appeal was upheld and BXK was given a head sentence of five years and a non-parole period of two and a half years.¹¹⁴

Relationship between Football NSW and the NSW Police

Ms Hanley gave evidence that the NSW Police Child Protection Crime Squad sometimes approached her for information about people under investigation. There was no formal agreement that NSW Police would inform Football NSW if a person it was investigating was involved in football.

Ms Hanley said that it was sometimes difficult to deal with different JIRT groups in the BXK matter because one was in Sydney and the other was in Newcastle. She received information from different detectives either by telephone or in person.¹¹⁵ However, Ms Hanley found that over time a line of communication developed between the NSW Police Child Protection Crime Squad and Football NSW.¹¹⁶

Ms Hanley stated that her work as the Football NSW Child Protection Officer would be improved if the lines of communication between NSW Police Child Protection Crime Squad officers and Football NSW were formalised and there were regular meetings or opportunities to engage with police.¹¹⁷

A copy of the JIRT Local Contact Point Protocol 2014 (JIRT LCP Protocol) was in evidence before us.¹¹⁸ The protocol was developed by the New South Wales Department of Family and Community Services (FACS), NSW Police, NSW Kids and Families and NSW Health as a result of evidence given to the Royal Commission during the public hearing of Case Study 2 on the YMCA in October 2013.¹¹⁹

The JIRT LCP Protocol applies when allegations of child abuse have occurred in an institutional context. It is designed to provide clear operational guidelines for JIRT and other relevant staff on, amongst other things, the provision of information and support to parents and concerned community members, as well as broader community groups such as sporting organisations and other relevant stakeholders, about allegations of child sexual abuse.

In addition, a document summarising the circumstances and use of the JIRT LCP Protocol between July 2014 and March 2016 was before us.¹²⁰ This documents showed that, in three instances, NSW Police had liaised with sporting organisations where child abuse allegations had been reported.

Past policies and procedures of NSWASF and Soccer NSW

The Royal Commission heard evidence about the past child protection policies and procedures in place at NSWASF and Soccer NSW (later Football NSW).

In 1996, the NSWASF did not have a specific child protection policy. At the time, there was a Soccer Australia policy relating to harassment, which included harassment of children. Ms Hanley said she was unable to locate any policies on child protection before the unification of the NSWASF and the NSWASF in 2002.¹²¹

In September 2000, the WWCC process was applied to sporting organisations.¹²² Ms Hanley told the Royal Commission that there was a learning experience over the next 12 to 18 months, as no-one within her organisation had experience in child protection. The WWCC was perceived as 'generic', not sport-specific, and difficult to grasp. However, during this period Ms Hanley formed strong relationships with the Commissioner for Children and Young People and the New South Wales Department of Sport and Recreation Child Protection Unit.¹²³

As at late 2002 or early 2003, when Soccer NSW was dealing with the notifications about BXK, Soccer NSW had limited policies on child protection. The relevant policies were the March 2001 NSWFSF Policy on Harassment¹²⁴ and the 2002 one-page NSWASF Child Protection Policy, which was essentially directed at the WWCC.¹²⁵ The later policy provided no guidance on how to handle allegations of child abuse.

In January 2004, Soccer NSW required all of its clubs and associations to appoint a Child Protection Officer for 2004.¹²⁶ The clubs and associations generally complied.¹²⁷

Current policies and procedures of Football NSW

Member Protection Policy

In terms of Football NSW's current child protection policies and procedures, the FFA adopted a number of ASC policies and they apply to Football NSW. Those policies include the FFA National Member Protection Policy, which Football NSW has adopted in full.¹²⁸

Member Protection Policy resources

Football clubs are requested to put a link on their websites to the Member Protection Policy that is found on the Football NSW website.¹²⁹ Ms Hanley agreed that displaying posters within clubs alerting parents in particular to the existence of policies, and where they can find them, would enhance the promotion of these policies.¹³⁰

In the member protection area of Football NSW's website, information is provided to parents on how to make a complaint and possible outcomes of making a complaint.¹³¹

Football NSW also has a handbook for coaches, managers and club officials, which is a simpler collection of information relating to member protection principles.¹³² This handbook is available on Football NSW's website.¹³³

Ms Hanley agreed that the provision of a similar handbook to parents when they register their child to play would be an effective way of informing parents what they can expect of the club in relation to protection of their children.¹³⁴

Ms Hanley also agreed that a parents' portal could also be created to assist parents to access relevant information.¹³⁵

There is a small section on the Football NSW member protection page specifically for children who might want information on how to make a complaint or report an incident. Ms Hanley agreed that a

specific children's portal would also be an important resource to enable children to make disclosures or reports.¹³⁶

Member Protection Information Officers

Football NSW now has Member Protection Information Officers (MPIOs) at association and club level and also in the referee associations.¹³⁷ Ms Hanley gave evidence that having an MPIO at each club and association and the increase in awareness about child protection issues had led to children being more comfortable about disclosing allegations of abuse.¹³⁸

Football NSW requires that, as a minimum, its MPIOs undertake online training through the ASC e-learning systems accessed through the Play By the Rules website.¹³⁹

Ms Hanley said that, to manage the turnover of volunteers filling the role of MPIO, Football NSW regularly promotes information to all clubs and associations and maintains a database of people who have completed MPIO training.¹⁴⁰ In Ms Hanley's experience, even though the MPIOs are volunteers, they take their roles very seriously.¹⁴¹

Football NSW also conducts training workshops and information seminars with the Office of the Children's Guardian, as well as child protection seminars.¹⁴² In 2014, football clubs were well represented and comprised 35.46 per cent of total attendance at these workshops.¹⁴³

In 2015, 30 per cent of participants who completed the online training course in child protection through the Play By the Rules website were from New South Wales. Of those participants, 24 per cent of total course completions were by those involved in football. This is higher than the national average: football participants represent 13 per cent of the national total.¹⁴⁴

Working with Children Checks

Football NSW promotes reference checking of people within its clubs and associations.¹⁴⁵ The main screening mechanism for volunteers is the WWCC.¹⁴⁶ Clubs are asked to obtain proof of identity of any person who volunteers to be a coach or manager and to ensure that the person who signs the Prohibited Employment Declaration form is the person shown on the proof of identification.¹⁴⁷

Ms Hanley told the Royal Commission that she believes the current exemption from having a WWCC for volunteers who coach or manage their own children's team should be removed.¹⁴⁸ She believes that everybody who works or volunteers with children in an official capacity should be checked and that the burden this would impose is outweighed by the benefit in protecting children.¹⁴⁹ This evidence was consistent with the evidence of officials within other sports, who also suggested that the exemption should be removed.¹⁵⁰

Ms Hanley said the feedback from Football NSW's clubs and associations was that the WWCC exemption for parents who are involved as coaches or managers should be removed. Parents of players make up the majority of officials in football. In some clubs only a small number of officials are not related to children in the club. The result is that the majority of officials in a club have not undergone a WWCC. Ms Hanley said a WWCC was no guarantee, but it would identify people in the sport who had a previous charge or conviction and who were not appropriate to work or volunteer with children.¹⁵¹

Ms Hanley also stated that referees should also be required to have WWCCs. Within football, both junior and senior referees might use the relevant club's change rooms before or after a game. She believed that not enough attention had been paid to the fact that a referee might use the club's facilities and that change rooms can be isolated places.¹⁵²

Mandatory reporting

Ms Hanley gave evidence that since the matter involving BXK she believed there had been approximately 10 incidents of allegations of child sexual abuse within Football NSW.¹⁵³ Ms Hanley said the lessons learned from those incidents included remaining vigilant; ensuring Football NSW acted promptly to suspend the person; and following the Member Protection Policy.¹⁵⁴

With the consent of the complainant, Football NSW reports or refers all child sexual abuse matters to the New South Wales Office of Sport, other relevant agencies such as FACS, and NSW Police.¹⁵⁵ However, Ms Hanley stated that, even if the complainant did not give consent for Football NSW to contact police, if the alleged perpetrator was working with children she would regard that as an overriding consideration.¹⁵⁶

Ms Hanley gave evidence of her understanding that Football NSW does not have mandatory reporting responsibilities under the *Children and Young Persons (Care and Protection) Act 1998* (NSW). Ms Hanley felt that mandatory reporting responsibilities would provide some 'immunity' for Football NSW from any potential recourse by parents who did not want to pursue a complaint with the relevant authorities.¹⁵⁷

The issue of mandatory reporting is being considered by the Royal Commission and will be addressed in the final report.

Additional policies and guidelines

In addition to the policies described above, Football NSW has developed Grievance and Disciplinary Regulations.¹⁵⁸ FFA has also developed a national Member Protection Policy that outlines the management of child-related complaints and other types of complaints relating to member protection.¹⁵⁹

Football NSW has also adopted in full the FFA Code of Conduct.¹⁶⁰ The Code of Conduct states that ‘Wherever practical, avoid unaccompanied and unobserved one-on-one activity ... with participants aged under the age of 18 years’.

The Play By the Rules website material suggests that, when parents are late picking up their children from training or after games, there is a risk that a coach or manager will be left alone with only one child. To avoid this situation, Football NSW promotes the practice of keeping the last two children back until both sets of parents have arrived.¹⁶¹

Ms Hanley told the Royal Commission that Football NSW would like to put together youth panels from within the different levels of the sport, from the elite players down to the grassroots level, so that it can consult with children about what makes them feel safe.¹⁶² A youth panel has already been established within the referees group.¹⁶³

Ms Hanley has worked thoughtfully and tirelessly to assist in developing child protection policies and procedures in Football NSW. She should be commended for the diligence and commitment she has shown.

2.5 BXA’s applications for victim’s compensation

This section of the report outlines BXA’s attempts to receive victim’s compensation for the sexual assaults by BXK.

First application for victim’s compensation

On 1 March 2001, BXA lodged an application with the New South Wales Victims Compensation Tribunal for statutory compensation under the *Victims Support and Rehabilitation Act 1996 (NSW) (the 1996 Act)*. BXA’s mother prepared this application.¹⁶⁴

On 7 May 2002, a compensation assessor dismissed BXA’s application. In reaching that decision, the assessor concluded that ‘based on the material before me I am not satisfied that it is more likely than not that [BXK] sexually assaulted [BXA] and the claim is dismissed’.¹⁶⁵

The assessor’s reasons included:¹⁶⁶

- the delay and circumstances of the disclosure
- the inconclusive forensic evidence, particularly in light of the allegations of repeated acts of prolonged sexual intercourse
- the lack of any admissions by the accused

- the denial by the accused's wife that she had been present during the sexual assaults
- the lack of credibility of the applicant in relation to certain aspects of her evidence – namely, the presence of the wife and the accused having a drink during one of the acts of intercourse.

On 16 October 2002, BXA's appeal against the assessor's decision was dismissed.¹⁶⁷

Second application for victim's compensation

On 11 April 2013, after BXA was diagnosed as HIV positive, BXA lodged a second application for victim's compensation. She sought compensation for the HIV she believed she contracted through the sexual assault by BXK.¹⁶⁸

On 17 April 2013, Victims Services sent a letter to BXA returning her application for statutory compensation. The letter stated:¹⁶⁹

Please be advised that an application has previously been lodged in respect of statutory compensation for the same act of violence with a further duplicate claim attempted to be lodged on 12 November 2004.

The letter also stated: 'There is no provision that gives permission for a new application for compensation to be lodged at any time for the same act of violence.'¹⁷⁰

Ms Mahashini Krishna, Commissioner of Victims Rights at the New South Wales Department of Justice, provided a statement about the outcome of BXA's applications and the legislative scheme under which BXA's applications were made and determined.¹⁷¹ Ms Krishna said that under the 1996 Act there were no circumstances in which it was permissible to take into account new evidence.¹⁷²

On 3 June 2013, the *Victims Rights and Support Act 2013* (NSW) commenced. It repealed the 1996 Act and closed the statutory compensation scheme under the 1996 Act.¹⁷³ In its place, a new scheme was created.

On 11 July 2013, the HIV/AIDS Legal Centre (HALC) lodged submissions with the Victims Compensation Tribunal on behalf of BXA. HALC asserted that the decision as set out in the letter of 17 April 2013 was wrong and should be set aside.¹⁷⁴

On 9 March 2016, HALC lodged a further submission and documents on behalf of BXA.¹⁷⁵ A decision has yet to be made on this application.

3 Cricket

3.1 Introduction

Cricket is a very popular sport for children in Australia. According to census results, as at July 2015, there were 217,162 cricket participants aged between five and 18 years in Australia.¹⁷⁶ In 2015, 28,983 children played cricket in cricket clubs in Queensland.¹⁷⁷ In 2015, there were 216 junior cricket clubs in Queensland.¹⁷⁸

In this section of the report, we consider the response of a local cricket club in Queensland to allegations that Mr Robert Ross, one of its longstanding cricket coaches, had sexually abused children in the cricket club in the 1980s and 1990s.

Between September and November 2014, Mr Ross was charged with a large number of child sexual abuse offences. He committed suicide in November 2014.

In this section we examine:

- the organisational structure of the local cricket club in which Mr Ross was involved
- the evidence of three survivors of Mr Ross’s sexual abuse – Mr Troy Quagliata, BXE and BXI. They gave evidence that they were abused by Mr Ross between 1983 and 1991, when they were children
- the response of the local cricket club upon becoming aware of the allegations
- the local cricket club’s current child protection policies and the resources available to it. We discuss:
 - the club’s Member Protection Policy
 - the resources available to the club on the Play By the Rules website
 - the club’s use of the blue card system
 - the challenges the club faces in relation to child protection
- the Queensland Cricket Association (Queensland Cricket) child protection policies and procedures, organisational structure and role. Queensland Cricket cannot bind cricket clubs and seeks to influence them instead. We consider the support that Queensland Cricket provides to cricket clubs in Queensland in relation to child protection and identify some of the challenges it faces in promoting child protection initiatives.

3.2 The local cricket club

BXM is the current treasurer and former secretary of the local cricket club at which Mr Ross was a coach. BXM told the Royal Commission that the management committee of the cricket club consists

of a president, vice president, secretary and treasurer.¹⁷⁹ Currently, there are approximately 80 to 100 adult members and 70 child members of the cricket club.¹⁸⁰

The cricket club has four teams of senior players and usually six teams for juniors catering for three different age groups.¹⁸¹ A junior coordinator organises the junior cricket competition.¹⁸² Parents volunteer as coaches for the juniors, with occasional assistance from former junior players. All of the junior coaches are also parents of children in the club.¹⁸³ Everyone who provides assistance to the club does so in a voluntary capacity.¹⁸⁴

The cricket club is affiliated with the North Queensland Junior Cricket Association, but the North Queensland Junior Cricket Association has no governance role in relation to the cricket club.¹⁸⁵

The cricket club is also affiliated with Queensland Cricket, but it is not bound to follow any instructions from Queensland Cricket.¹⁸⁶ There is no direct relationship between the cricket club and Cricket Australia.¹⁸⁷ However, Cricket Australia does organise and pay for insurance for cricket clubs around Australia.¹⁸⁸

The cricket club does not regard itself as bound in any way by Cricket Australia's rules.¹⁸⁹ However, BXM could not see any reason why the cricket club would not abide by rules that Cricket Australia disseminates.¹⁹⁰

3.3 Survivors of Mr Ross's abuse

Mr Troy Quagliata's experiences

Mr Quagliata was born and raised in a conservative Italian family in a small rural community in Queensland.¹⁹¹ When Mr Quagliata was about 13 years old, he joined the local cricket club.¹⁹²

At that time, Mr Ross was the groundskeeper at the local high school and a volunteer coach at the local cricket club. Mr Quagliata said that Mr Ross was well known in the community and everyone seemed to like him.¹⁹³

Mr Quagliata gave evidence that Mr Ross started sexually abusing him after cricket training by initially touching Mr Quagliata's penis on the outside of his shorts. This continued every week for about six months.¹⁹⁴

In 1989, when Mr Quagliata was 14 years old, Mr Ross gave him a job mowing the fields at the cricket club once a week.¹⁹⁵ After Mr Quagliata finished the mowing each week, Mr Quagliata said that Mr Ross performed oral sex on him. Mr Ross paid Mr Quagliata \$25 for the mowing and offered him \$50 if Mr Quagliata could ejaculate while Mr Ross was performing oral sex on him.

This occurred in Mr Ross's car, at the cricket clubhouse and at Mr Ross's home. Mr Quagliata said this abuse continued for three years.¹⁹⁶

In 1991, just before Mr Quagliata's 16th birthday, Mr Quagliata told the Royal Commission that Mr Ross tried to anally penetrate him.¹⁹⁷ After this incident, Mr Quagliata ceased playing cricket and tried to avoid Mr Ross at the school for the following six months until he finished school.¹⁹⁸

Mr Quagliata gave evidence that from about year 8 at school he started failing all of his major subjects. In his final year, when he was 16, Mr Quagliata would 'freeze up and lose all focus' whenever he saw Mr Ross around the school.¹⁹⁹

Mr Quagliata said that his town is a small community and that sporting teams were important in the local community. He said, '[i]f you were good at sport, everyone knew who you were'.²⁰⁰ Mr Ross was highly regarded in the community and was respected by other adults.²⁰¹

Mr Quagliata felt that he could not report his abuse to anyone at the cricket club or the high school.²⁰² He feared that no-one would believe him and he was afraid of being bullied and targeted by parents and other children at school.²⁰³ He was afraid that he would be the subject of gossip and that his family would be discriminated against or humiliated.²⁰⁴

Mr Quagliata told the Royal Commission that even today he felt that some members of the older generation in the town did not believe that Mr Ross could have abused Mr Quagliata and other boys.²⁰⁵

When Mr Quagliata was about 16 years old, he began to abuse drugs.²⁰⁶ He left school in year 11 and in 1992 he moved out of home. He felt he could not live in the town anymore.²⁰⁷

In 2002, Mr Quagliata went to the local police station and told a police officer that he did not want to make a complaint but that someone should keep an eye on Mr Ross with small children.²⁰⁸ There is no evidence that police took any steps at this time and Mr Ross remained a coach at the local cricket club.

Mr Quagliata has been incarcerated three times on drug-related charges.²⁰⁹ He smoked marijuana for 23 years but is clean now.²¹⁰ Mr Quagliata said that he had suffered from nightmares and flashbacks as well as depression.²¹¹ At times he has contemplated suicide.²¹²

In October 2014, Mr Quagliata received a Facebook message about Mr Ross from a former member of the local cricket club. The former member was concerned that Mr Ross had sexually abused children at the cricket club.²¹³ As a result of this message, Mr Quagliata reported his abuse to the police.²¹⁴

BXI's experiences

BXI joined the local cricket club in 1984, when he was about nine years old.²¹⁵ When BXI was about 10 years old, he began helping Mr Ross roll out the cricket pitches on a Saturday in preparation for matches on Sunday.²¹⁶ When BXI was about 11 years old, he said that Mr Ross started to sexually abuse him. At first he did this by touching BXI's penis on the outside of his shorts and then he progressed to masturbating BXI.²¹⁷

BXI told the Royal Commission that the abuse occurred in Mr Ross's car and at the cricket clubhouse.²¹⁸ It continued until the end of the cricket season in April 1990, when BXI was 14 years old.²¹⁹ BXI did not tell anyone at the time. BXI said that, because he lived in a small town, it was very difficult to report his abuse. He did not think that he would be believed and thought that his family would be vilified.²²⁰

BXI told the Royal Commission that sport has an important role in small rural communities and that the cricket matches were a big part of the town on weekends. While Mr Ross was highly regarded as a cricket coach, he was also the subject of jokes amongst the boys that he was a 'kiddy fiddler'. The adults would make jokes such as, 'you wouldn't want to get caught by yourself with Bob'.²²¹ BXI said he could not tell his friends what was happening to him because he was afraid of 'becoming part of the joke'.²²²

In 2012, BXI disclosed his abuse to an old friend and asked him if he too had been abused by Mr Ross. The friend confirmed to BXI that he had also been abused by Mr Ross.²²³ In August 2014, BXI reported his abuse by Mr Ross to the police.²²⁴ BXI did not report his abuse to anyone at the cricket club or the high school.²²⁵

BXI told the Royal Commission that he loved playing cricket, but he stopped playing when he was about 18 because Mr Ross was still a coach at the club and also a selector for the North Queensland regional team.²²⁶ BXI said that he regrets not being able to play the game for longer.²²⁷

BXI's schooling also suffered because he was not able to concentrate and he began to rebel.²²⁸ BXI left school in year 11 and he abused drugs and alcohol for some years.²²⁹

BXI gave evidence that he has struggled to maintain relationships and has difficulty giving and showing affection.²³⁰ He finds it difficult to trust men and has suppressed his emotions and feelings towards his father.²³¹ He told us: 'When you peel back the layers of a sexual abuse victim, you find a web of utter destruction.'²³²

BXI also gave evidence about the lack of support services for survivors who live in regional areas.²³³

BXE's experiences

BXE started playing cricket when he was about seven years old.²³⁴ BXE was first coached by Mr Ross when he was 11 years old.²³⁵ BXE told the Royal Commission that some of the senior players would joke, 'watch out for Bob'.

When BXE was about 13 years old, Mr Ross began to show him and some of the other boys at cricket training Penthouse Black Label magazines.²³⁶

In 1989, when BXE was 14 years old, Mr Ross asked him to come to clubhouse to try on shirts before the match on the weekend. While he was there, BXE said that Mr Ross began to masturbate BXE until he ejaculated.²³⁷

BXE did not tell anyone about the abuse at the time because he felt ashamed and thought he would not be believed.²³⁸

In or around 1994, BXE told his girlfriend about the abuse. She told her mother, who then informed BXE's mother.²³⁹ BXE's mother went to the local police station for advice and arranged for BXE to talk to the police. However, BXE was not ready to tell the police about the abuse at this time.²⁴⁰ BXE's mother also told the school about Mr Ross.²⁴¹

In 2014, BXE gave a statement to the Queensland Police Service.²⁴² Like Mr Quagliata, BXE said he believes some people in the town still do not believe Mr Ross was capable of abusing children.²⁴³

BXE stopped playing cricket when he was 16, as he wanted a break from seeing Mr Ross. He also started to smoke marijuana at this time.²⁴⁴ BXE left school in 1991 and struggled with depression and lack of motivation.²⁴⁵

BXE gave evidence that he struggles with relationships and finds it difficult to show affection to his family. BXE believes the way Mr Ross abused and used him has affected the way he treats other people.²⁴⁶

BXE believes it is more difficult for children in small towns to report abuse because everyone knows everyone and 'if you stand out, people will talk about you'.²⁴⁷ This was consistent with the evidence of Mr Quagliata and BXI.

3.4 Institutional response to the allegations against Mr Ross

Criminal charges are laid against Mr Ross

The Queensland Police Service was made aware, at least informally, of alleged offending behaviour on the part of Mr Ross many years before he was finally charged. For example, BXE said that around 1994, when his mother learned that he had been abused by Mr Ross, she went to the local police station to seek advice.²⁴⁸ Also, Mr Quagliata said that he told a police officer at the local station about his abuse in 2002 and that, while he did not want to make a complaint, someone should keep an eye on Mr Ross with small children.²⁴⁹

The Royal Commission did not explore the reasons that the police took no action on this information.

On 24 September 2014, Mr Ross was charged with 10 offences of indecent treatment of a boy under 17 years. The charges related to alleged offending against BXI at the cricket club.²⁵⁰

The blue card system is the tool used to screen people working with children and young people in Queensland. On 26 September 2014, the Queensland Public Business Services Agency informed the headmistress of the local high school that the positive notice and blue card previously issued to Mr Ross as a volunteer at the school had been suspended.²⁵¹ On 28 September 2014, Mr Ross was informed of this suspension.²⁵²

On 6 November 2014, Mr Ross was charged with another 44 offences of indecent treatment of a boy under 17. Those charges related to BXF, BXE, BXG, Mr Quagliata and BXH.²⁵³

Mr Ross committed suicide on or around 9 November 2014.²⁵⁴

First notification to the local cricket club of allegations against Mr Ross

Mr Ross was involved in the local cricket club from 1981 until shortly before his death in 2014.²⁵⁵ He held various roles, including president of the club, representative selector, coaching director and groundsman.

Mr Ross was elected patron of the club in 1990 and continued in that role until his death in 2014. He was also a life member of the club from 1981 and a life member of the North Queensland Cricket Association from 1992.²⁵⁶

Both BXI²⁵⁷ and BXE²⁵⁸ gave evidence that, at the time of their abuse, people in the cricket club made jokes about Mr Ross. BXE gave evidence that he was jokingly told to 'watch out for Bob'. It follows

that there must have been some level of awareness within the local cricket club at the relevant time about the risk that Mr Ross presented to children. However, no concrete evidence emerged during the hearing.

In September 2014, Mr Ross told a volunteer curator at the local cricket club that the police were investigating allegations that he had sexually abused children.²⁵⁹ Mr Ross said he would be unable to have anything more to do with the club and handed the keys to the club to the volunteer curator.²⁶⁰

From that time, Mr Ross had no involvement with the club and ceased his duties as a volunteer groundsman.²⁶¹

BXM, the club's treasurer, gave evidence that before Mr Ross's disclosure in September 2014 the management committee had 'no inkling' that Mr Ross was the subject of any allegations.²⁶² The management committee subsequently liaised with older members of the club and received no response that indicated any member was aware of the abuse allegations or that Mr Ross had acted inappropriately.²⁶³ The management committee did not identify any further victims of Mr Ross.²⁶⁴

BXM informed the Royal Commission that a week before the public hearing the club president told him that there was a rumour that a past member of the club had been made aware of allegations of abuse committed by Mr Ross in the late 1980s.²⁶⁵ A search of the club's records revealed no suggestion that the club had previously been contacted about Mr Ross. Also, there was nothing in the club's records to indicate the club had previously been made aware of allegations against Mr Ross.²⁶⁶

We are satisfied that, despite some concerns expressed by some in the community over time, the local cricket club was itself first notified of actual allegations of abuse against Mr Ross in September 2014, when Mr Ross reported to the club that he was being investigated by the police.

Steps taken by the local cricket club in response to the disclosures of abuse

The local cricket club has existed for 100 years. To BXM's knowledge, the allegations against Mr Ross were the first and only allegations of child sexual abuse against anybody involved in the club.²⁶⁷

When Mr Ross disclosed the allegations in September 2014, the management committee was concerned that the allegations were true and their first priority was to make sure that Mr Ross had no further involvement with children.²⁶⁸

BXM said that the police did not provide the cricket club with any further information about the allegations against Mr Ross at any time.²⁶⁹ The management committee did not take any steps to find out more from the police, as they did not feel it was appropriate to inquire into a live police investigation.²⁷⁰

BXM did not know whether the junior coordinator liaised with parents of current child members after Mr Ross's revelations.²⁷¹ BXM believed that Mr Ross's conduct was discussed at a general meeting of the cricket club after Mr Ross's suicide.²⁷²

The cricket club did not consult any other resources at the time to determine how to make the club more child safe.²⁷³ It did not convene any meetings with the children or the parents of children involved in the club to discuss how it could be made more child safe. BXM was a volunteer and did not really know what to do in that regard or where to start looking for information.²⁷⁴ BXM also agreed that the management committee did not know how to respond to these allegations at that time.²⁷⁵

At the time of Mr Ross's disclosure to the club in September 2014, the club had no knowledge of the names of the alleged victims.²⁷⁶ On 26 June 2015, the club received an email from Maurice Blackburn Lawyers indicating they were representing a number of former players.²⁷⁷

After reading the three survivors' statements to the Royal Commission and upon hearing the opening address of Senior Counsel Assisting, BXM became aware that there were more than three complainants who had alleged they were abused by Mr Ross.²⁷⁸

No assistance sought from Queensland Cricket

At the time, BXM did not believe it was appropriate for the local cricket club to seek assistance from Queensland Cricket regarding the allegations against Mr Ross.²⁷⁹ BXM agreed that, in retrospect, it would have been appropriate to seek assistance from Queensland Cricket.²⁸⁰ In substance, BXM agreed that an automatic obligation to report any allegations of child sexual abuse to Queensland Cricket would be useful so as to ensure a broader knowledge of any disclosure of allegations.²⁸¹

BXM told the Royal Commission that he saw Queensland Cricket's role in relation to the local cricket club as that of assisting in developing policies and procedures and providing assistance with training for coaches and umpires, as well as player training.²⁸²

BXM said that the local cricket club does not have a close working relationship with Queensland Cricket because of the nature of its incorporation and the framework of cricket in Australia. BXM believes that distance and the rural nature of the club are also barriers to its relationship with Queensland Cricket.²⁸³

BXM gave evidence that, because of statutory requirements in Queensland, any separately incorporated club that deals with children is required to develop child protection policies and adopt and implement them.²⁸⁴ Consequently, the club does not follow any child protection policies developed by any peak body such as Queensland Cricket or Cricket Australia.²⁸⁵

BXM acknowledged that a representative of Queensland Cricket for the local region is available for the club to consult on the implementation of policies, and Queensland Cricket does disseminate policies from time to time.²⁸⁶

Disclosure of abuse to other cricket organisations

BXM was told by the local cricket club junior coordinator that the North Queensland Cricket Association had been made aware of the allegations against Mr Ross. However, BXM was unsure whether either the junior coordinator or North Queensland Cricket Association informed Queensland Cricket about the allegations.²⁸⁷

The chairman of Queensland Cricket, Mr James Holding, told the Royal Commission that Queensland Cricket first became aware of the allegations against Mr Ross in July 2015 after the Royal Commission served Queensland Cricket with a notice to produce documents.²⁸⁸

Mr Holding was surprised that the local cricket club had not made Queensland Cricket aware of the allegations.²⁸⁹ However, he agreed that the relationship between Queensland Cricket and the local cricket club was not close.²⁹⁰

Mr Holding made inquiries within Queensland Cricket and found that no allegations against Mr Ross had previously been made known to any officer or employee of Queensland Cricket.²⁹¹

3.5 The local cricket club's current child protection policies and available resources

Member Protection Policy

BXM was unable to locate any policies or procedures for the local cricket club on the prevention of child abuse for the period 1984 to 1989.²⁹² BXM believed the club adopted a child protection policy in the mid-2000s.²⁹³

The local cricket club adopted Cricket Australia's Member Protection Policy on 3 March 2015.²⁹⁴ At the same time, the president was appointed as the local club's first Member Protection Officer.²⁹⁵

The local cricket club chose the Cricket Australia Member Protection Policy rather than the Queensland Cricket Member Protection Policy because the Cricket Australia policy was more 'detailed'.²⁹⁶ The club did not adapt the policy to its own circumstances in any way.²⁹⁷

BXM gave evidence that members of the management committee were asked to read and understand their responsibilities as detailed in section 4 of the Cricket Australia Member Protection Policy.²⁹⁸ The policy was available in the clubhouse and relevant sections were read out at the general meeting on 3 March 2015 when the policy was adopted. The policy was recently made available on the cricket club's website.²⁹⁹

The Member Protection Policy was not given to people at the time of joining the cricket club or when they renewed their membership.³⁰⁰ BXM agreed that it might be useful to provide a copy of the policy to parents of juniors who are acting as volunteers.³⁰¹ BXM considered that it would also be useful to provide training to parents on the effect of the policy.³⁰²

Awareness of Play By the Rules resources

BXM gave evidence that he had only recently become aware of the pro forma Member Protection Policy available on the Play By the Rules website.³⁰³ He said that he found the resources on this website to be helpful and wished he had known about them earlier.³⁰⁴

BXM agreed that local cricket club could adopt the club toolkit provided on the Play By the Rules website and it would be easier to adapt than the policies that Cricket Australia provided.³⁰⁵

The local cricket club's use of blue cards

In Queensland, the blue card system is used as a screening tool. It disqualifies certain people upfront and prevents people from working with children if their past behaviour indicates they are not eligible to enter regulated child-related employment. The blue card system is based upon police and disciplinary information.

In Queensland, the sporting clubs are responsible for applying for blue cards.³⁰⁶ In March 2015, the local cricket club created a database of people with blue cards.³⁰⁷

Before March 2015, the junior coordinator of the local cricket club held records of blue cards and the club was informed verbally if members held blue cards.³⁰⁸

BXM gave evidence that the local cricket club requires anyone who assists with the junior cricket competition to have a blue card. The club also requires parents who assist with the junior competition to have a blue card, despite the exemption for parents who are involved with junior sports teams.³⁰⁹

BXM told the Royal Commission that requiring all people, including parents, who are involved with the junior competition to have a blue card was one step in providing appropriate child protection.³¹⁰ To the club's knowledge, there is no-one involved with the junior teams who does not have a blue card.³¹¹ The cricket club does not have any other screening practices of volunteers or people who will have access to children.³¹²

BXM said that he believed the junior coordinator was aware that Mr Ross held a blue card. However, there was nothing in the files of the club that indicated Mr Ross held a blue card.³¹³

Challenges faced by the local cricket club

BXM gave evidence on the challenges for local clubs in identifying and responding to allegations of child sexual abuse. For example, everyone involved with the club does so in a voluntary capacity and does not have the same amount of time to devote to their roles as those who are paid to work in an organisation.³¹⁴

The length of time that people are members of the local club can be quite short. On average, players stay only two or three years.³¹⁵ As a consequence, the membership of the management committee is quite fluid.³¹⁶ It is difficult to maintain continuity and knowledge of policies, discussions and decisions in a small organisation like the local cricket club.³¹⁷

BXM said that clubs such as the local cricket club could benefit from assistance with providing a greater awareness to members about child safe policies and procedures, as well as training for the management committee, the junior coordinator and other volunteers involved in the junior competition.³¹⁸

3.6 Queensland Cricket policies and procedures

Queensland Cricket's 'bottom up' structure

Queensland Cricket is the peak body for cricket at the Queensland state level. In contrast to arrangements in other sports such as football and tennis, Queensland Cricket has a 'bottom-up' structure in that the local clubs and associations are autonomous and they are independent of Queensland Cricket.³¹⁹

Interposed between Queensland Cricket and local cricket clubs are regional cricket associations. For example, at the time of Mr Ross's offending and up until 2011, the local cricket club was affiliated to the North Queensland Junior Cricket Association and the North Queensland Cricket Association.³²⁰

While the rules of cricket bind the clubs, Queensland Cricket's organisational rules and policies do not bind the cricket associations and clubs.³²¹ This limits the ability of Queensland Cricket to impose rules on local clubs. Rather, Queensland Cricket must seek to influence local clubs.

The cricket associations and clubs do not report to Queensland Cricket and Queensland Cricket does not oversee their operations.³²²

The role of Queensland Cricket

Mr Holding said that the key role of Queensland Cricket is to promote the playing of cricket in Queensland and foster cricket at all levels.³²³ Queensland Cricket regards Cricket Australia as having the primary function for policy development.³²⁴ However, Mr Holding acknowledged that policy dissemination is primarily the role of state cricket organisations such as Queensland Cricket.³²⁵

Mr Holding said that in the first instance Queensland Cricket can advise clubs of a need for a policy. However, it was incumbent on clubs to ask Queensland Cricket for assistance or advice on policy development.³²⁶

Since January 2012, Queensland Cricket has been advising cricket clubs and affiliated associations of the need for clubs to have and implement child protection policies.³²⁷ However, it has not been advising parents directly.³²⁸

Because Queensland Cricket cannot bind cricket clubs, it tries to influence them to adopt child protection policies.³²⁹ It conducts annual 'roadshow' events across Queensland to update stakeholder organisations on developments within cricket. It also takes the opportunity at these events to emphasise the importance of and need for child protection policies and procedures.³³⁰

However, Queensland Cricket only holds roadshows in suburban regions of cities and certain regional centres. It has not provided a roadshow in or around the town in which the local cricket club is located.³³¹

In addition, Queensland Cricket runs training programs for coaching staff. The training programs specifically include a section dealing with child protection and note the responsibilities of the coaches in relation to child protection.³³²

Queensland Cricket also distributes memoranda, circulars and other child protection resource documents containing information on the requirements for blue cards, member protection policies, guidelines for coaches and procedures for reporting child abuse.³³³

Queensland Cricket's Member Protection Policy

Queensland Cricket developed a Member Protection Policy in about 2003 and there have been several iterations since then.³³⁴ The current policy was taken from Cricket Australia and tailored for Queensland Cricket.³³⁵

However, Queensland Cricket recommends that cricket clubs adopt the template Member Protection Policy provided on the Play By the Rules website.³³⁶

Play By the Rules resources

Mr Holding acknowledged that there was an awareness gap at the local club level given BXM's evidence that the local cricket club had only recently become aware of the resources available on the Play By the Rules website.³³⁷

Queensland Cricket communicates with clubs by sending them a memorandum, circular or email, generally on an annual basis in August, before the cricket season commences in September.³³⁸

Mr Holding agreed that Queensland Cricket could telephone the 316 clubs each year to make sure they are aware of the resources available on the Play By the Rules website.³³⁹ He also agreed that Queensland Cricket could do more to draw clubs' attention to the resource and that they needed a more systematic method of communication than sending a circular each August or mentioning child protection at a roadshow.³⁴⁰

Mr Holding gave evidence that all sporting organisations, not just cricket, could do more to promote the resources on the Play By the Rules website. He agreed that, by working together, sports and volunteer organisations could contribute to educating the community about child protection generally.³⁴¹

Mr Holding said that most towns have a number of sporting clubs and it would be beneficial to have one member protection policy across all the different sports.³⁴² He agreed that the Play By the Rules website offered a template for a uniform policy across all clubs.³⁴³

Role of Queensland Cricket's Member Protection Officer

Queensland Cricket has a Member Protection Officer, but that person fulfils others roles as well, and the percentage of time spent on member protection issues is very small.³⁴⁴ Mr Holding did not see the role as one that provides education about member protection for local clubs; rather, it is one that oversees, among other things, all child protection matters and implements and manages a complaints-handling process.³⁴⁵

Mr Holding agreed that Football NSW could be seen as an organisation that is comparable to Queensland Cricket. The Member Protection Officer and Child Protection Officer for Football NSW, Ms Hanley, had given evidence on the development of child protection policy handbooks for local clubs and on maintaining a central registry of players and other persons who had been suspended because of child abuse allegations. Mr Holding agreed that, in Ms Hanley's role with Football NSW, her approach was in contrast to the approach that Queensland Cricket took to the role of Member Protection Officer.³⁴⁶

Mr Holding agreed that Queensland Cricket could adopt similar member protection strategies to Football NSW if it had additional funding.

Challenges faced by Queensland Cricket

Queensland Cricket is not as well-resourced as some other State Sporting Organisations (SSOs). This is because Queensland Cricket does not receive fees from cricket participants – all fees are paid to the local clubs and not to the peak bodies. In football, player fees go to the state bodies such as Football NSW and to the FFA.³⁴⁷

Mr Holding told the Royal Commission that there is a gap between the peak cricket bodies and the local cricket clubs. One of the reasons for that was historical in that the local cricket club had existed for some 100 years, but Queensland Cricket had only existed since about 1990.³⁴⁸

Mr Holding agreed that sporting organisations could do more to promote positive messages to children about disclosing abuse. Mr Holding said that he was not aware of any positive statements about children speaking up about abuse in the policies or training currently being disseminated by Queensland Cricket.³⁴⁹

We are satisfied that to date the local cricket club has not been well supported by Queensland Cricket in understanding, implementing or applying child protection policies and practices, but this has arisen in part because of the independence of local cricket clubs from the peak state cricket body, limited funding for Queensland Cricket and the volunteer nature of the local organisations.

We consider that Queensland Cricket should review the support it gives to local cricket clubs and ensure that that support is sufficient to enable the clubs to implement child protection policies and practices.

Queensland Cricket's blue card policy

Mr Holding said that Queensland Cricket tells clubs that every person involved in junior cricket needs a blue card and that they should not rely on the exemption for parents.³⁵⁰ Mr Holding agreed that in the Queensland Cricket policy there is no direct statement that parents who coach teams of which their children are members should also get a blue card and that this could be more clearly articulated in the policy.³⁵¹

Queensland Cricket does not keep a central database of volunteers at the club level.³⁵² Mr Holding accepted that there were probably volunteers working with children in cricket clubs who did not have blue cards and that this was of concern.³⁵³

Queensland Cricket might also consider developing a suspended person's register along the lines of, for example, that implemented by Football NSW.

Queensland Cricket's response to allegations of abuse by Mr Ross

Mr Quagliata,³⁵⁴ BXI³⁵⁵ and BXE³⁵⁶ all gave evidence that they had not been contacted by the local cricket club, Queensland Cricket or Cricket Australia about their allegations of abuse by Mr Ross.

Mr Holding said that Queensland Cricket only became aware of the three survivors' names during the public hearing.³⁵⁷ He said that both Queensland Cricket and Cricket Australia needed to formulate a response to the survivors. They need to work with the Royal Commission to find out how best to provide assistance to those men and any other people who had been affected by Mr Ross's actions. Mr Holding said that Queensland Cricket and Cricket Australia had a moral responsibility to provide an appropriate response.³⁵⁸

We consider that the local cricket club and Queensland Cricket should offer support to Mr Quagliata, BXI and BXE as well as any others who report abuse by Mr Ross.

Queensland Cricket has informed the Royal Commission that it will provide professional support to any individual who has or may make a complaint of child sexual abuse against Mr Ross.³⁵⁹

4 Tennis

4.1 Introduction

In this section, we consider the institutional response of Tennis NSW, Tennis Australia and the NSWIS to allegations of child sexual abuse made by BXJ, a former tennis player, against her coach, Mr Noel Callaghan. The abuse is alleged to have occurred between 1997 and 1998 and was first reported to Tennis NSW around mid-1998.

Mr Callaghan was charged with offences relating to BXJ, but these charges were withdrawn and the matter did not proceed to hearing.

In this section we examine:

- the structure and functions of Tennis NSW, Tennis Australia and the NSWIS; the role of Mr Callaghan within the organisations; and the allegations of abuse that were made against him
- the experiences of BXJ, whose mother gave evidence of the abuse BXJ says she experienced; the disclosure of that abuse; Tennis NSW's investigation of those allegations; the impact that the investigation had on BXJ; and Tennis NSW's actions after that investigation was completed
- the response of Tennis NSW to BXJ's allegations, including an investigation conducted under Tennis NSW's instructions and its response to the outcome of that investigation
- the victimisation that tennis coach Ms Amanda Chaplin (then Ms Amanda Tobin) experienced after she assisted in reporting BXJ's allegations to Tennis NSW, which ultimately led to Ms Chaplin resigning her position as assistant state coach; and the lack of support she received from Tennis NSW in relation to this matter
- the dealings of Tennis NSW and the NSWIS in relation to the allegations given that, at the time of the investigation, the organisations jointly employed Mr Callaghan
- the complaints made to NSW Police about Mr Callaghan and the charges laid against him in respect of BXD in August 2000. Shortly after that, Mr Callaghan resigned as state coach. He was eventually acquitted following a trial. Charges were also laid against Mr Callaghan in February 2001 in relation to BXL, but these charges were later dismissed. Charges were laid in respect of BXJ in October 2001, but they were withdrawn because BXJ became too ill to proceed
- Tennis NSW's current policies – in particular, its adoption of Tennis Australia's Member Protection Policy, which prohibits harassment, abuse and discrimination
- the WWCCs conducted with respect to Mr Callaghan.

4.2 The institutions and Mr Noel Callaghan

Tennis NSW

Tennis NSW is a member association of Tennis Australia, which is an NSO.³⁶⁰ Tennis NSW is the controlling association responsible for administering tennis in New South Wales. It is the largest of the eight state and territory member associations. It currently supports 511 clubs, associations and court operators and has over 100,000 registered participants.³⁶¹ There are currently 38,000 children registered as players with Tennis NSW.³⁶²

Tennis NSW administers the state squads,³⁶³ employs the state coach and contracts assistant coaches to train the state squads.³⁶⁴ The state squads include the junior squad (for children still at school) and the post-junior squad (for juniors who have left school).

Until around 2000, Tennis NSW operated out of White City in Paddington in Sydney.³⁶⁵

New South Wales Institute of Sport

The NSWIS is a statutory body.³⁶⁶ Its objectives include fostering the development of high-performance and talent development programs for sportspeople in New South Wales.³⁶⁷ As part of its role, the NSWIS provides scholarships to elite athletes.³⁶⁸

The particular sports that the NSWIS supports change from time to time. In 1999, one of the sports it supported was tennis.³⁶⁹ Around early 1999, the NSWIS entered into a joint management committee agreement with Tennis NSW for the provision of a joint tennis program during 1999.³⁷⁰ Mr Callaghan was also a party to this agreement because he was the head coach under that agreement.

Mr Noel Callaghan

Mr Callaghan has had an extensive tennis career. He was on the professional tennis world circuit for 12 years and then became a successful professional tennis coach to elite tennis professionals.³⁷¹

In 1991, Tennis NSW appointed Mr Callaghan as the head professional coach at White City in Sydney. This gave him exclusive rights to provide private tennis coaching services at White City.³⁷² From February 1997, he was involved in the New South Wales Elite Junior Assistance Development Program.³⁷³ At that time, he was contracted by Tennis NSW as the New South Wales assistant state coach.³⁷⁴

In May 1998, Mr Callaghan was jointly appointed head coach by the NSWIS and New South Wales state coach by Tennis NSW,³⁷⁵ although he was only employed by Tennis NSW. The NSWIS made a

\$50,000 contribution to this program and Tennis NSW contributed \$169,000. In 1999, the NSWIS contributed \$28,000 to his salary.³⁷⁶

Ms Chaplin gave evidence that Mr Callaghan is extremely popular and has a lot of influential friends in the tennis community.³⁷⁷ Both Mr Craig Watson of Tennis NSW³⁷⁸ and Ms Chaplin³⁷⁹ said that the tennis community is close-knit. Ms Chaplin said that Mr Callaghan is high in the pecking order.³⁸⁰

In 1999, Tennis NSW investigated Mr Callaghan over allegations that he sexually abused BXJ between 1997 and 1998. Between 2000 and 2002, Mr Callaghan was charged with sex offences against three females – BXD, BXL and BXJ. However, none of these charges resulted in convictions.

This public hearing did not examine the police investigation of the allegations against Mr Callaghan by BXD, BXL and BXJ. Also, it did not examine the circumstances surrounding or the outcomes of the criminal proceedings against Mr Callaghan.

Mr Callaghan did not give a statement or oral evidence to the Royal Commission, but he was legally represented at the public hearing. He has always denied all allegations.

BXL and BXD did not give evidence at the hearing.

4.3 BXJ's experience

BXJ's coaching by Mr Callaghan

BXJ is now 35 years old.³⁸¹ For health reasons, she was unable to give evidence. BXJ's mother, BXB, gave evidence on her behalf.

BXJ started playing tennis at the age of 11. She was a promising young player and had ambitions to play at Wimbledon.³⁸² According to the then assistant women's state coach, Ms Chaplin, BXJ was 'one of our top kids'.³⁸³

BXJ's mother said that BXJ first met Mr Callaghan at a tennis coaching camp in December 1994, when she was 14 years old.³⁸⁴ In February 1995, when BXJ was 15, she started having lessons with Mr Callaghan once or twice a week at White City.³⁸⁵

In 1996, BXJ was selected in the New South Wales junior state squad and attended two daytime squads and two night-time squads per week. At that time, Mr Callaghan was the assistant coach to the junior state squad. In addition, BXJ attended a squad coached by Mr Callaghan on Sundays. BXJ also had private coaching from Mr Callaghan, mostly at White City but also at Ryde during winter.³⁸⁶ Mr Callaghan sometimes drove BXJ to training.³⁸⁷ In 1996, BXJ also attended various tennis camps with Mr Callaghan.³⁸⁸

In 1997, BXJ, then 17 years old, continued in the junior state squad, although she cut back the frequency of her squad coaching. She also received one private lesson from Mr Callaghan each week. Mr Callaghan would sometimes drive her to coaching practice.³⁸⁹

In December 1997, BXJ attended a five-day elite player tennis residential camp at the University of Sydney, which Mr Callaghan had organised. BXJ's mother said that after that camp BXJ only had about two more private lessons with Mr Callaghan in early 1998 and then severed all involvement with him and asked her parents for a female coach. She did not explain why at the time.³⁹⁰

Allegations that Mr Callaghan abused BXJ

BXJ's mother gave evidence that she gradually discovered during the course of 1998³⁹¹ that BXJ alleged she had been abused by Mr Callaghan from around 1997 to early 1998.³⁹²

BXJ alleged that:³⁹³

- from the time that BXJ turned 16, Mr Callaghan told her jokes of a sexual nature, made rude comments and asked personal questions, including about her sexual practices. On one occasion in 1997, Mr Callaghan told her 'if you lose this rally then you will have to give me a blow job'
- in June 1997, while at a tennis camp in Darwin, Mr Callaghan put his hand on BXJ's thigh and held her hand while they travelled with others in a taxi
- in December 1997, while at the residential tennis camp at the University of Sydney, Mr Callaghan entered BXJ's room late at night and made sexual advances to her, including by straddling her on the bed and trying to kiss her
- a few weeks after the tennis camp at the University of Sydney, while Mr Callaghan was driving BXJ, he asked her personal questions about sex, asked her bra size and touched her breast.

BXJ's mother said that BXJ reported that Mr Callaghan would sometimes demean her and sometimes make her feel like the 'chosen one'.³⁹⁴

Disclosures of abuse

BXJ's mother gave evidence that at the time BXJ first disclosed the alleged abuse to her, BXJ did not want to take any action against Mr Callaghan. She was embarrassed and fearful that Mr Callaghan could damage her tennis career and reputation.³⁹⁵ At that time, Mr Callaghan held the licence to coach at White City and also trained most of the state squads there.³⁹⁶

BXJ's mother said she noticed changes in BXJ's behaviour during the years she was coached by Mr Callaghan and that BXJ went from being confident to being nervous and anxious.³⁹⁷ BXJ's mother said that she subsequently discovered that there was a lot of gossip and innuendo of a sexual nature circulating in the tennis environment about BXJ, which made BXJ feel insecure and uncomfortable.³⁹⁸

In early 1998, BXJ commenced tennis coaching with a female coach, BXD.³⁹⁹ BXD was around 10 years older than BXJ and had been a very successful tennis player as a junior.⁴⁰⁰

Around May 1998, BXJ's mother told BXD about Mr Callaghan's alleged abuse of BXJ. BXD alleged to BXJ's mother that she had also been abused by Mr Callaghan many years previously when she was a junior.⁴⁰¹

BXD moved overseas around mid-1998. Before she left, she arranged for Ms Chaplin to take over coaching BXJ.⁴⁰² At that time, Ms Chaplin was also an assistant coach to the state squad and reported to Mr Callaghan, who by that time was the state coach.

At that time, Ms Chaplin was known by her professional name, Ms Amanda Tobin.⁴⁰³ Ms Chaplin coached BXJ once or sometimes twice a week.⁴⁰⁴ Previously she had also coached BXJ as part of the junior state squad.⁴⁰⁵

Ms Chaplin gave evidence that, at the time she took over coaching BXJ, BXD raised some concerns with her over Mr Callaghan's dealings with BXJ.⁴⁰⁶ This caused Ms Chaplin to prompt BXJ for details. BXJ confided in her that she had been sexually abused by Mr Callaghan.⁴⁰⁷

Ms Chaplin gave evidence that she reported the alleged abuse to Tennis NSW around mid-1998. This is dealt with in more detail below.

BXJ's mother gave evidence that BXJ continued to train in tennis in 1998 and 1999. In October 1998, BXJ went overseas to train with BXD. During that time, BXJ and BXD discussed their experiences with Mr Callaghan.⁴⁰⁸

From around April to June 1999, BXJ competed on the international satellite tennis circuit and received a number of scholarship offers from US colleges.⁴⁰⁹

When BXJ returned from overseas around June 1999, she disclosed the alleged abuse to Mr Bob Giltinan, a local tennis coach.⁴¹⁰

On 3 August 1999, BXJ and her parents met with the then CEO of Tennis NSW, Mr Watson, as well as with Mr Giltinan and two New South Wales women's team selectors, Ms Carol Langsford and Ms Dorn Fogarty. They discussed the allegations.⁴¹¹ Ms Fogarty is now deceased.⁴¹²

Investigation by Tennis NSW

In a letter dated 10 August 1999, Mr Watson advised BXJ that Tennis NSW would investigate the allegations.⁴¹³

Tennis NSW retained a law firm, Rigby Cooke Lawyers, to conduct the investigation. Ms Maria Shand (now Ms Maria Clarke), a senior associate with the firm, had principal carriage of that investigation.

Ms Shand interviewed BXJ twice for the purpose of that investigation – first on 16 August 1999 and then on 1 September 1999.⁴¹⁴ Mr Watson, then CEO of Tennis NSW, and Mr John Whittaker, then president of Tennis NSW, both attended the 1 September 1999 interview. BXJ also had a solicitor present at the interview.⁴¹⁵ BXJ's mother said that she and her husband were not permitted to be in the interview with BXJ.⁴¹⁶

BXJ's mother gave evidence that from outside the interview room she could hear BXJ's extreme distress and crying.⁴¹⁷ BXJ's mother said that immediately after the interview BXJ's solicitor told her that the interview was 'dreadful'.⁴¹⁸ Mr Watson agreed in oral evidence that BXJ was distressed during that interview.⁴¹⁹

BXJ's mother gave evidence that BXJ was 'absolutely devastated' with the questions asked at the second interview.⁴²⁰ BXJ told her mother she had not been believed.⁴²¹ The nature of that interview is discussed in more detail below.

BXJ's mother gave oral evidence that immediately after that interview BXJ ran away and did not return home for around three weeks.⁴²²

Outcome of the Tennis NSW investigation

On 20 September 1999, BXJ received a letter from Mr Watson. The letter stated that:⁴²³

1. Subject to our comments below the Board has resolved to take no further action at this time in regard to the allegations made against Mr Callaghan.
2. The Board however invites you to take your allegations to the Equal Opportunity Tribunal ('EOT') or to the New South Wales Police and will cooperate with such inquiries and will make a decision with respect to Mr Callaghan's employment following the conclusion of any investigation of the matter by the EOT or the New South Wales Police.

The letter then advised that Tennis NSW would amend a number of its policies. No offer of support was made to BXJ.

As will be discussed in further detail below, the 10 September 1999 investigation report of Rigby Cooke found that it was more likely than not that BXJ's allegations were true.⁴²⁴ BXJ's mother gave evidence that at no point before the Royal Commission hearing was BXJ ever advised of this finding.⁴²⁵

BXJ's mother said that BXJ thought that Tennis NSW did not believe that she had been assaulted by Mr Callaghan.⁴²⁶ BXJ's mother gave evidence that after the second interview on 1 September 1999 BXJ never played tennis again.⁴²⁷

BXJ's mother also said that Tennis NSW never offered any support or counselling to BXJ in the aftermath of the investigation.⁴²⁸

BXJ reports the matter to NSW Police

Around April 2001, BXJ reported to NSW Police her allegation that she had been abused by Mr Callaghan.⁴²⁹ On 17 October 2001, Mr Callaghan was charged with three counts of indecent assault on BXJ.⁴³⁰

The matter came to court in March 2004. BXJ's mother said that by that time BXJ was too ill to proceed with the matter and the charges were withdrawn.⁴³¹

Impact on BXJ

BXJ's mother gave evidence that BXJ was distressed by Mr Callaghan's harassment and the lack of any real assistance from him in her tennis development. However, she was not defeated by his alleged abuse but by Tennis NSW's subsequent handling of the matter⁴³² – something which is considered in more detail below. BXJ's mother pointed in particular to the 'demeaning and hurtful questioning' during the Tennis NSW investigation.⁴³³

BXJ's mother told the Royal Commission that BXJ started to suffer serious depression⁴³⁴ and became seriously involved in drugs after the investigation.⁴³⁵ BXJ is borderline anorexic and has been in rehabilitation many times. BXJ has tried to commit suicide.⁴³⁶

BXJ's mother said that the impact of BXJ's subsequent illness on the family has been profound and that the financial support that BXJ has required has meant that BXJ's father has not been able to retire. The family has not had a holiday of any note for 15 years.⁴³⁷ BXJ's mother grieves BXJ's loss of opportunity and happiness.⁴³⁸

BXJ's mother told the Royal Commission that she wants Tennis NSW to understand that the manner in which its investigation was conducted and its decision to not take any action had a serious impact on BXJ. BXJ felt that she was not believed and this has remained a huge issue for BXJ.⁴³⁹ BXJ's mother suggested an apology should be offered as well as compensation.⁴⁴⁰

4.4 Response of Tennis NSW

Ms Chaplin reports BXJ's allegations to Tennis NSW

As noted above, BXJ disclosed her allegations of abuse to Ms Chaplin some time in July to August 1998.⁴⁴¹ Ms Chaplin said that BXJ told her about two instances of abuse:

- an incident in a taxi to Darwin airport in 1997, where Mr Callaghan allegedly put his hand up BXJ's dress on her thigh
- an incident at a University of Sydney tennis camp, where Mr Callaghan came into BXJ's bedroom, sat astride her and tried to kiss her.⁴⁴²

In addition, Ms Chaplin harboured her own concerns about Mr Callaghan arising from her experiences when coaching at Primrose Park in Neutral Bay in 1988 and 1989, where she was employed by Mr Callaghan to coach tennis. At that time, Mr Callaghan privately coached two junior females – BXD (aged 18 years) and BXL (aged around 15 or 16 years). BXD was then one of the top national juniors.⁴⁴³

Ms Chaplin observed Mr Callaghan acting in an 'unusually friendly' manner with both BXD and BXL and thought his manner was 'sleazy' and 'unprofessional'. On a number of occasions, she observed Mr Callaghan and BXL go downstairs to an oval area where there was an old building. Ms Chaplin discussed her concerns with fellow coach, Mr Steven Thompson. However, she did not take the matter any further because she had no 'proof' of inappropriate behaviour.⁴⁴⁴

As noted above, Mr Callaghan was at a much later point in time charged with criminal offences in respect of both BXD and BXL, although the charges did not result in convictions.

At the time that BXJ confided in Ms Chaplin, Mr Callaghan was the state coach and was employed by Tennis NSW, having been appointed to that position in May 1998. His responsibilities included coaching the female state juniors. He was also the licensee at White City. The events of which BXJ complained took place in 1997 and very early 1998. At that time, Mr Callaghan was the assistant state coach. At that time he was not employed by Tennis NSW but was contracted by Tennis NSW.

At that time, Ms Chaplin was an assistant state women's coach⁴⁴⁵ and reported to Mr Callaghan.⁴⁴⁶ She too had been a promising tennis player as a junior and young adult, having played on the international professional circuit for 13 years. As a junior she represented Australia on 17 occasions. She stopped playing competitively in 1987.⁴⁴⁷

Upon becoming aware of BXJ's allegations, in mid-1998 Ms Chaplin sought BXJ's consent and informed Ms Fogarty, the chairperson of the state selectors, of the allegations.⁴⁴⁸ Ms Fogarty told her that she would notify Mr Whittaker, then president of Tennis NSW, and Mr Watson, then the general manager of Tennis NSW.⁴⁴⁹

Also at around that time, Ms Chaplin tried to get BXJ into the post-junior state squad, which was coached by Mr Jon Ireland. She needed Mr Callaghan's approval for this course because he was the state coach. Ms Chaplin gave evidence that she spoke with Mr Callaghan, who said, 'Not that fuckin' tart. She would be too busy screwin' around the back with the boys and will be saying "Who's next?"'.⁴⁵⁰

Ms Chaplin said in oral evidence that she 'quite frequently' heard Mr Callaghan make derogatory remarks about BXJ, including in the presence of others.⁴⁵¹

Ms Chaplin said that on one occasion she informed Mr Watson of the derogatory remarks that Mr Callaghan had made.⁴⁵² Mr Watson said he could not recall this but had no reason to doubt it was true if that was what Ms Chaplin recalled.⁴⁵³

We are satisfied that Ms Chaplin made Mr Watson aware that Mr Callaghan had made derogatory remarks about BXJ.

Ms Chaplin gave evidence that in late 1998 Mr Watson invited her to attend a meeting. She was surprised to find that Mr Callaghan was also at the meeting.⁴⁵⁴ He said to her, 'how can you do this? We're supposed to be friends'.⁴⁵⁵

Ms Chaplin said that at the meeting she relayed the allegations and Mr Callaghan denied them. She said that there was no discussion of what further steps would be taken.⁴⁵⁶

Mr Watson did not refer to this meeting in his statement but agreed in oral evidence that it had taken place.⁴⁵⁷ His statement is incorrect to the extent that he said that it was not until 3 August 1999 that he was first informed of the allegations.⁴⁵⁸ He said in his statement that he was 'deeply concerned' about the allegations when he first became aware of them.⁴⁵⁹

Mr Watson said he could not recall the specific detail of that meeting.⁴⁶⁰ Given his lack of recollection and Ms Chaplin's affirmative memory that she did relay the allegations against Mr Callaghan at the meeting, and also the fact that the very purpose of the meeting was to discuss the allegations, we accept Ms Chaplin's account.

We do not accept the submissions of Tennis NSW that BXJ's identity was not made known to Mr Watson by the time of that meeting. Ms Chaplin gave evidence that she relayed the allegations of BXJ of which she was then aware. Mr Callaghan denied the allegations. It is difficult to know how he could have made this denial if he was not aware of the identity of the complainant. It is implausible that a meeting would have been set up to discuss the allegations without the identity of the complainant being disclosed.

We accept that Ms Chaplin relayed to Mr Watson in late 1998 the allegations by BXJ against Mr Callaghan of which she was then aware. This included an allegation that Mr Callaghan had touched BXJ on the thigh during a taxi ride to Darwin airport in June 1997 and an allegation that

Mr Callaghan had entered BXJ's room during a tennis camp at the University of Sydney in December 1997 and straddled her and attempted to kiss her.

Ms Chaplin says that she believed Tennis NSW had started an investigation and that action would be taken because Ms Fogarty had told her that she would take care of it. She assumed the matter was being looked into.⁴⁶¹ Ms Chaplin said that in retrospect it appeared nothing happened until August 1999.⁴⁶²

Mr Watson did not have a good recollection of the events. He said he assumed nothing happened because Tennis NSW was waiting for an 'official complaint', which he defined as a complaint from 'the person who these things had been done to' and 'something in writing'.⁴⁶³

Mr Watson agreed in evidence that:

- the complaint concerned a person who was a child at the time of the alleged conduct
- the allegations were made against the most senior coach in Tennis NSW
- the allegations, if true, were a clear contravention of the applicable policies.⁴⁶⁴

Mr Watson said that with the benefit of hindsight it was 'possibly not' appropriate to wait until an 'official complaint' had been made to take action.⁴⁶⁵ However, Mr Watson did not accept that it was 'seriously remiss' of Tennis NSW to do nothing at this time. He said that the board of Tennis NSW was aware of the matter and that was the course of action he was instructed to take.⁴⁶⁶ Mr Watson agreed he took no advice at that time about how to deal with the allegations.⁴⁶⁷

Later in evidence, Mr Watson said he had no explanation as to why Tennis NSW did not take further steps at this time⁴⁶⁸ and why the NSWIS was not informed of the allegations at that time.⁴⁶⁹

Mr Watson also said that, 'if he had all the information' about the allegations in 1998, he should have required Mr Callaghan's suspension at that time.⁴⁷⁰ We accept Ms Chaplin's evidence that she told him at the meeting about the Darwin incident and the incident at the University of Sydney. It follows that Tennis NSW ought to have suspended Mr Callaghan at that time.

We are satisfied that it was wrong of Tennis NSW not to take further action on the allegations against Mr Callaghan after Mr Watson met with Mr Callaghan and Ms Chaplin (then Ms Tobin) in late 1998.

Ms Chaplin gave evidence that after this meeting in late 1998 her working life became very unpleasant.⁴⁷¹

Ms Chaplin said that Mr Callaghan would often made crude jokes and on occasion would imply how 'cheap' BXJ was.⁴⁷² Ms Chaplin informed Ms Fogarty and Ms Langsford of this conduct.⁴⁷³

Ms Chaplin gave evidence that she regularly spoke with Ms Fogarty and Ms Langsford about Mr Callaghan's behaviour.⁴⁷⁴ She said they also spoke about her concerns about Mr Callaghan's behaviour towards another girl who was then in the female junior squad.⁴⁷⁵

The 3 August 1999 meeting

On 3 August 1999, there was a meeting between BXJ, BXJ's parents, Mr Watson (by then the CEO of Tennis NSW), Ms Langsford (a director of Tennis NSW and a selector for Tennis NSW), Ms Fogarty and Mr Giltinan.⁴⁷⁶ Ms Chaplin did not attend this meeting.

At the meeting, BXJ's parents gave Mr Watson a series of letters.⁴⁷⁷ These letters provided a general background of BXJ's coaching with Mr Callaghan.⁴⁷⁸ According to Mr Watson, at the meeting BXJ's four allegations, set out in section 4.3 above, were discussed.⁴⁷⁹ Mr Watson described the allegations as being of a 'serious nature'.⁴⁸⁰ He took detailed notes of the allegations.⁴⁸¹

It is unclear in the evidence as to why a meeting was held on 3 August 1999. Mr Watson could not explain why the meeting took place at that time.⁴⁸² BXJ's mother said that she did not initiate the meeting and does not know why the meeting was called at that time.⁴⁸³ Ms Chaplin did not know why a meeting took place at that time.⁴⁸⁴ However, she was aware that before that time BXJ and her parents were disappointed that no action had been taken.⁴⁸⁵

It is clear that BXJ disclosed the allegations to Mr Giltinan around June 1999 and he was present at the 3 August 1999 meeting.⁴⁸⁶

Tennis NSW informs Tennis Australia of the allegations

As at August 1999, Mr Callaghan was overseas with a 16 and under Australian national team as part of a Tennis Australia initiative.⁴⁸⁷ Sometime after the 3 August 1999 meeting, Mr Watson informed Mr Ian Bidmead, then a director of Tennis Australia, of the allegations.⁴⁸⁸

On 11 August 1999 Mr Watson again spoke with Mr Bidmead, who advised that Tennis Australia had assessed the risk and did not wish to recall Mr Callaghan from the tour.⁴⁸⁹

Applicable policies at the time of the alleged conduct

It is apparent from Mr Watson's evidence that as at 1997 to 1999 Tennis NSW did not have any of its own policies on child protection or sexual harassment or any code of conduct for its coaches and other officials.⁴⁹⁰

However, at that time, Tennis NSW was aware of:⁴⁹¹

- Tennis Coaches Australia Limited's (TCA's) Code of Ethics and Conduct. This code relevantly provided that 'a coach of TCA shall not engage in sexual misconduct with any minor' and 'shall not engage in sexual relations with players that they coach, even of legal age'.⁴⁹² That code made provision for complaints against TCA members to be made to the relevant state TCA ethics committee. The code provided that either a TCA coach or a member of the public could bring ethical charges against a coach.⁴⁹³ During the period 1997 to 1999, Mr Callaghan was a member of TCA⁴⁹⁴
- the NSWIS Code of Conduct for Coaches. That code provided that coaches employed by SSOs (which included Tennis NSW) were expected to comply with the code and that a breach could result in disciplinary action. The code provided that coaches had to refrain from sexual harassment and not engage in physical contact with athletes except where absolutely necessary for their skill and athletic development.⁴⁹⁵ As noted above, from May 1998, Mr Callaghan was jointly appointed by Tennis NSW and the NSWIS as the state coach / head coach
- Tennis Australia's Sexual Harassment Guidelines for Coaches.⁴⁹⁶

Mr Watson gave evidence that, as at 1998 and 1999, he expected Tennis NSW coaches to adhere to the TCA Code of Ethics and Conduct.⁴⁹⁷

The investigation process

Tennis NSW moved swiftly after the 3 August 1999 meeting. On 10 August 1999, Mr Watson sent a letter to BXJ advising that Tennis NSW would conduct an investigation since it was Mr Callaghan's employer.⁴⁹⁸ The letter suggested that she seek legal advice. No offer was made to pay for her legal costs.

On 10 August 1999, Mr Watson telephoned Mr Callaghan, who was in Germany. Mr Watson informed him of the allegations and said there would be an investigation. Mr Callaghan denied the allegations.⁴⁹⁹ Mr Watson sent a letter to Mr Callaghan that same day confirming his telephone advice.⁵⁰⁰

Tennis NSW appointed Rigby Cooke to conduct an investigation.⁵⁰¹ Between 16 August and 1 September 1999, lawyer Ms Shand conducted interviews with 24 people, including BXJ (who was interviewed twice), Mr Callaghan,⁵⁰² BXJ's mother and Ms Chaplin. Ms Shand also corresponded with BXD as part of the investigation. In that correspondence, BXD made veiled references to the fact that Mr Callaghan had abused her too (although she never provided any specific details).⁵⁰³

Ms Shand interviewed Ms Chaplin.⁵⁰⁴ Ms Chaplin recalled that the interview became quite heated. She felt that Ms Shand accused her of wanting Mr Callaghan's job.⁵⁰⁵ Ms Chaplin also told Ms Shand about her concerns for the girl presently in the junior squad and about BXD's allegations against Mr Callaghan.⁵⁰⁶

BXJ was called in for a second interview on 1 September 1999. In addition to BXJ and Ms Shand, Mr Watson, Mr Whittaker and Ms Wood (BXJ's solicitor) attended. As noted above, BXJ was extremely distressed at that interview.

The transcript of that interview is in evidence. It shows that Ms Shand put to her Mr Callaghan's version of events. It also shows that in the first part of the interview Mr Whittaker asked BXJ a number of questions.⁵⁰⁷

It is important to consider the power dynamics of this interview. At the time, BXJ was 19 years old and was clearly distressed by what she said had occurred with Mr Callaghan, the most senior coach with Tennis NSW. At that time, BXJ still had professional tennis ambitions and no doubt felt extremely uncomfortable about airing her grievances. She was no doubt concerned about the implications this may have for her tennis career. As against this, two of the most senior officers of Tennis NSW were present at the interview, during which a range of highly personal matters were discussed and Mr Whittaker asked a number of questions.

Ms Shand (now known by her married name of Ms Clarke) has given a statement in which she concedes that in retrospect it was not appropriate to have Mr Watson and Mr Whittaker attend the interview. She accepted that their presence may have imposed an additional emotional and psychological burden upon BXJ in telling her story. She apologises for this.⁵⁰⁸

In her statement, Ms Clarke referred to a 26 August 1999 email she sent to Mr Watson asking him to attend the interview.⁵⁰⁹ However, she has no recollection of why she asked Mr Watson to attend the interview.⁵¹⁰ Ms Clarke said it was 'possible' that she asked Mr Watson and Mr Whittaker to attend in order to assess the credibility of BXJ and Mr Callaghan and noted they also attended Mr Callaghan's interview.⁵¹¹

This explanation is somewhat contrary to a 19 August 1999 email from Mr Watson to Ms Shand in which Mr Watson said that Mr Callaghan had requested that Mr Watson attend his interview.⁵¹²

Mr Watson said he had been requested to attend the interview.⁵¹³ Mr Whittaker provided a statement in which he said he had no recollection of the interview.⁵¹⁴

In any event, it is most likely that Mr Watson attended the interview because either Ms Shand or Mr Callaghan had asked him to do so. It is unclear why Mr Whittaker was in attendance.

Among other things, at the second interview BXJ was asked whether she was wearing long shorts or short shorts at a particular point in time; whether she ran away from home with a boy; and whether she met up with some boys on the beach. BXJ's solicitor, Ms Wood, queried the relevance of this questioning and Ms Shand told her that 'I'm trying to see whether there's any basis for the derogatory comments' of Mr Callaghan. Ms Shand said that 'character evidence' was becoming 'very relevant' and that there was a need to consider whether there was a basis for alleged comments by Mr Callaghan that BXJ was 'easy'.⁵¹⁵ On any view, none of these questions were either relevant or appropriate.

Ms Clarke accepts in her statement that the questions asked and the manner in which they were asked was inappropriate and said it would have been preferable to rule out the questions for lack of relevance. She apologises for these questions.⁵¹⁶ Ms Clarke does not recollect whether she had instructions from Tennis NSW to ask these questions.⁵¹⁷ It seems improbable that Tennis NSW would have given specific instructions about the questions asked. Mr Watson said in oral evidence that he had no input into the line of questioning.⁵¹⁸ There is no reason to doubt this evidence.

Ms Clarke also explained that this was the first time she had conducted an investigation and she feels that in retrospect she did not have sufficient skills or experience to be conducting the investigation.⁵¹⁹

The interview was not conducted in a sensitive way. Some of the questions were not only irrelevant but also offensive. At no point during the interview was BXJ offered any reassurance that she was believed or that her complaints were being taken seriously.

Given the presence of Mr Watson and Mr Whittaker and the lines of questioning referred to above, it is unsurprising that BXJ was extremely distressed by the interview. It is also unsurprising that at the conclusion of the interview she felt she had not been believed.

We are satisfied that the 1 September 1999 interview with BXJ was conducted in an inappropriate way. It was inappropriate that Mr Watson and Mr Whittaker were present at the interview where sensitive personal information was discussed. Some of the questions asked were irrelevant and offensive. The interview was not conducted in a sensitive way and insufficient consideration was shown for BXJ's needs.

The investigation report

On 10 September 1999, Rigby Cooke provided its investigation report to Mr Watson. In the report Ms Shand said:⁵²⁰

1. I consider it more likely than not that the allegations made by BXJ are true.
2. I found BXJ to be genuine and her evidence generally consistent with evidence given by others.
3. I found Noel to be very prepared in his answers, yet he did not always give clear precise answers. He frequently said, 'I do not recall', indicating a reluctance to lie or agree.
4. I consider it almost certain that Noel tells the odd dirty joke and makes sexual based comments while coaching and to other coaches ...
5. I believe the handholding in the taxi and the car trip conversations probably occurred.

6. The incident I am least convinced occurred, although I tend to prefer BXJ's evidence, is the incident at Sydney University. This is largely because Noel denies absolutely everything and there were no witnesses to any aspect of the allegation. However, BXJ's story is detailed and has been consistent ever since she first told anyone that it had occurred.
7. I cannot see any credible reason why BXJ would report these allegations other than because the incidents did occur. ...

Ms Shand advised that, if the board of Tennis NSW considered the allegations had substance, the 'preferred course of action' was to lodge a complaint with the TCA for breach of its Code of Ethics and Conduct. She said that, if the board wished to take a stronger stand, it could consider terminating Mr Callaghan's employment, although that course had some risks give that the incidents occurred before his employment as state coach.⁵²¹ Ms Shand set out a more detailed set of options in the body of the report.⁵²²

Ms Shand set out her assessment of the credit of BXJ and Mr Callaghan and said that 'generally I have preferred BXJ's evidence over Noel's to the extent of any inconsistencies'.⁵²³ She then set out detailed findings with respect to each of the allegations.⁵²⁴ Ms Shand then made a number of 'other comments', relevantly including:⁵²⁵

- BXD had made other allegations about Mr Callaghan relating to herself 'of a sexual nature which occurred some 13 years ago, but which is more serious than BXJ's allegations'. She had reported her case to the police and had retained a criminal lawyer
- Ms Fogarty, Ms Langsford, Ms Tobin (now Ms Chaplin) and Mr Ireland had all 'expressed concern about the apparent closeness between Noel and [another named female junior]'.

Ms Shand also advised that:⁵²⁶

- if the board believed the University of Sydney allegations, it should consider reporting the matter to the police
- 'whatever the Board's decision', it should consider whether to provide assistance to BXJ – for example, assisting with costs of counselling
- the board should make changes to its employment contracts, develop its own code of conduct and complete its anti-harassment policy.

Tennis NSW's response to the investigation report

Mr Watson gave evidence that he first received the investigation report on 10 September 1999. He provided copies to Mr Whittaker and Mr Malcolm Bergmann, the deputy chairman of Tennis NSW. They met and discussed the contents that weekend (either on 11 or 12 September 1999) and resolved to distribute it to the executive committee of Tennis NSW.⁵²⁷

A special executive meeting was held on 14 September 1999 in order to make a recommendation to the board. The board met later that day and at that meeting resolved to obtain a second opinion from senior counsel.⁵²⁸ No minutes of that meeting are available. Mr Watson said that Tennis NSW holds no board meeting minutes for the period July 1999 to November 2007.⁵²⁹

It is unclear why the decision was made to retain counsel. Mr Watson initially said in evidence that he could not recall whether he believed BXJ⁵³⁰ but later said that he did believe BXJ's account.⁵³¹ He also said that the board believed BXJ's account.⁵³²

Mr Watson had the benefit of observing the demeanour of both BXJ and Mr Callaghan at their respective interviews (as did Mr Whittaker with respect to BXJ). Ms Langsford, who was also a board member at that time, also gave evidence that she believed BXJ.⁵³³ She could not remember why the advice of counsel was sought.⁵³⁴

However, in a file note of a 14 September 1999 telephone conversation with Mr Watson, prepared by Ms Shand, Mr Watson is recorded as saying 'feel can't form a clear view; evidence inconclusive'.⁵³⁵

Mr Watson told the Royal Commission that he attended the board meeting, but he could not remember why a second opinion was sought from counsel.⁵³⁶

As BXJ's mother rightly pointed out in submissions, the approach that the board took reflected a lack of understanding about the nature of evidence in allegations of child sexual assault. It is frequently uncorroborated and depends on the word of the child against an adult who denies the matter. To suggest evidence is inconclusive because it involves an uncorroborated allegation would mean that nearly all complaints of child sexual abuse are inconclusive unless they are witnessed or the perpetrator confesses.

Mr Alan Sullivan QC provided an urgent advice on 17 September 1999. He advised that he did not have the same confidence as Ms Shand in coming to the conclusion that, in the event of conflict, BXJ's version was to be preferred to Mr Callaghan's. However, he repeatedly stressed that Ms Shand 'had the benefit of actually hearing the various people' and he did not.⁵³⁷ He said:⁵³⁸

Nevertheless, I would be reluctant, in the extreme, to suggest that Tennis NSW take any action against Mr Callaghan, based on the view that, as things presently stand, BXJ is a more credible witness than Mr Callaghan is.

In relation to what course of action Tennis NSW should take, Mr Sullivan QC relevantly advised:⁵³⁹

- it should not refer the matter to the police
- it should not refer the matter to the TCA by lodging a complaint

- it would be 'unwise' to dismiss or otherwise discipline Mr Callaghan without giving him a proper hearing where he had the right to cross-examine his accusers
- Tennis NSW should either invite BXJ to take her allegations to the New South Wales Equal Opportunity Tribunal or NSW Police and indicate that Tennis NSW would cooperate; or hold its own hearing which applied the rules of natural justice. In this regard, Mr Sullivan QC expressed concern that, if a further hearing was not held and Tennis NSW terminated Mr Callaghan's employment, there was a 'real risk' that its decision would be vulnerable to attack under section 106 of the *Industrial Relations Act 1996 (NSW)*.

Mr Watson said that, following Mr Sullivan QC's advice, the board of Tennis NSW resolved to invite BXJ to take her allegations to the police or the Equal Opportunity Tribunal.⁵⁴⁰ No minutes of that meeting are in evidence.⁵⁴¹

Mr Watson agreed that, since Mr Callaghan was bound by the TCA Code of Conduct and Ethics, in hindsight it would have been appropriate to report a possible breach of the code to the TCA.⁵⁴² However, he said that Tennis NSW was looking for guidance at the time and followed the advice it was given.⁵⁴³

Mr Watson agreed in evidence that senior counsel had recommended two options that could be taken, the second of which was for Tennis NSW to hold its own inquiry where the rules of procedural fairness applied.⁵⁴⁴

Mr Watson also agreed that, in taking the first option recommended by senior counsel, Tennis NSW in effect imposed a burden on a young girl to take the matter further in circumstances where it had a responsibility to care for her. He agreed that the burden transferred to BXJ was 'enormous'.⁵⁴⁵ Later, he agreed that Tennis NSW completely disregarded her welfare and interests.⁵⁴⁶

Shortly after receiving the advice of senior counsel, Mr Watson received a series of draft letters prepared by Mr Ian Fullager, the partner at Rigby Cooke, to inform various people of Tennis NSW's decision. In the cover email, Mr Fullager advised that 'The Board must close ranks behind this decision'.⁵⁴⁷

It appears that Mr Watson adopted these draft letters without making any amendments.⁵⁴⁸ None of the draft letters made any reference to the fact that the investigation report had found that it was more likely than not that BXJ's allegations were true.

On 20 September 1999, Tennis NSW wrote to BXJ and advised that it had resolved to take no further action.⁵⁴⁹ The relevant part of this letter is set out in section 4.3 above. BXJ was invited to take her complaint to the Equal Opportunity Tribunal or the police. BXJ was not advised of the findings in the investigation report. BXJ was not offered any support by Tennis NSW.

Ms Langsford gave evidence to the Royal Commission. She has held various positions in Tennis NSW since 1989. From 1993 until 2005 she was a director of Tennis NSW. She has also been a selector for Tennis NSW since 1989.⁵⁵⁰

Ms Langsford said in her statement that she was ‘very concerned about the serious nature of the allegations’.⁵⁵¹ Ms Langsford told the Royal Commission that upon reading the investigation report she believed BXJ.⁵⁵²

Ms Langsford said she could not recall what steps were taken as part of the investigation or to give support to BXJ.⁵⁵³

After the various interested parties were notified of Tennis NSW’s decision to take no further action, Mr Callaghan resumed his duties as state coach.⁵⁵⁴ Mr Watson agreed that, aside from inviting BXJ to take her complaint to the Equal Opportunity Tribunal or NSW Police, the board of Tennis NSW took no other action against Mr Callaghan.⁵⁵⁵

Senior counsel’s advice did not consider what risks Mr Callaghan may present to other junior players. That was not a matter about which Tennis NSW sought advice.

Ms Langsford initially said that she could not recall if the board of Tennis NSW considered whether Mr Callaghan might present risks to young players,⁵⁵⁶ but she later said no steps were taken.⁵⁵⁷ Mr Watson also said that the board of Tennis NSW did not give consideration to this question.⁵⁵⁸

This was despite the fact that the investigation report had referred to BXD’s allegations against Mr Callaghan and the concerns of four people regarding Mr Callaghan’s then current relationship with a female junior.⁵⁵⁹ Mr Watson said that in hindsight Tennis NSW should have conducted a risk assessment.⁵⁶⁰ Ms Langsford agreed that Tennis NSW should have been more proactive.⁵⁶¹

In view of:

- the serious allegations made against Mr Callaghan
- the fact that they were substantiated in the investigation report
- the investigation report’s reference to BXD making more serious allegations about Mr Callaghan’s conduct towards her in the past
- the investigation report’s reference to four people expressing current concerns about the nature of Mr Callaghan’s relationship with another female junior tennis player,

it was unreasonable for Tennis NSW to fail to consider the risk that Mr Callaghan may present to other young players.

The investigation report had expressly stated that, whatever the board’s findings, BXJ should be offered support.⁵⁶² The advice of senior counsel made no reference to counselling or support one way or the other.

As BXJ’s mother explained, Tennis NSW offered BXJ no support or counselling following its decision to take no further action. Mr Watson candidly accepted that Tennis NSW ought to have offered BXJ support.⁵⁶³

The Royal Commission heard evidence from BXJ's mother about the devastating effect the Tennis NSW investigation, and its outcome, had on BXJ.⁵⁶⁴ In particular, BXJ's mother pointed to BXJ's feeling that she had not been believed.⁵⁶⁵ BXJ's mother gave evidence that neither BXJ nor her family were made aware that the investigator did believe her until the evidence was served for the public hearing.⁵⁶⁶ BXJ's mother said it would have made a big difference for BXJ over the years if BXJ had been made aware she had been believed⁵⁶⁷ and if Tennis NSW had offered her counselling and support.⁵⁶⁸

Mr Watson gave oral evidence that in hindsight BXJ should have been advised that the investigator preferred her version of events.⁵⁶⁹ Ms Langsford was of the same view.⁵⁷⁰ Mr Watson agreed that Tennis NSW should apologise to BXJ for the way it treated her during the investigation.⁵⁷¹

Mr Alistair MacDonald, the current CEO of Tennis NSW, also said that it would be appropriate for Tennis NSW to apologise to BXJ.⁵⁷²

Ms Chaplin received a letter on 1 October 1999 from Rigby Cooke advising that no further action would be taken against Mr Callaghan.⁵⁷³ Ms Chaplin said she 'couldn't believe it'.⁵⁷⁴ She was never told that the investigator had believed BXJ.⁵⁷⁵

We are satisfied that, in deciding to take no further action and inviting BXJ to take her allegations to the Equal Opportunity Tribunal or NSW Police, Tennis NSW abrogated its responsibility to BXJ and transferred the burden of pursuing the complaint to her. Tennis NSW completely disregarded BXJ's welfare and interests.

We consider that Tennis NSW should have informed BXJ that the investigator had found it more likely than not that her allegations were true and that the board of Tennis NSW believed her complaint.

Tennis NSW's solicitor expressly advised Tennis NSW to provide counselling whatever the outcome of the investigation. Tennis NSW is to be criticised for failing to offer any counselling or support to BXJ in the aftermath of the investigation.

We are of the view that it is appropriate for Tennis NSW to apologise to BXJ for not informing her of the outcome of its investigation at the time and for not offering her any support or counselling in the aftermath of the investigation.

On 10 May 2016 Tennis NSW unreservedly apologised to BXJ and her mother in writing. The letter acknowledged her courage and dignity in coming forward and said that they should have been provided with greater support, care, compassion and attention at the time of the complaint.

4.5 Ms Chaplin's evidence of victimisation

Ms Chaplin gave evidence that, from the time she first made Ms Fogarty aware of BXJ's allegations, she was subjected to victimisation by Mr Callaghan, his family and some of his close associates.⁵⁷⁶ She said that his son fired tennis balls at her at squad training and that Mr Callaghan's family and friends would often enclose her in an area and make unpleasant remarks.⁵⁷⁷

Ms Chaplin believed this treatment was a result of reporting the allegations.⁵⁷⁸ She felt ostracised and her working life became very unpleasant. Mr Callaghan undermined her in front of players and parents.⁵⁷⁹ On one occasion a friend rang to say that Mr Callaghan's wife had threatened to kill her.⁵⁸⁰

Ms Chaplin reported the victimisation to Ms Fogarty.⁵⁸¹ Ms Chaplin said she also reported the victimisation to Mr Watson.⁵⁸² In addition, she said that Mr Watson and Mr Stan Pedersen (chairperson of the Player Development Board) made her aware that Tennis NSW had received numerous letters signed 'Friends of the Callaghans'. These letters made disparaging remarks about Ms Chaplin and commented adversely on her reputation.⁵⁸³ Ms Chaplin says she told Mr Watson about other instances of victimisation.⁵⁸⁴

Ms Chaplin's evidence is supported by her contemporaneous complaint, contained in her letter of resignation dated 16 April 2000, in which she referred to the 'disgraceful victimisation I am receiving from the State Coach, his family and associates' and 'the lack of meaningful support being given to me by Tennis NSW, in overcoming this issue'.⁵⁸⁵

Ms Chaplin said that after her resignation she attended a meeting with Mr Watson in which she discussed the reasons for her resignation.⁵⁸⁶

Mr Watson made no reference to Ms Chaplin's allegations of victimisation in his statement, but he agreed in oral evidence that Ms Chaplin had reported to him an incident where she had been belittled by Mr Callaghan.⁵⁸⁷ He said that by April 2000 he was aware that Ms Chaplin was extremely concerned about victimisation she was experiencing.⁵⁸⁸

Ms Langsford also gave evidence that she was aware at the time that Ms Chaplin was distressed about the treatment she was receiving.⁵⁸⁹

Ms Chaplin said that on one occasion Mr Watson did speak with Mr Callaghan about his behaviour towards her. He told Mr Callaghan not to bring the dispute out in public.⁵⁹⁰ Mr Watson also said he had spoken with Mr Callaghan about the matter.⁵⁹¹

Ms Chaplin met with Mr Watson, Mr Pedersen and Mr Paul Wigney in May 2000, after she resigned. Mr Wigney was at that time on the board of Tennis NSW. She said the purpose of the meeting was to tell them what she knew about Mr Callaghan, the way he operated and why she resigned.⁵⁹²

Other than Mr Watson speaking with Mr Callaghan on one occasion, there is no evidence that any other steps were taken in relation to Ms Chaplin's allegations of victimisation. Mr Watson said that it was most likely that no further steps were taken in relation to the alleged victimisation.⁵⁹³ We are satisfied that no additional steps were taken and that Tennis NSW failed to take appropriate steps to protect Ms Chaplin and discipline Mr Callaghan.

Ms Chaplin gave evidence that she felt completely unsupported by Tennis NSW in making known the allegations about Mr Callaghan and in her own experience of victimisation.⁵⁹⁴

Ms Chaplin said that she has never received an apology from Tennis NSW about the way she was treated.⁵⁹⁵ Mr Watson said that in hindsight the allegations of victimisation should have been thoroughly investigated.⁵⁹⁶ Ms Langsford said that the board 'probably' let Ms Chaplin down.⁵⁹⁷

The current CEO of Tennis NSW, Mr MacDonald, said in evidence that it would be appropriate for the board of Tennis NSW to consider making an apology to Ms Chaplin.⁵⁹⁸ We agree that Tennis NSW should have apologised to Ms Chaplin for failing to take appropriate steps to protect her from victimisation as a result of her role in making BXJ's allegations against Mr Callaghan known to Tennis NSW.

On 10 May 2016 Tennis NSW unreservedly apologised to Ms Chaplin in writing. The letter acknowledged her courage in coming forward and said she should have been provided with greater support, care, compassion and attention.

Ms Chaplin also gave evidence of her belief that Mr Callaghan's network of influence within the tennis world 'continues to this day'. As an example, she offered the experience of her son, who in 2009 had been awarded one of the 12 Australian Institute of Sport scholarships in the Pro Tour Program.

The program Ms Chaplin's son was selected for was a touring program. He was the only one of the scholarship holders not to be taken overseas for the entire year and he experienced depression as a result.⁵⁹⁹ Two people who were not scholarship holders were instead taken on the tour.⁶⁰⁰ She said that the head coach of the program was Mr Brent Larkham, who was a 'close associate' of Mr Callaghan.⁶⁰¹

Ms Chaplin says that she met with Mr Craig Morris and Mr Craig Tiley from Tennis Australia about the matter but was not given a valid explanation for her son being left behind.⁶⁰² Ms Chaplin was not cross-examined on this evidence by counsel for Mr Callaghan, Tennis NSW or Tennis Australia.

Tennis Australia advised that following the public hearing it investigated whether Ms Chaplin's son was a subject of victimisation. It intends to offer to meet with Ms Chaplin to report the outcome of this investigation. However, as at 22 June 2016 Ms Chaplin had not been advised of the outcome of any such investigation.⁶⁰³

4.6 Dealings between Tennis NSW and NSW Institute of Sport

When Mr Callaghan was appointed as state coach in May 1998 it was under a joint arrangement with the NSWIS. Mr Watson agreed in evidence that under that arrangement Mr Callaghan had responsibilities to both organisations.⁶⁰⁴

Relevantly, under Mr Callaghan's contract of employment he was required to comply with NSWIS policies.⁶⁰⁵ Also, the Tennis NSW Statement of Duties for the state coach provided that the state coach was required to adhere to the 'NSWIS Tennis NSW Code of Conduct for Coaches'.⁶⁰⁶

In addition, under the applicable joint management committee agreement between NSW Tennis and the NSWIS (which was signed by Mr Watson and Mr Callaghan), it was the responsibility of the head coach (Mr Callaghan) and the applicable SSO (Tennis NSW) to ensure that program operations and participants 'adhere to key NSWIS policy guidelines'. Both the head coach and Tennis NSW were to 'ensure' that conduct and program activities did not place the NSWIS or the program into disrepute.⁶⁰⁷ That agreement restated that the head coach was to 'adhere to the NSWIS/Tennis NSW Coaches Code of Conduct on all occasions'.⁶⁰⁸

Mr Watson notified Mr Michael Scott, the CEO of the NSWIS, about the allegations on 13 August 1999.⁶⁰⁹ According to a detailed typed file note of that conversation prepared by Mr Scott on 18 August 1999, Mr Watson told Mr Scott that the allegations were 'general in nature'.⁶¹⁰ Mr Scott no longer works at the NSWIS and did not give evidence to the Royal Commission.

Mr Watson could not recall what he told Mr Scott about the allegations and whether he explained them in detail. In these circumstances, we are satisfied that Mr Watson did tell Mr Scott that the allegations made against Mr Callaghan were 'general in nature'.

Mr Scott immediately contacted a solicitor, Mr Colin Love, for advice about the matter. In turn, Mr Love contacted Ms Shand. According to Mr Scott's file note, he:⁶¹¹

- was concerned that, whilst Mr Callaghan was not involved in the NSWIS program at time of the alleged conduct, there was still a current issue about Mr Callaghan coaching young athletes. Mr Scott instructed his solicitor to write to Tennis NSW solicitors about this
- expressed this concern to Mr Watson during a telephone call on 17 August 1999 and also offered the services of the NSWIS in counselling the NSWIS's current tennis program athletes if they required it upon becoming aware of the allegations. Mr Watson said he would get back to Mr Scott
- spoke to Mr Watson again on the telephone on 18 August 1999 and advised that Tennis NSW should consider the matter in the context of the *Child Protection Act 1998 (NSW)*.

The matters set out above are consistent with other documentary material. In particular, in a 20 August 1999 file note by Ms Shand, she recorded that Mr Watson had advised her that he had

spoken to Mr Scott about the 'Child protection list', suspension and also the NSWIS Code of Conduct for Coaches.⁶¹²

Following the telephone call on 17 August 1999, Mr Watson did not consider there was a need to suspend Mr Callaghan. In this regard, in a 19 August 1999 email Mr Watson told Ms Shand that there was 'no risk to Mr Callaghan resum[ing] his coaching activities in a mixed situation'.⁶¹³

Mr Scott made a file note of a 19 August 1999 conversation with Mr Watson in which Mr Watson proposed that Mr Callaghan continue coaching but not be left in a 'one on one' basis with any athlete. Mr Scott expressed concerned and said his preference was for Mr Callaghan to be restricted to administrative duties pending the outcome of the investigation.⁶¹⁴

On 20 August 1999, Rigby Cooke wrote to Mr Callaghan's solicitor requiring Mr Callaghan to undertake not to be alone with a player under the age of 18 years.⁶¹⁵ A signed undertaking to that effect, dated 23 August 1999, is in evidence.⁶¹⁶

In the meantime, by 23 August 1999, clear tensions had emerged between Tennis NSW and the NSWIS. That day, the solicitor for the NSWIS wrote to Tennis NSW's solicitors and relevantly:⁶¹⁷

- stated that the NSWIS was concerned about the welfare of other NSWIS athletes who were minors
- referred to the service level agreement under which the head coach and SSO were obliged to ensure that the program and conduct did not place the NSWIS or program in disrepute
- referred to the NSWIS Code of Conduct for Coaches prohibition on sexual harassment, which provided that a breach could result in disciplinary action against the coach
- required Tennis NSW to consult with the NSWIS and satisfy it as to why Mr Callaghan should not be removed or suspended
- noted that the NSWIS was 'not impressed by the fact that it has been refused access to copies of any statements or interviews taken'.

Rigby Cooke replied by letter dated 25 August 1999. It asserted that 'it is not a formal complaint as such' and 'the allegations were brought to our client's attention on 3 August 1999'.⁶¹⁸ This letter was given on instructions by Tennis NSW. We are satisfied that both of these comments were misleading. Mr Watson's definition of an 'official complaint', discussed above, was a complaint from BXJ herself, which was in writing. Both of those requirements had been satisfied as at the 3 August 1999 meeting. Moreover, the evidence establishes that Mr Watson had been made aware of at least two of BXJ's allegations against Mr Callaghan in mid-1998 and had indeed met with him about them at that time.

Mr Charles Turner, the current CEO of the NSWIS, said that in his view Tennis NSW should have made the NSWIS aware of the allegations against Mr Callaghan as soon as they became known to Tennis NSW.⁶¹⁹

The 25 August 1999 letter also stated that Tennis NSW had considered whether to suspend Mr Callaghan and had decided not to. However, Mr Callaghan had agreed to take annual leave, effective from that day, pending the outcome of the investigation.

On 20 September 1999, Tennis NSW's solicitors wrote to the NSWIS's solicitors and advised that the board had resolved to take no further action in relation to the allegations but would invite BXJ to take her allegations to the Equal Opportunity Tribunal or the police.⁶²⁰ The letter also noted that Tennis NSW would amend a number of its policies.

The 20 September 1999 letter provided no indication of the findings of the investigation report. Mr Watson gave evidence that the NSWIS was never told that the investigator had found that BXJ's version of events was to be preferred.⁶²¹ Similarly, Mr Turner said the NSWIS had never been informed of the findings.⁶²² Mr Watson agreed that the NSWIS should have been told.⁶²³

In view of the tennis program partnership between Tennis NSW and the NSWIS, and the requirements as part of that partnership that the state coach / head coach comply with the NSWIS Code of Conduct for Coaches, Tennis NSW should have informed the NSWIS of the outcome of the investigation report.

4.7 Complaints to NSW Police about Mr Callaghan

BXD subsequently made a complaint to NSW Police against Mr Callaghan. On 17 August 2000, Mr Callaghan was charged with one count of having sexual intercourse without consent with BXD in 1988–1989.⁶²⁴

Mr Watson gave evidence that on 18 August 2000 Mr Callaghan stood down from his position with Tennis NSW and on 4 October 2000 he resigned.⁶²⁵ Tennis NSW promptly advised the NSWIS and Tennis Australia of the criminal charges and that Mr Callaghan had stood down.⁶²⁶

Mr Watson said that Tennis NSW provided assistance to NSW Police by producing certain documents from the Rigby Cooke investigation under subpoena. However, that assistance was not complete and Tennis NSW claimed privilege over certain documents, including the investigation report.⁶²⁷ Mr Watson could not explain why a privilege claim was made despite the fact that it would have been him who gave the instruction to do so.

On around 26 February 2001, Mr Callaghan was charged with two counts of indecent assault against a person under 16 years.⁶²⁸ These charges related to BXL in the period 1986 to 1988, when she was coached by him.

On 17 October 2001, Mr Callaghan was charged with three counts of assault with act of indecency contrary to section 61L of the *Crimes Act 1900 (NSW) in respect to offending against BXJ*.⁶²⁹ BXJ's

mother gave evidence that these charges were withdrawn around March 2004 because BXJ became too ill to proceed.⁶³⁰

On 17 October 2002, the charges against Mr Callaghan relating to BXL were dismissed.⁶³¹

On 12 March 2003, after a full hearing, Mr Callaghan was found not guilty of the sexual assault of BXD⁶³²

4.8 Development of new Tennis NSW policies

The investigation report recommends development of new policies

One of the recommendations of the investigation report was that Tennis NSW develop a series of new policies and amend its employment contract.⁶³³ However, Mr Watson gave evidence that at a Tennis NSW board meeting on 12 October 1999 it was resolved to put those steps on hold to ascertain Tennis Australia's position on the matter and whether Tennis NSW could link in with their policies.⁶³⁴

On 20 December 1999, Mr Watson wrote to Mr David Roberts, Corporate Services Director at Tennis Australia, to say that the policy 'should be driven and completed by Tennis Australia'.⁶³⁵

There was then a hiatus until around mid-June 2000. On 7 June 2000, the law firm Corrs Chambers Westgarth (Corrs) provided Tennis NSW with drafts of the documents that Rigby Cooke had recommended.⁶³⁶ On 25 July 2000, Corrs provided revised drafts of these documents.⁶³⁷ It is not clear from the evidence whether Tennis NSW ever adopted these draft policies.

Current policies of Tennis NSW

Mr MacDonald gave evidence to the Royal Commission. He has been the CEO of Tennis NSW since November 2013.⁶³⁸ He explained that, by reason of Tennis NSW's membership with Tennis Australia, it is bound by Tennis Australia's by-laws and policies.⁶³⁹ This also arises by reason of Tennis NSW service level agreements with Tennis Australia. Under these agreements, Tennis Australia provides funding to Tennis NSW on certain conditions, including that Tennis NSW ensure that it adopts Tennis Australia's by-laws and policies.⁶⁴⁰ Tennis NSW's by-laws⁶⁴¹ and Tennis NSW's constitution⁶⁴² also make provision for Tennis NSW to abide by Tennis Australia's policies.

Of present relevance, Tennis NSW has adopted Tennis Australia's Member Protection Policy (TA MPP). It first adopted the policy around 2000.⁶⁴³

The current TA MPP was last reviewed in 2015.⁶⁴⁴ Mr MacDonald said in evidence that, among other things, it applies to tennis coaches who are affiliated with Tennis NSW and also the state coach.⁶⁴⁵

Under clause 4.1 of the TA MPP, all member organisations of Tennis Australia (which includes Tennis NSW) are obliged to comply with the policy and enforce any penalty imposed under the policy.

Clause 6 of the TA MPP is concerned with child protection and sets out requirements for the employment screening of people who are appointed to work with children under 18 years as coaches, team managers, tournament directors and umpires (regardless of whether they are working on a paid or volunteer basis).⁶⁴⁶

Clause 8 of the TA MPP prohibits harassment, abuse and discrimination.⁶⁴⁷ Clause 8.14 of the TA MPP provides that:⁶⁴⁸

Discrimination also includes victimisation. This occurs where a person suffers or is threatened with any detriment or unfair treatment because that person has or intends to pursue their rights under anti-discrimination legislation or this Policy.

In evidence, Mr MacDonald was uncertain about whether this definition of victimisation was limited to victimisation of a complainant.⁶⁴⁹ On one view, while there is a policy against victimisation, it does not appear to be broad enough to prohibit the victimisation that Ms Chaplin experienced, since she was not a complainant but, rather, a person who assisted a complainant in bringing a complaint (a whistleblower). Mr MacDonald agreed that Tennis NSW could give further consideration to the breadth of the definition.⁶⁵⁰

We consider that Tennis NSW should liaise with Tennis Australia on whether the definition of victimisation in the TA MPP should be broadened to prohibit victimisation of those who assist complainants in bringing complaints.

Since the public hearing, Tennis Australia has advised that it has established a new integrity unit that will oversee a review and implementation of a national database of prohibited people. The integrity unit will work with member associations, including Tennis NSW, on a member protection framework, systems, education and culture.

Tennis Australia has also engaged the Australian Childhood Foundation to perform a 'gap analysis' of its current policies and procedures relating to the involvement of children in tennis.

4.9 Working with Children Checks in respect of Mr Callaghan

Potential employers use the WWCC as a screening tool for those working with children and young people. The Royal Commission received evidence about WWCCs relating to Mr Callaghan. At the time Mr Callaghan commenced employment with Tennis NSW this scheme did not exist. It commenced on 3 July 2000.

Ms Kerryn Boland, the New South Wales Children’s Guardian, told us that from 1 May 2011 self-employed people were required to apply to NSW Police for a Certificate for Self-employed Persons (CSEP).⁶⁵¹ Mr Callaghan was self-employed at the relevant time.

Ms Boland said in her statement that on 27 July 2015 the Office of the Children’s Guardian directed Mr Callaghan to apply for a WWCC.⁶⁵²

5 Further work by the Royal Commission

The Royal Commission convened two panels to collect evidence about sporting institutions' child protection policies.

The panel members were:

- Mr Simon Hollingsworth, Chief Executive of the ASC
- Ms Kate McLoughlin, Chef de Mission at the Australian Paralympic Committee
- Ms Ann West, Manager, Business Compliance and Risk, at Tennis Australia
- Ms Jo Setright, Head of Legal, Business Affairs and Integrity at FFA
- Mr Martin Stillman, CEO of Little Athletics Australia
- Ms Anne-Marie Phippard, Head of Community Strategy and Netball Development at Netball Australia
- Ms Melissa King, CEO of Surf Life Saving Australia
- Mr Andrew Ingleton, Executive General Manager, Games and Market Development, at Cricket Australia.

Evidence was given about the ASC's role in the development of child protection policies and procedures in national sporting organisations around Australia.

There are currently over 90 NSOs recognised by the ASC. Tennis Australia, FFA, Surf Life Saving Australia, Cricket Australia and Netball Australia are all recognised as NSOs.

NSOs disseminate the policies, practices and procedures through their respective member frameworks. Depending upon the individual sport's governance and membership structure, this may include state associations, local sporting clubs, staff, volunteers and parents.

There are different governance arrangements of the individual sports and how these arrangements affect the implementation of the relevant child protection policies and procedures in their sports.

Since 2001, the Australian Sports Commission has provided a template Member Protection Policy to NSOs to assist them to develop and implement their own sport specific Member Protection Policy. The template addresses issues including child protection, harassment and discrimination, and complaint-handling processes for dealing with such matters.

We will be considering further the area of sport and the work of the ASC, including its Member Protection Policy. Our final report will contain our observations and any recommendations relevant to sporting organisations.

Appendix A: Terms of Reference

Letters Patent dated 11 January 2013

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,
Mr Robert Atkinson,
The Honourable Justice Jennifer Ann Coate,
Mr Robert William Fitzgerald AM,
Dr Helen Mary Milroy, and
Mr Andrew James Marshall Murray

GREETING

WHEREAS all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those sexually abused as a child in an Australian institution can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the Royal Commissions Act 1902 and every other enabling power, appoint you to be a Commission of inquiry, and require and authorise you, to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- a. what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
- b. what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- c. what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;
- d. what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND We direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- e. the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for

them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;

- f. the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;
- g. the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- h. changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND We further declare that you are not required by these Our Letters Patent to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and We authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

- i. the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with section 6P of the Royal Commissions Act 1902 or any other relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences;
- j. the need to establish investigation units to support your inquiry;
- k. the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
- l. the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;

- m. the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND We appoint you, the Honourable Justice Peter David McClellan AM, to be the Chair of the Commission.

AND We declare that you are a relevant Commission for the purposes of sections 4 and 5 of the *Royal Commissions Act 1902*.

AND We declare that you are authorised to conduct your inquiry into any matter under these Our Letters Patent in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by any of Our Governors of the States or by the Government of any of Our Territories.

AND We declare that in these Our Letters Patent:

child means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

government means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

- i. includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and
- ii. does not include the family.

institutional context: child sexual abuse happens in an institutional context if, for example:

- i. it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- ii. it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that

the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or

- iii. it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

law means a law of the Commonwealth or of a State or Territory.

official, of an institution, includes:

- i. any representative (however described) of the institution or a related entity; and
- ii. any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- iii. any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and
- iv. any other person who you consider is, or should be treated as if the person were, an official of the institution.

related matters means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

AND We:

- n. require you to begin your inquiry as soon as practicable, and
- o. require you to make your inquiry as expeditiously as possible; and
- p. require you to submit to Our Governor-General:
 - i. first and as soon as possible, and in any event not later than 30 June 2014 (or such later date as Our Prime Minister may, by notice in the Gazette, fix on your recommendation), an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date, not later than 31 December 2015, to be fixed for the submission of your final report; and
 - ii. then and as soon as possible, and in any event not later than the date Our Prime Minister may, by notice in the Gazette, fix on your recommendation, your final report of the results of your inquiry and your recommendations; and

- q. authorise you to submit to Our Governor-General any additional interim reports that you consider appropriate.

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS Quentin Bryce, Governor-General of the Commonwealth of Australia.

Dated 11th January 2013

Governor-General

By Her Excellency's Command

Prime Minister

Letters Patent dated 13 November 2014

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,
Mr Robert Atkinson,
The Honourable Justice Jennifer Ann Coate,
Mr Robert William Fitzgerald AM,
Dr Helen Mary Milroy, and
Mr Andrew James Marshall Murray

GREETING

WHEREAS We, by Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia, appointed you to be a Commission of inquiry, required and authorised you to inquire into certain matters, and required you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 31 December 2015.

AND it is desired to amend Our Letters Patent to require you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 15 December 2017.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the *Royal Commissions Act 1902* and every other enabling power, amend the Letters Patent issued to you by omitting from subparagraph (p)(i) of the Letters Patent “31 December 2015” and substituting “15 December 2017”.

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia.

Dated 13th November 2014
Governor-General
By Her Excellency's Command
Prime Minister

APPENDIX B: Public Hearing

The Royal Commission	Justice Peter McClellan AM (Chair) Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray
Commissioners who presided	Justice Peter McClellan AM (Chair) Professor Helen Milroy Mr Andrew Murray
Date of hearing	4–8 and 11–13 April 2016
Legislation	Royal Commissions Act 1902 (Cth) Royal Commission Act 1923 (NSW) Commissions of Inquiry Act 1950 (Qld)
Leave to appear	BXA Michelle Hanley, Football NSW Noel Callaghan The State of NSW BXI BXE Troy Quagliata BXM James Holding, Cricket Queensland BXB Amanda Chaplin Alistair MacDonald, Tennis NSW Craig Watson, Tennis NSW Carol Langsford, Tennis NSW Charles Turner, NSW Institute of Sport Maria Clarke John Coates AC, Australian Olympic Committee

Leave to appear

Fiona de Jong, Australian Olympic Committee
Martin Stillman, Little Athletics Australia
Kate McLoughlin, Australian Paralympic Committee
Jo Setright, Football Federation Australia
Ann West, Tennis Australia
Andrew Ingleton, Cricket Australia
Simon Hollingsworth, Australian Sports Commission
Anne-Marie Phippard, Netball Australia
Melissa King, Surf Life Saving Australia

Legal representation

G Furness SC and N Sharp
Counsel assisting the Royal Commission

Mr D Staehli SC, instructed by NSW Crown Solicitors Office, appearing for the State of NSW incorporating NSW Institute of Sport, NSW Office of Sport and Recreation and Department of Justice.

Ms F McLeod SC, instructed by Mr J Davidson of Australian Government Solicitor appearing for the Australian Sports Commission.

Peter O'Brien of O'Brien Solicitors appearing for BXA

Mr B Kelleher, instructed by G Creighton of Colin Biggers & Paisley, appearing for Ms M Hanley and Football NSW

Ms M Gerace appearing for BXB

Mr T Hammond appearing for BXM and Ms A Chaplin

Mr N Turner of Boe Williams Anderson appearing for BXI, BXE and Mr T Quagliata

Mr J Hyde, instructed by K&L Gates Lawyers, appearing for Cricket Australia, Queensland Cricket Association Limited and Tennis Australia

Legal representation	<p>Mr L Hawas, instructed by Rigby Cooke Lawyers, appearing for Tennis NSW Limited</p> <p>Ms L Rowan, instructed by Mr A Kernaghan, appearing for Mr N Callaghan</p> <p>Mr D Villa, instructed by Mr G Towan and Mr I Fullager appearing for Surf Life Saving Australia, Little Athletics Australia and Maria Clarke.</p>
Pages of transcript	1,003
Notices to Produce issued under <i>Royal Commissions Act 1902 (Cth)</i> and documents produced	50 Notices to Produce, producing 6,140 documents
Summons to Produce documents issued under <i>Royal Commissions Act 1923 (NSW)</i> and documents produced	25 Summons to Produce, producing 2,069 documents
Requirement to Produce issued under <i>Commissions of Inquiry Act 1950 (Qld)</i> and documents produced	6 Requirements to Produce, producing 1,284 documents
Summons to Attend issued under <i>Royal Commissions Act 1902 (Cth)</i>	23 Summonses to Attend
Number of exhibits	42 exhibits consisting of a total of 500 documents tendered at the hearing
Witnesses	<p>BXA Former member of Football Club</p> <p>Michelle Hanley Child Protection Officer, Football NSW</p> <p>Troy Quagliata Former member of a local Queensland Cricket Club</p> <p>BXI Former member of a local Queensland Cricket Club</p> <p>BXE Former member of a local Queensland Cricket Club</p> <p>BXM Secretary of a local Queensland Cricket Club</p>

Witnesses**James Holding**

Chairman, Queensland Cricket

BXB

Mother of a former NSW Junior State Squad tennis player

Amanda Chaplin

Former Assistant NSW State Coach

Carole Langsford

Former Tennis NSW State Selector

Craig Watson

Former Chief Executive Officer, Tennis NSW

Charles Turner

NSW Institute of Sport

John Coates AC

Australian Olympic Committee

Fiona de Jong

Australian Olympic Committee

Ann West

Tennis Australia

Simon Hollingsworth

Australian Sports Commission

Kate McLoughlin

Australian Paralympic Committee

Jo Setright

Football Federation Australia

Martin Stillman

Little Athletics Australia

Anne-Marie Phippard

Netball Australia

Melissa King

Surf Lifesaving Australia

Andrew Ingleton

Cricket Australia

Endnotes

- 1 Australian Bureau of Statistics, 4156.0 – Sports and Physical Recreation: A Statistical Overview, Australia, 2012 – Children’s Participation – Characteristics of Participants, [www.abs.gov.au/ausstats/abs@.nsf/Product s/4156.0~2012~Chapter~Children’s+participation?OpenDocument](http://www.abs.gov.au/ausstats/abs@.nsf/Product%2F4156.0~2012~Chapter~Children’s+participation?OpenDocument) (viewed 3 May 2016).
- 2 Australian Bureau of Statistics, 4901.0 – Children’s Participation in Cultural and Leisure Activities, Australia, Apr 2012 – Sports Participation, [www.abs.gov.au/ausstats/abs@.nsf/ Products/4901.0~Apr+2012~Main+Features~Sports+participation?OpenDocument](http://www.abs.gov.au/ausstats/abs@.nsf/Products/4901.0~Apr+2012~Main+Features~Sports+participation?OpenDocument) (viewed 3 May 2016).
- 3 Exhibit 39-0030, ‘Statement of Simon Hollingsworth’, Case Study 39, STAT.0940.001.0001_R at [7].
- 4 Exhibit 39-0030, ‘Statement of Simon Hollingsworth’, Case Study 39, STAT.0940.001.0001_R at [31].
- 5 Exhibit 39-0030, ‘Statement of Simon Hollingsworth’, Case Study 39, STAT.0940.001.0001_R at [32].
- 6 Exhibit 39-0030, ‘Statement of Simon Hollingsworth’, Case Study 39, STAT.0940.001.0001_R at [34].
- 7 Exhibit 39-0030, ‘Statement of Simon Hollingsworth’, Case Study 39, STAT.0940.001.0001_R at [35].
- 8 Exhibit 39-0030, ‘Statement of Simon Hollingsworth’, Case Study 39, STAT.0940.001.0001_R at [92].
- 9 Exhibit 39-0030, ‘Statement of Simon Hollingsworth’, Case Study 39, STAT.0940.001.0001_R at [94].
- 10 The web page address of Play By the Rules is <http://www.playbytherules.net.au/>.
- 11 Play By the Rules, About Play By the Rules, www.playbytherules.net.au/about-us (viewed 5 May 2016).
- 12 Ibid.
- 13 Exhibit 39-0003, ‘Statement of Paul Doorn’, Case Study 39, STAT.0974.001.0001 at [100].
- 14 Exhibit 39-0003, ‘Statement of Paul Doorn’, Case Study 39, STAT.0974.001.0001 at [100].
- 15 Transcript of M Hanley, Case Study 39, 5 April 2016, 18529:17–32.
- 16 Exhibit 39-0007, ‘Statement of Michelle Hanley’, Case Study 39, STAT.0951.001.0001_R at [5].
- 17 Exhibit 39-0007, ‘Statement of Michelle Hanley’, Case Study 39, STAT.0951.001.0001_R at [52].
- 18 Exhibit 39-0007, ‘Statement of Michelle Hanley’, Case Study 39, STAT.0951.001.0001_R at [53].
- 19 Transcript of M Hanley, Case Study 39, 4 April 2016, at 18449:17–20.
- 20 Exhibit 39-0007, ‘Statement of Michelle Hanley’, Case Study 39, STAT.0951.001.0001_R at [3].
- 21 Exhibit 39-0007, ‘Statement of Michelle Hanley’, Case Study 39, STAT.0951.001.0001_R at [86].
- 22 Exhibit 39-0007, ‘Statement of Michelle Hanley’, Case Study 39, STAT.0951.001.0001_R at [92].
- 23 Exhibit 39-0007, ‘Statement of Michelle Hanley’, Case Study 39, STAT.0951.001.0001_R at [133]–[135].
- 24 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [10].
- 25 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [11].
- 26 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [16].
- 27 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [15]; Exhibit 39-0001, Case Study 39, NSW.0072.001.0157_R.
- 28 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [18].
- 29 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [20].
- 30 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [28]–[42].
- 31 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [39].
- 32 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [43].
- 33 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [43].
- 34 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [44].
- 35 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [50].
- 36 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [50].
- 37 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [83].
- 38 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [46].
- 39 Exhibit 39-0001, Case Study 39, NSW.0072.001.0133_R.
- 40 Exhibit 39-0001, Case Study 39, NSW.0072.001.0130_R.
- 41 Exhibit 39-0001, Case Study 39, NSW.0072.001.0130_R.
- 42 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [55].
- 43 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [57].
- 44 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [62]–[63].
- 45 Exhibit 39-0001, Case Study 39, NSW.0072.001.0028_R.
- 46 Exhibit 39-0001, Case Study 39, NSW.0072.001.0016_R.
- 47 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [63].
- 48 Exhibit 39-0005, ‘Statement of BXA’, Case Study 39, STAT.0970.001.0001_R at [66].

49 Exhibit 39-0001, Case Study 39, NSW.2086.001.0043_R at 0101_R.
50 Exhibit 39-0005, 'Statement of BXA', Case Study 39, STAT.0970.001.0001_R at [74].
51 Exhibit 39-0005, 'Statement of BXA', Case Study 39, STAT.0970.001.0001_R at [81].
52 Exhibit 39-0005, 'Statement of BXA', Case Study 39, STAT.0970.001.0001_R at [82].
53 Exhibit 39-0005, 'Statement of BXA', Case Study 39, STAT.0970.001.0001_R at [91].
54 Exhibit 39-0005, 'Statement of BXA', Case Study 39, STAT.0970.001.0001_R at [92].
55 Exhibit 39-0005, 'Statement of BXA', Case Study 39, STAT.0970.001.0001_R at [94].
56 Exhibit 39-0005, 'Statement of BXA', Case Study 39, STAT.0970.001.0001_R at [103].
57 Exhibit 39-0005, 'Statement of BXA', Case Study 39, STAT.0970.001.0001_R at [106].
58 Exhibit 39-0005, 'Statement of BXA', Case Study 39, STAT.0970.001.0001_R at [109].
59 Exhibit 39-0005, 'Statement of BXA', Case Study 39, STAT.0970.001.0001_R at [113].
60 Exhibit 39-0005, 'Statement of BXA', Case Study 39, STAT.0970.001.0001_R at [110].
61 Exhibit 39-0005, 'Statement of BXA', Case Study 39, STAT.0970.001.0001_R at [111].
62 Exhibit 39-0005, 'Statement of BXA', Case Study 39, STAT.0970.001.0001_R at [113].
63 Exhibit 39-0005, 'Statement of BXA', Case Study 39, STAT.0970.001.0001_R at [114].
64 Exhibit 39-0007, 'Statement of Michelle Hanley', Case Study 39, STAT.0951.001.0001_R at [55]; Transcript of
M Hanley, Case Study 39, 4 April 2016, 18447:2–11.
65 Transcript of M Hanley, Case Study 39, 5 April 2016, 18545:34–42.
66 Transcript of M Hanley, Case Study 39, 4 April 2016, 18465:12–19.
67 Exhibit 39-0007, 'Statement of Michelle Hanley', Case Study 39, STAT.0951.001.0001_R at [7]; Transcript of
M Hanley, Case Study 39, 4 April 2016, 18446:31–6.
68 Exhibit 39-0007, 'Statement of Michelle Hanley', Case Study 39, STAT.0951.001.0001_R at [11].
69 Exhibit 39-0007, 'Statement of Michelle Hanley', Case Study 39, STAT.0951.001.0001_R at [10].
70 Exhibit 39-0001, Case Study 39, FOON.0002.003.0427_R.
71 Exhibit 39-0001, Case Study 39, FOON.0002.003.0427_R.
72 Exhibit 39-0001, Case Study 39, FOON.0002.003.0427_R.
73 Transcript of M Hanley, Case Study 39, 4 April 2016, 18454:1–6.
74 Transcript of M Hanley, Case Study 39, 4 April 2016, 18454:31–7.
75 Transcript of M Hanley, Case Study 39, 4 April 2016, 18454:39–18455:14.
76 Transcript of M Hanley, Case Study 39, 4 April 2016, 18460:43–18461:2.
77 Exhibit 39-0007, 'Statement of Michelle Hanley', Case Study 39, STAT.0951.001.0001_R at [14]; Exhibit 39-
0001, Case Study 39, FOON.0001.001.0003_R.
78 Exhibit 39-0001, Case Study 39, FOON.0001.001.0004_R; Exhibit 39-0007, 'Statement of Michelle Hanley',
Case Study 39, STAT.0951.001.0001_R at [21].
79 Exhibit 39-0001, Case Study 39, FOON.0001.001.0004_R.
80 Exhibit 39-0007, 'Statement of Michelle Hanley', Case Study 39, STAT.0951.001.0001_R at [21].
81 Exhibit 39-0001, Case Study 39, FOON.0002.003.0436_R.
82 Exhibit 39-0001, Case Study 39, FOON.0002.003.0435_R.
83 Exhibit 39-0001, Case Study 39, FOON.0002.003.0449_R; Exhibit 39-0007, 'Statement of Michelle Hanley',
Case Study 39, STAT.0951.001.0001_R at [22].
84 Exhibit 39-0001, Case Study 39, FOON.0002.003.0449_R.
85 Exhibit 39-0001, Case Study 39, NSW.0072.001.0028_R.
86 Exhibit 39-0001, Case Study 39, NSW.0072.001.0028_R.
87 Exhibit 39-0001, Case Study 39, FOON.0001.001.0011_R.
88 Exhibit 39-0001, Case Study 39, FOON.0001.001.0015_R.
89 Exhibit 39-0001, Case Study 39, FOON.0001.001.0016_R.
90 Transcript of M Hanley, Case Study 39, 4 April 2016, 18461:32–43.
91 Transcript of M Hanley, Case Study 39, 4 April 2016, 18462:21–36.
92 Transcript of M Hanley, Case Study 39, 4 April 2016, 18462:1–13.
93 Transcript of M Hanley, Case Study 39, 4 April 2016, 18462:15–19.
94 Transcript of M Hanley, Case Study 39, 4 April 2016, 18463:6–29.
95 Exhibit 39-0001, Case Study 39, FOON.0001.001.0020_R; Transcript of M Hanley, Case Study 39, 4 April
2016, 18475:14–18476:22.

- 96 Exhibit 39-0001, Case Study 39, FOON.0001.001.0021_R; Exhibit 39-0007, 'Statement of Michelle Hanley', Case Study 39, STAT.0951.001.0001_R at [37]; Transcript of M Hanley, Case Study 39, 4 April 2016, 18478:4–36.
- 97 Exhibit 39-0007, 'Statement of Michelle Hanley', Case Study 39, STAT.0951.001.0001_R at [38]; Transcript of M Hanley, Case Study 39, 4 April 2016, 18478:38–18479:1.
- 98 Exhibit 39-0001, Case Study 39, NSW.0072.001.0344_R.
- 99 Exhibit 39-0001, Case Study 39, FOON.0001.001.0027_R.
- 100 Exhibit 39-0007, 'Statement of Michelle Hanley', Case Study 39, STAT.0951.001.0001_R at [43].
- 101 Exhibit 39-0001, Case Study 39, FOON.0001.001.0027_R.
- 102 Exhibit 39-0001, Case Study 39, FOON.0001.001.0027_R.
- 103 Exhibit 39-0001, Case Study 39, FOON.0002.003.0452_R.
- 104 Exhibit 39-0001, Case Study 39, FOON.0005.001.0001_R; Exhibit 39-0007, 'Statement of Michelle Hanley', Case Study 39, STAT.0951.001.0001_R at [47].
- 105 Transcript of M Hanley, Case Study 39, 4 April 2016, 18489:36–9.
- 106 Transcript of M Hanley, Case Study 39, 4 April 2016, 18489:41–4.
- 107 Transcript of M Hanley, Case Study 39, 4 April 2016, 18489:46–18490:11.
- 108 Transcript of M Hanley, Case Study 39, 4 April 2016, 18450:13–32.
- 109 Exhibit 39-0007, 'Statement of Michelle Hanley', Case Study 39, STAT.0951.001.0001_R at [48].
- 110 Exhibit 39-0006, Case Study 39, WEB.0109.001.0001_R at 0001_R.
- 111 Exhibit 39-0006, Case Study 39, WEB.0109.001.0001_R at 0001_R–0002_R.
- 112 Exhibit 39-0006, Case Study 39, WEB.0109.001.0001_R at 0002_R.
- 113 Exhibit 39-0006, Case Study 39, WEB.0109.001.0001_R at 0002_R.
- 114 Exhibit 39-0006, Case Study 39, WEB.0109.001.0001_R at 0002_R.
- 115 Transcript of M Hanley, Case Study 39, 4 April 2016, 18491:36–18492:4.
- 116 Transcript of M Hanley, Case Study 39, 4 April 2016, 18486:32–18487:20.
- 117 Transcript of M Hanley, Case Study 39, 4 April 2016, 18487:22–38.
- 118 Exhibit 39-0038, Case Study 39, NSW.2083.001.0002_E.
- 119 Exhibit 39-0038, Case Study 39, NSW.2083.001.0002_E; Exhibit 39-0039, Case Study 39, NSW.2088.001.0001_R.
- 120 Exhibit 39-0039, Case Study 39, NSW.2088.001.0001_R.
- 121 Exhibit 39-0007, 'Statement of Michelle Hanley', Case Study 39, STAT.0951.001.0001_R at [56], [62].
- 122 Exhibit 39-0007, 'Statement of Michelle Hanley', Case Study 39, STAT.0951.001.0001_R at [55].
- 123 Exhibit 39-0007, 'Statement of Michelle Hanley', Case Study 39, STAT.0951.001.0001_R at [55], [60], [77]–[78], [81].
- 124 Exhibit 39-0001, Case Study 39, FOON.002.003.0004.
- 125 Exhibit 39-0007, 'Statement of Michelle Hanley', Case Study 39, STAT.0951.001.0001_R at [62]; Exhibit 39-0001, Case Study 30, FOON.0002.003.0152.
- 126 Transcript of M Hanley, Case Study 39, 4 April 2016, 18484:30–5; Exhibit 39-0001, Case Study 39, FOON.0002.001.0039.
- 127 Transcript of M Hanley, Case Study 39, 4 April 2016, 18485:26–43.
- 128 Exhibit 39-0001, Case Study 39, FOON.0005.001.0002; Exhibit 39-0007, 'Statement of Michelle Hanley', Case Study 39, STAT.0951.001.0001_R at [87]; Transcript of M Hanley, Case Study 39, 4 April 2016, 18493:17–21; Transcript of M Hanley, Case Study 39, 5 April 2016, 18502:16–31.
- 129 Transcript of M Hanley, Case Study 39, 5 April 2016, 18503:1–7.
- 130 Transcript of M Hanley, Case Study 39, 5 April 2016, 18503:39–18504:2.
- 131 Transcript of M Hanley, Case Study 39, 5 April 2016, 18504:43–18505:7.
- 132 Transcript of M Hanley, Case Study 39, 5 April 2016, 18515:8–19.
- 133 Transcript of M Hanley, Case Study 39, 5 April 2016, 18515:13–23.
- 134 Transcript of M Hanley, Case Study 39, 5 April 2016, 18505:14–19, 18515:25–36.
- 135 Transcript of M Hanley, Case Study 39, 5 April 2016, 18528:28–40.
- 136 Transcript of M Hanley, Case Study 39, 5 April 2016, 18529:17–32.
- 137 Transcript of M Hanley, Case Study 39, 4 April 2016, 18494:22–4.
- 138 Transcript of M Hanley, Case Study 39, 5 April 2016, 18553:17–35.

- 139 Transcript of M Hanley, Case Study 39, 5 April 2016, 18506:46–18507:5.
- 140 Transcript of M Hanley, Case Study 39, 4 April 2016, 18495:1–7.
- 141 Transcript of M Hanley, Case Study 39, 4 April 2016, 18495:13–22.
- 142 Transcript of M Hanley, Case Study 39, 4 April 2016, 18493:31–40, 18509:14–27.
- 143 Exhibit 39-0003, ‘Statement of Paul Doorn’, Case Study 39, STAT.0974.001.0001 at [70], [74].
- 144 Exhibit 39-0003, ‘Statement of Paul Doorn’, Case Study 39, STAT.0974.001.0001 at [100].
- 145 Transcript of M Hanley, Case Study 39, 5 April 2016, 18509:14–27.
- 146 Transcript of M Hanley, Case Study 39, 5 April 2016, 18509:29–36.
- 147 Transcript of M Hanley, Case Study 39, 5 April 2016, 18509:1–12.
- 148 Transcript of M Hanley, Case Study 39, 5 April 2016, 18538:45–18539:2.
- 149 Transcript of M Hanley, Case Study 39, 5 April 2016, 18539:4–6.
- 150 Transcript of BXM, Case Study 39, 6 April 2016, 18638:6–11, 18638:34–44.
- 151 Transcript of M Hanley, Case Study 39, 5 April 2016, 18541:8–33.
- 152 Transcript of M Hanley, Case Study 39, 5 April 2016, 18541:35–18542:4.
- 153 Transcript of M Hanley, Case Study 39, 4 April 2016, 18498:22–18499:7.
- 154 Transcript of M Hanley, Case Study 39, 4 April 2016, 18499:28–34.
- 155 Exhibit 39-0007, ‘Statement of Michelle Hanley’, Case Study 39, STAT.0951.001.0001_R at [112].
- 156 Transcript of M Hanley, Case Study 39, 4 April 2016, 18500:22–6.
- 157 Transcript of M Hanley, Case Study 39, 5 April 2016, 18531:2–25.
- 158 Exhibit 39-0001, Case Study 39, FOON.0005.001.0206.
- 159 Transcript of M Hanley, Case Study 39, 4 April 2016, 18499:36–47.
- 160 Transcript of M Hanley, Case Study 39, 5 April 2016, 1850:27–31.
- 161 Transcript of M Hanley, Case Study 39, 5 April 2016, 18507:38–18508:9.
- 162 Transcript of M Hanley, Case Study 39, 5 April 2016, 18510:11–21.
- 163 Transcript of M Hanley, Case Study 39, 5 April 2016, 18510:27–32.
- 164 Exhibit 39-0004, ‘Statement of Mahashini Krishna’, Case Study 39, STAT.0971.001.0001_R at [59].
- 165 Exhibit 39-0004, ‘Statement of Mahashini Krishna’, Case Study 39, STAT.0971.001.0001_R at [74].
- 166 Exhibit 39-0001, Case Study 39, IND.R-001739.PS.0031_R.
- 167 Exhibit 39-0001, Case Study 39, IND.R-001739.PS.0031_R.
- 168 Exhibit 39-0001, Case Study 39, IND.R-001739.PS.0015_R.
- 169 Exhibit 39-0001, Case Study 39, STAT.0971.001.0164_R.
- 170 Exhibit 39-0001, Case Study 39, STAT.0971.001.0164_R.
- 171 Exhibit 39-0004, ‘Statement of Mahashini Krishna’, Case Study 39, STAT.0971.001.0001_R.
- 172 Exhibit 39-0004, ‘Statement of Mahashini Krishna’, Case Study 39, STAT.0971.001.0001_R at [102].
- 173 Exhibit 39-0004, ‘Statement of Mahashini Krishna’, Case Study 39, STAT.0971.001.0001_R at [101].
- 174 Exhibit 39-0001, Case Study 39, STAT.0971.001.0167_R.
- 175 Exhibit 39-0001, Case Study 39, STAT.0971.001.0175_R.
- 176 Exhibit 39-0037, Case Study 39, STAT.0954.001.0001 at [8].
- 177 Exhibit 39-0013, ‘Statement of James Holding’, STAT.0924.001.0001 at [14].
- 178 Exhibit 39-0013, ‘Statement of James Holding’, STAT.0924.001.0001 at [13].
- 179 Transcript of BXM, Case Study 39, 6 April 2016, 18616:10–13.
- 180 Transcript of BXM, Case Study 39, 6 April 2016, 18616:23–8.
- 181 Transcript of BXM, Case Study 39, 6 April 2016, 18616:47–18617:2.
- 182 Transcript of BXM, Case Study 39, 6 April 2016, 18617:4–7.
- 183 Transcript of BXM, Case Study 39, 6 April 2016, 18618:8–13.
- 184 Transcript of BXM, Case Study 39, 6 April 2016, 18617:20–2.
- 185 Transcript of BXM, Case Study 39, 6 April 2016, 18621:12–16.
- 186 Transcript of BXM, Case Study 39, 6 April 2016, 18631:35–43.
- 187 Transcript of BXM, Case Study 39, 6 April 2016, 18633:15–20.
- 188 Transcript of BXM, Case Study 39, 6 April 2016, 186663:40–6; Transcript of James Holding, Case Study 39, 6 April 2016, 18697:13–14.
- 189 Transcript of BXM, Case Study 39, 6 April 2016, 18633:22–6.
- 190 Transcript of BXM, Case Study 39, 6 April 2016, 18633:22–6.

244	Exhibit 39-0011, 'Statement of BXE', Case Study 39, STAT.0978.001.0001_R at [40].
245	Exhibit 39-0011, 'Statement of BXE', Case Study 39, STAT.0978.001.0001_R at [42].
246	Exhibit 39-0011, 'Statement of BXE', Case Study 39, STAT.0978.001.0001_R at [44]–[46].
247	Exhibit 39-0011, 'Statement of BXE', Case Study 39, STAT.0978.001.0001_R at [48].
248	Exhibit 39-0011, 'Statement of BXE', Case Study 39, STAT.0978.001.0001_R at [26]–[27].
249	Exhibit 39-0009, 'Statement of Troy Anthony Quagliata', Case Study 39, STAT.0975.001.0001_R at [49].
250	Exhibit 39-0008, Case Study 39, QLD.0090.001.0008_R.
251	Exhibit 39-0008, Case Study 39, QLD.0097.001.0380_R.
252	Exhibit 39-0008, Case Study 39, QLD.0097.001.0390_R.
253	Exhibit 39-0008, Case Study 39, QLD.0090.001.0011_R.
254	Exhibit 39-0012, 'Statement of BXM', Case Study 39, STAT.0916.001.0001_R at [21].
255	Exhibit 39-0008, Case Study 39, CRIQ.0002.001.0068_R.
256	Exhibit 39-0008, Case Study 39, CRIQ.0002.001.0068_R.
257	Exhibit 39-0010, 'Statement of BXI', Case Study 39, STAT.0977.001.0001_R at [33].
258	Exhibit 39-0011, 'Statement of BXE', Case Study 39, STAT.0978.001.0001_R at [8].
259	Exhibit 39-0012, 'Statement of BXM', Case Study 39, STAT.0916.001.0001_R at [11].
260	Exhibit 39-0012, 'Statement of BXM', Case Study 39, STAT.0916.001.0001_R at [14].
261	Exhibit 39-0012, 'Statement of BXM', Case Study 39, STAT.0916.001.0001_R at [15].
262	Transcript of BXM, Case Study 39, 6 April 2016, 18625:1–8; Exhibit 39-0012, 'Statement of BXM', Case Study 39, STAT.0916.001.0001_R at [13].
263	Transcript of BXM, Case Study 39, 6 April 2016, 18625:23–8.
264	Transcript of BXM, Case Study 39, 6 April 2016, 18629:14–15.
265	Transcript of BXM, Case Study 39, 6 April 2016, 18624:12–15.
266	Transcript of BXM, Case Study 39, 6 April 2016, 18624:36–40.
267	Transcript of BXM, Case Study 39, 6 April 2016, 18630:39–44.
268	Transcript of BXM, Case Study 39, 6 April 2016, 18646:35–18647:3.
269	Transcript of BXM, Case Study 39, 6 April 2016, 18625:42–4.
270	Transcript of BXM, Case Study 39, 6 April 2016, 18626:4–9.
271	Transcript of BXM, Case Study 39, 6 April 2016, 18626:36–44.
272	Transcript of BXM, Case Study 39, 6 April 2016, 18627:27–34.
273	Transcript of BXM, Case Study 39, 6 April 2016, 18630:14–17.
274	Transcript of BXM, Case Study 39, 6 April 2016, 18630:23–7.
275	Transcript of BXM, Case Study 39, 6 April 2016, 18627:45–18628:1.
276	Transcript of BXM, Case Study 39, 6 April 2016, 18647:7–8.
277	Exhibit 39-0012, 'Statement of [BXM]', Case Study 39, STAT.0916.001.0001_R at [17].
278	Transcript of BXM, Case Study 39, 6 April 2016, 18653:32–6.
279	Transcript of BXM, Case Study 39, 6 April 2016, 18632:21–9.
280	Transcript of BXM, Case Study 39, 6 April 2016, 18632:36–40.
281	Transcript of BXM, Case Study 39, 6 April 2016, 18661:2–10.
282	Transcript of BXM, Case Study 39, 6 April 2016, 18631:45–18632:3.
283	Transcript of J Holding, Case Study 39, 6 April 2016, 18661:43–18662:5.
284	Transcript of BXM, Case Study 39, 6 April 2016, 18655:41–18656:5; Exhibit 39-0012, 'Statement of BXM', Case Study 39, STAT.0916.001.0001_R at [29].
285	Exhibit 39-0012, 'Statement of BXM', Case Study 39, STAT.0916.001.0001_R at [29].
286	Transcript of BXM, Case Study 39, 6 April 2016, 18650:28–32.
287	Transcript of BXM, Case Study 39, 6 April 2016, 18669:8–11.
288	Transcript of J Holding, Case Study 39, 6 April 2016, 18671:14–29.
289	Transcript of J Holding, Case Study 39, 6 April 2016, 18691:22–7.
290	Transcript of J Holding, Case Study 39, 6 April 2016, 18692:28–31.
291	Transcript of J Holding, Case Study 39, 6 April 2016, 18671:31–5.
292	Transcript of BXM, Case Study 39, 6 April 2016, 18631:1–4.
293	Transcript of BXM, Case Study 39, 6 April 2016, 18649:21–4.
294	Transcript of BXM, Case Study 39, 6 April 2016, 18628:15–17; Exhibit 39-0012, 'Statement of BXM', Case Study 39, STAT.0916.001.0001_R at [27].

295	Transcript of BXM, Case Study 39, 6 April 2016, 18637:4–21, 18651:37–42.
296	Transcript of BXM, Case Study 39, 6 April 2016, 18630:8–12.
297	Transcript of BXM, Case Study 39, 6 April 2016, 18633:42–5.
298	Transcript of BXM, Case Study 39, 6 April 2016, 18634:43–7; Exhibit 39-0008, Case Study 39, CRIA.0001.001.0608.
299	Transcript of BXM, Case Study 39, 6 April 2016, 18634:43–18635:4.
300	Transcript of BXM, Case Study 39, 6 April 2016, 18635:12–18.
301	Transcript of BXM, Case Study 39, 6 April 2016, 18635:20–5.
302	Transcript of BXM, Case Study 39, 6 April 2016, 18635:27–32.
303	Transcript of BXM, Case Study 39, 6 April 2016, 18634:18–29, 18641:1–14.
304	Transcript of BXM, Case Study 39, 6 April 2016, 18641:9–14, 18666:43–6.
305	Transcript of BXM, Case Study 39, 6 April 2016, 18642:27–33.
306	Transcript of BXM, Case Study 39, 6 April 2016, 18639:3–5.
307	Transcript of BXM, Case Study 39, 6 April 2016, 18637:27–41.
308	Transcript of BXM, Case Study 39, 6 April 2016, 18652:16–44.
309	Transcript of BXM, Case Study 39, 6 April 2016, 18638:29–39.
310	Transcript of BXM, Case Study 39, 6 April 2016, 18638:46–18639:1.
311	Transcript of BXM, Case Study 39, 6 April 2016, 18660:10–18.
312	Transcript of BXM, Case Study 39, 6 April 2016, 18639:7–14.
313	Transcript of BXM, Case Study 39, 6 April 2016, 18646:11–33.
314	Transcript of BXM, Case Study 39, 6 April 2016, 18645:15–47; Exhibit 39-0012, ‘Statement of BXM’, Case Study 39, STAT.0916.001.0001_R at [53].
315	Transcript of BXM, Case Study 39, 6 April 2016, 18645:1–9, 18665:1–28.
316	Transcript of BXM, Case Study 39, 6 April 2016, 18665:3–10.
317	Transcript of BXM, Case Study 39, 6 April 2016, 18664:34–41.
318	Transcript of BXM, Case Study 39, 6 April 2016, 18665:40–18666:3.
319	Transcript of J Holding, Case Study 39, 6 April 2016, 18671:46–18672:16.
320	Transcript of J Holding, Case Study 39, 6 April 2016, 18673:8–33.
321	Transcript of J Holding, Case Study 39, 6 April 2016, 18672:18–23.
322	Exhibit 39-0013, ‘Statement of James Holding’, STAT.0924.001.0001 at [3].
323	Transcript of J Holding, Case Study 39, 6 April 2016, 18674:32–8.
324	Transcript of J Holding, Case Study 39, 6 April 2016, 18675:36–9.
325	Transcript of J Holding, Case Study 39, 6 April 2016, 18675:41–4.
326	Transcript of J Holding, Case Study 39, 6 April 2016, 18694:19–27.
327	Transcript of J Holding, Case Study 39, 6 April 2016, 18694:29–34.
328	Transcript of J Holding, Case Study 39, 6 April 2016, 18694:36–8.
329	Transcript of J Holding, Case Study 39, 6 April 2016, 18679:11–17; Exhibit 39-0013, ‘Statement of James Holding’, STAT.0924.001.0001 at [17].
330	Exhibit 39-0013, ‘Statement of James Holding’, Case Study 39, STAT.0924.001.0001 at [17].
331	Transcript of BXM, Case Study 39, 6 April 2016, 18636:27–9.
332	Exhibit 39-0013, ‘Statement of James Holding’, STAT.0924.001.0001 at [17].
333	Exhibit 39-0013, ‘Statement of James Holding’, STAT.0924.001.0001 at [17].
334	Transcript of J Holding, Case Study 39, 6 April 2016, 18678:40–5.
335	Transcript of J Holding, Case Study 39, 6 April 2016, 18679:2–4.
336	Transcript of J Holding, Case Study 39, 6 April 2016, 18680:36–42.
337	Transcript of J Holding, Case Study 39, 6 April 2016, 18683:11–22.
338	Transcript of J Holding, Case Study 39, 6 April 2016, 18682:7–33.
339	Transcript of J Holding, Case Study 39, 6 April 2016, 18682:44–18683:9.
340	Transcript of J Holding, Case Study 39, 6 April 2016, 18686:46–18687:12.
341	Transcript of J Holding, Case Study 39, 6 April 2016, 18683:24–18684:21.
342	Transcript of J Holding, Case Study 39, 6 April 2016, 18685:25–18686:6.
343	Transcript of J Holding, Case Study 39, 6 April 2016, 18686:38–18687:3.
344	Transcript of J Holding, Case Study 39, 6 April 2016, 18694:45–7.

- 345 Transcript of J Holding, Case Study 39, 6 April 2016, 18695:2–13; Exhibit 39-0013, ‘Statement of James Holding’, STAT.0924.001.0001 at [17].
- 346 Transcript of J Holding, Case Study 39, 6 April 2016, 18698:11–24.
- 347 Transcript of J Holding, Case Study 39, 6 April 2016, 18698:26–18699:7.
- 348 Transcript of J Holding, Case Study 39, 6 April 2016, 18699:30–41.
- 349 Transcript of J Holding, Case Study 39, 6 April 2016, 18696:1–24.
- 350 Transcript of J Holding, Case Study 39, 6 April 2016, 18688:4–12.
- 351 Transcript of J Holding, Case Study 39, 6 April 2016, 18688:31–44.
- 352 Transcript of J Holding, Case Study 39, 6 April 2016, 18689:17–20.
- 353 Transcript of J Holding, Case Study 39, 6 April 2016, 18693:14–25.
- 354 Transcript of T Quagliata, Case Study 39, 5 April 2016, 18582:12–20.
- 355 Transcript of BXI, Case Study 39, 5 April 2016, 18599:16–28.
- 356 Transcript of BXE, Case Study 39, 5 April 2016, 18608:32–44.
- 357 Transcript of J Holding, Case Study 39, 6 April 2016, 18696:30–5.
- 358 Transcript of J Holding, Case Study 39, 6 April 2016, 18696:37–18697:6.
- 359 Submissions of Queensland Cricket in response to the submissions of Counsel Assisting the Royal Commission, Case Study 39, SUBM.1039.001.0001 at [6].
- 360 Exhibit 39-0028, ‘Statement of Ann West’, Case Study 39, STAT.0966.001.0001_R at [1.3]; Exhibit 39-0026, ‘Statement of Alistair MacDonald’, Case Study 39, STAT.0962.001.0001_R at [11].
- 361 Exhibit 39-0026, ‘Statement of Alistair MacDonald’, Case Study 39, STAT.0962.001.0001_R at [9].
- 362 Exhibit 39-0026, ‘Statement of Alistair MacDonald’, Case Study 39, STAT.0962.001.0001_R at [7].
- 363 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18773:39–44.
- 364 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18774:1.
- 365 Transcript of C Watson, Case Study 39, 8 April 2016, 18806:5–18, 18767:43–6.
- 366 Exhibit 39-0027, ‘Statement of Charles Turner’, Case Study 39, STAT.0921.001.0001_R at [9].
- 367 Exhibit 39-0027, ‘Statement of Charles Turner’, Case Study 39, STAT.0921.001.0001_R at [11].
- 368 Exhibit 39-0027, ‘Statement of Charles Turner’, Case Study 39, STAT.0921.001.0001_R at [12].
- 369 Exhibit 39-0027, ‘Statement of Charles Turner’, Case Study 39, STAT.0921.001.0001_R at [13]–[14].
- 370 Exhibit 39-0027, ‘Statement of Charles Turner’, Case Study 39, STAT.0921.001.0001_R at [14]; Exhibit 39-0015, Case Study 39, NSW.0475.001.0012_R.
- 371 Exhibit 39-0015, Case Study 39, TENN.0003.001.0073_R.
- 372 Exhibit 39-0015, Case Study 39, TENN.0003.001.0003; Transcript of C Watson, Case Study 39, 8 April 2016, 18806:23–18807:15; Transcript of A Chaplin, Case Study 39, 8 April 2016, 18768:10–16.
- 373 Exhibit 39-0015, Case Study 39, TENN.0003.001.0073_R.
- 374 Transcript of C Watson, Case Study 39, 8 April 2016, 18807:42–18808:6.
- 375 Exhibit 39-0015, Case Study 39, TENN.0003.001.0073_R.
- 376 Transcript of C Watson, Case Study 39, 8 April 2016, 18809:32–18811:1.
- 377 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18768:36–41.
- 378 Transcript of C Watson, Case Study 39, 8 April 2016, 18805:37–41.
- 379 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18769:30–46.
- 380 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18769:30–46.
- 381 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [5].
- 382 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [6]–[9].
- 383 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18774:8.
- 384 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [10].
- 385 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [11].
- 386 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [13]–[14].
- 387 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [14].
- 388 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [15].
- 389 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [16].
- 390 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [17]–[19].
- 391 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [21]–[24].
- 392 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [25]–[28].

- 393 Exhibit 39-0015, Case Study 39, TENN.0004.001.0526_R at 0531_R–0535_R.
- 394 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [27].
- 395 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [22]–[23].
- 396 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [23].
- 397 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [28]–[31].
- 398 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [31].
- 399 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [32].
- 400 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [9]–[10].
- 401 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [32].
- 402 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [34].
- 403 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18766:22–8.
- 404 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18773:16–20.
- 405 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18771:30–1.
- 406 Exhibit 39-0018, ‘Statement of Amanda Chaplin’, Case Study 39, STAT.0949.001.0001_R at [12], [13], [21].
- 407 Exhibit 39-0018, ‘Statement of Amanda Chaplin’, Case Study 39, STAT.0949.001.0001_R at [13]–[17].
- 408 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [35].
- 409 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [36].
- 410 Exhibit 39-0017, ‘Statement of BXB’, STAT.0967.001.0001_R at [37].
- 411 Exhibit 39-0017, ‘Statement of BXB’, STAT.0967.001.0001_R at [39]–[40].
- 412 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18775:46.
- 413 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [40]; Exhibit 39-0015, Case Study 39, IND.0304.001.0008_E_R.
- 414 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [42]–[45].
- 415 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [45]–[46].
- 416 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [48].
- 417 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [47]; Transcript of BXB, Case Study 39, 8 April 2016, 18761:32–4.
- 418 Transcript of BXB, Case Study 39, 8 April 2016, 18761:46.
- 419 Transcript of C Watson, Case Study 39, 8 April 2016, 18844:30–8.
- 420 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [47].
- 421 Transcript of BXB, Case Study 39, 8 April 2016, 18762:21–2.
- 422 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [56]; Transcript of BXB, Case Study 39, 8 April 2016, 18762:26–8.
- 423 Exhibit 39-0015, Case Study 39, TENN.0005.001.0021_R.
- 424 Exhibit 39-0015, Case Study 39, TENN.0004.001.0526_R at 0528_R.
- 425 Transcript of BXB, Case Study 39, 8 April 2016, 18763:7–24.
- 426 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [50].
- 427 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [56].
- 428 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [66].
- 429 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [54].
- 430 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [54].
- 431 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [55].
- 432 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [57].
- 433 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [57].
- 434 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [57].
- 435 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [61].
- 436 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [61].
- 437 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [62]–[64].
- 438 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [62].
- 439 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [68].
- 440 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [68].
- 441 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18775:24–5.
- 442 Exhibit 39-0018, ‘Statement of Amanda Chaplin’, STAT.0949.001.0001_R at [14]–[17]; Transcript of A Chaplin, Case Study 39, 8 April 2016, 18774:30–18775:7.

- 443 Exhibit 39-0018, 'Statement of Amanda Chaplin', Case Study 39, STAT.0949.001.0001_R at [9]–[10].
- 444 Exhibit 39-0018, 'Statement of Amanda Chaplin', Case Study 39, STAT.0949.001.0001_R at [11]; Transcript of A Chaplin, Case Study 39, 8 April 2016, 18770:19–18771:13.
- 445 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18767:34.
- 446 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18786:12–14.
- 447 Exhibit 39-0018, 'Statement of Amanda Chaplin', Case Study 39, STAT.0949.001.0001_R at [2].
- 448 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18775:24–39.
- 449 Exhibit 39-0018, 'Statement of Amanda Chaplin', Case Study 39, STAT.0949.001.0001_R at [18], [28]; Transcript of A Chaplin, Case Study 39, 8 April 2016, 18776:22–5.
- 450 Exhibit 39-0018, 'Statement of Amanda Chaplin', Case Study 39, STAT.0949.001.0001_R at [19].
- 451 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18783:31–45.
- 452 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18784:32–18785:1.
- 453 Transcript of C Watson, Case Study 39, 11 April 2016, 18854:35–18855:2.
- 454 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18777:21–31.
- 455 Exhibit 39-0018, 'Statement of Amanda Chaplin', Case Study 39, STAT.0949.001.0001_R at [30].
- 456 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18777:40–18779:15.
- 457 Transcript of C Watson, Case Study 39, 8 April 2016, 18821:46–18822:1, 18823:13–17.
- 458 Exhibit 39-0020, 'Statement of Craig Watson', Case Study 39, STAT.0963.001.0001_R at [14].
- 459 Exhibit 39-0020, 'Statement of Craig Watson', Case Study 39, STAT.0963.001.0001_R at [9].
- 460 Transcript of C Watson, Case Study 39, 8 April 2016, 18829:27–30.
- 461 Transcript of C Watson, Case Study 39, 8 April 2016, 18778:46–18779:1.
- 462 Transcript of A Chaplin, Case Study 39, 8 April 2016, 187781:20–6.
- 463 Transcript of C Watson, Case Study 39, 8 April 2016, 18822:44–5, 18824:5–47.
- 464 Transcript of C Watson, Case Study 39, 8 April 2016, 18824:29–36.
- 465 Transcript of C Watson, Case Study 39, 8 April 2016, 18824:22–7.
- 466 Transcript of C Watson, Case Study 39, 8 April 2016, 18825:11–37.
- 467 Transcript of C Watson, Case Study 39, 8 April 2016, 18827:18–24.
- 468 Transcript of C Watson, Case Study 39, 8 April 2016, 18832:14–27.
- 469 Transcript of C Watson, Case Study 39, 8 April 2016, 18830:17–35.
- 470 Transcript of C Watson, Case Study 39, 8 April 2016, 18838:25–37.
- 471 Exhibit 39-0018, 'Statement of Amanda Chaplin', Case Study 39, STAT.0949.001.0001_R at [33].
- 472 Exhibit 39-0018, 'Statement of Amanda Chaplin', Case Study 39, STAT.0949.001.0001_R at [35].
- 473 Exhibit 39-0018, 'Statement of Amanda Chaplin', Case Study 39, STAT.0949.001.0001_R at [35].
- 474 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18778:26–33.
- 475 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18779:10–18780:1.
- 476 Exhibit 39-0017, 'Statement of BXB', Case Study 39, STAT.0967.001.0001_R at [39]; Exhibit 39-0020, 'Statement of Craig Watson', Case Study 39, STAT.0963.001.0001_R at [12]; Exhibit 39-0025, 'Statement of Carol Langsford OAM', Case Study 39, STAT.0961.001.0001_R at [7].
- 477 Exhibit 39-0017, 'Statement of BXB', Case Study 39, STAT.0967.001.0001_R at [40]; Transcript of C Watson, Case Study 39, 8 April 2016, 18831:3–5.
- 478 Exhibit 39-0015, Case Study 39, TENN.0004.001.0933_R.
- 479 Exhibit 39-0020, 'Statement of Craig Watson', STAT.0963.001.0001_R at [14].
- 480 Exhibit 39-0020, 'Statement of Craig Watson', Case Study 39, STAT.0963.001.0001_R at [17]; Transcript of C Watson, Case Study 39, 18828:28–9.
- 481 Exhibit 39-0015, Case Study 39, TENN.0004.001.0929_T_R.
- 482 Transcript of C Watson, Case Study 39, 8 April 2016, 18827:44–18828:9.
- 483 Transcript of BXB, Case Study 39, 8 April 2016, 18759:34–43.
- 484 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18781:45–7.
- 485 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18782:10–23.
- 486 Exhibit 39-0017, 'Statement of BXB', Case Study 39, STAT.0967.001.0001_R at [37], [39]; Transcript of A Chaplin, Case Study 39, 8 April 2016, 18782:1–8.
- 487 Exhibit 39-0020, 'Statement of Craig Watson', Case Study 39, STAT.0963.001.0001_R at [10].
- 488 Exhibit 39-0020, 'Statement of Craig Watson', Case Study 39, STAT.0963.001.0001_R at [19].

489 Exhibit 39-0020, 'Statement of Craig Watson', Case Study 39, STAT.0963.001.0001_R at [24]; Exhibit 39-0015, Case Study 39, TENN.0004.001.0013_R.

490 Exhibit 39-0020, 'Statement of Craig Watson', Case Study 39, STAT.0963.001.0001_R at [48]; Transcript of C Watson, Case Study 39, 8 April 2016, 18815:25–18816:39, 18821:12–17.

491 Exhibit 39-0020, 'Statement of Craig Watson', Case Study 39, STAT.0963.001.0001_R at [48].

492 Exhibit 39-0015, Case Study 39, TENN.0003.001.0304 at 0307.

493 Exhibit 39-0015, Case Study 39, TENN.0003.001.0304 at 0309.

494 Exhibit 39-0020, 'Statement of Craig Watson', Case Study 39, STAT.0963.001.0001_R at [50].

495 Exhibit 39-0015, Case Study 39, TENN.003.001.0299.

496 Exhibit 39-0015, Case Study 39, TENN.0003.001.0076_R.

497 Transcript of C Watson, Case Study 39, 8 April 2016, 18817:4–8.

498 Exhibit 39-0015, Case Study 39, IND.0304.001.0008_E_R.

499 Exhibit 39-0020, 'Statement of Craig Watson', Case Study 39, STAT.0963.001.0001_R at [22].

500 Exhibit 39-0015, Case Study 39, TENN.0003.001.0085_R.

501 Exhibit 39-0020, 'Statement of Craig Watson', Case Study 39, STAT.0963.001.0001_R at [20]–[21].

502 Exhibit 39-0015, Case Study 39, TENN.0004.001.0034_R; Exhibit 39-0015, Case Study 39, TENN.0004.001.0416_R.

503 Exhibit 39-0015, Case Study 39, NPF.067.001.0200_E_R; Exhibit 39-0015, Case Study 39, TENN.0004.001.0197_R; Exhibit 39-0015, Case Study 39, TENN.0004.001.0194_R; Exhibit 39-0015, Case Study 39, TENN.0004.001.0350_R; Exhibit 39-0015, Case Study 39, NPF.067.001.0209_E_R.

504 Exhibit 39-0015, Case Study 39, TENN.0004.001.0881_T_R; Exhibit 39-0019, Case Study 39, TENN.0004.001.0101_R.

505 Exhibit 39-0018, 'Statement of Amanda Chaplin', Case Study 39, STAT.0949.001.0001_R at [36]; Transcript of A Chaplin, Case Study 39, 8 April 2016, 18787:1–14.

506 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18788:3–45.

507 Exhibit 39-0015, Case Study 39, TENN.0004.001.0416_R at 0417, 0419.

508 Exhibit 39-0040, 'Statement of Maria Clarke', Case Study 39, STAT.0980.001.0001 at [39].

509 Exhibit 39-0021, Case Study 39, TENN.0004.001.0265_R.

510 Exhibit 39-0040, 'Statement of Maria Clarke', Case Study 39, STAT.0980.001.0001 at [35]–[36].

511 Exhibit 39-0040, 'Statement of Maria Clarke', Case Study 39, STAT.0980.001.0001 at [36].

512 Exhibit 39-0015, Case Study 39, TENN.0004.001.0156_R.

513 Transcript of C Watson, Case Study 39, 11 April 2016, 18852:22, 18852:30.

514 Exhibit 39-0024, 'Statement of John Whittaker', Case Study 39, STAT.0979.001.0001_R at [9].

515 Exhibit 39-0015, Case Study 39, TENN.0004.001.0416_R at 0440–0441, 0442.

516 Exhibit 39-0040, 'Statement of Maria Clarke', Case Study 39, STAT.0980.001.0001 at [48]–[49].

517 Exhibit 39-0040, 'Statement of Maria Clarke', Case Study 39, STAT.0980.001.0001 at [44].

518 Transcript of C Watson, Case Study 39, 11 April 2016, 18851:43–4.

519 Exhibit 39-0040, 'Statement of Maria Clarke', Case Study 39, STAT.0980.001.0001 at [50].

520 Exhibit 39-0015, Case Study 39 TENN.0004.001.0526_R at 0528_R.

521 Exhibit 39-0015, TENN.0004.001.0526_R at 0528_R.

522 Exhibit 39-0015, Case Study 39, TENN.0004.001.0526_R at 0554_R–0555_R.

523 Exhibit 39-0015, Case Study 39, TENN.0004.001.0526_R at 0541_R–0543_R.

524 Exhibit 39-0015, Case Study 39, TENN.0004.001.0526_R at 0544_R–0550_R.

525 Exhibit 39-0015, Case Study 39, TENN.0004.001.0526_R at 0550_R–0552_R.

526 Exhibit 39-0015, Case Study 39, TENN.0004.001.0526_R at 0555_R–0556_R.

527 Exhibit 39-0020, 'Statement of Craig Watson', Case Study 39, STAT.0963.001.0001_R at [30].

528 Exhibit 39-0020, 'Statement of Craig Watson', Case Study 39, STAT.0963.001.0001_R at [30]–[31].

529 Exhibit 39-0020, 'Statement of Craig Watson', Case Study 39, STAT.0963.001.0001_R at [31].

530 Transcript of C Watson, Case Study 39, 11 April 2016, 18852:43–18853:47.

531 Transcript of C Watson, Case Study 39, 11 April 2016, 18855:38–18856:4, 18874:39–40.

532 Transcript of C Watson, Case Study 39, 11 April 2016, 18855:38–9–18856:22, 18860:4–10.

533 Transcript of C Langsford, Case Study 39, 11 April 2016, 18907:7–12, 18901:19–21.

534 Transcript of C Langsford, Case Study 39, 11 April 2016, 18908:16–18.

- 535 Exhibit 39-0015, Case Study 39, TENN.0004.001.0595_T_R.
 536 Transcript of C Watson, Case Study 39, 11 April 2016, 18857:25–45.
 537 Exhibit 39-0015, Case Study 39, TENN.0004.001.0062_R at 0671_R. See also at 0664_R.
 538 Exhibit 39-0015, Case Study 39, TENN.0004.001.0062_R at 0671_R.
 539 Exhibit 39-0015, Case Study 39, TENN.0004.001.0062_R at 0673_R–0677_R.
 540 Exhibit 39-0020, ‘Statement of Craig Watson’, Case Study 39, STAT.0963.001.0001_R at [34].
 541 Exhibit 39-0020, ‘Statement of Craig Watson’, Case Study 39, STAT.0963.001.0001_R at [31].
 542 Transcript of C Watson, Case Study 39, 11 April 2016, 18868:38–43.
 543 Transcript of C Watson, Case Study 39, 11 April 2016, 18868:6, 18868:42–3.
 544 Transcript of C Watson, Case Study 39, 11 April 2016, 18871:11–31.
 545 Transcript of C Watson, Case Study 39, 11 April 2016, 18870:25–40.
 546 Transcript of C Watson, Case Study 39, 11 April 2016, 18878:16–18879:8.
 547 Exhibit 39-0020, ‘Statement of Craig Watson’, Case Study 39, STAT.0963.001.0001_R at [35]; Exhibit 39-0015, Case Study 39, TENN.0004.001.0682_R.
 548 Exhibit 39-0022, Case Study 39, TENN.0004.001.0687_R; Transcript of C Watson, Case Study 39, 11 April 2016, 18874:26.
 549 Exhibit 39-0015, Case Study 39, TENN.0005.001.0021_R.
 550 Exhibit39-0025, ‘Statement of Carol Langsford OAM’, Case Study 39, STAT.0961.001.0001_R at [5].
 551 Exhibit39-0025, ‘Statement of Carol Langsford OAM’, Case Study 39, STAT.0961.001.0001_R at [10].
 552 Transcript of C Langsford, Case Study 39, 11 April 2016, 18907:7–12.
 553 Exhibit39-0025, ‘Statement of Carol Langsford OAM’, Case Study 39, STAT.0961.001.0001_R at [10]–[11].
 554 Exhibit 39-0020, ‘Statement of Craig Watson’, Case Study 39, STAT.0963.001.0001_R at [40].
 555 Transcript of C Watson, Case Study 39, 11 April 2016, 18873:8–11.
 556 Transcript of C Langsford, Case Study 39, 11 April 2016, 18911:9–13.
 557 Transcript of C Langsford, Case Study 39, 11 April 2016, 18913:19–25.
 558 Transcript of C Watson, Case Study 39, 11 April 2016, 18873:13–16
 559 Transcript of C Watson, Case Study 39, 11 April 2016, 18891:27–18892:25.
 560 Transcript of C Watson, Case Study 39, 11 April 2016, 18873:37–45, 18892:45–18893:1.
 561 Transcript of C Langsford, Case Study 39, 11 April 2016, 18913:27–9.
 562 Exhibit 39-0015, Case Study 39, TENN.0004.001.0526_R at 0555_R–0556_R.
 563 Transcript of C Watson, Case Study 39, 11 April 2016, 18875:7–9.
 564 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [57]–[62].
 565 Transcript of BXB, Case Study 39, 8 April 2016, 18762: 40–18763:5.
 566 Transcript of BXB, Case Study 39, 8 April 2016, 18763:7–24.
 567 Transcript of BXB, Case Study 39, 8 April 2016, 18764:17–23.
 568 Transcript of BXB, Case Study 39, 8 April 2016, 18764:25–35.
 569 Transcript of C Watson, Case Study 39, 11 April 2016, 18874:26–8.
 570 Transcript of C Langsford, Case Study 39, 11 April 2016, 18911:20–5.
 571 Transcript of C Watson, Case Study 39, 11 April 2016, 18879:16–18.
 572 Transcript of A MacDonald, Case Study 39, 11 April 2016, 18946:36–40.
 573 Exhibit 39-0018, Case Study 39, STAT.0949.001.0001_R at [38]; Exhibit 39-0015, Case Study 39, TENN.0003.002.0142_R.
 574 Transcript of A Chaplin, Case Study 39, 8 April 2016, 187789:28.
 575 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18790:21–3.
 576 Exhibit 39-0018, ‘Statement of Amanda Chaplin’, Case Study 39, STAT.0949.001.0001_R at [39].
 577 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18790:38–47.
 578 Exhibit 39-0018, ‘Statement of Amanda Chaplin’, Case Study 39, STAT.0949.001.0001_R at [44].
 579 Exhibit 39-0018, ‘Statement of Amanda Chaplin’, Case Study 39, STAT.0949.001.0001_R at [39].
 Exhibit 39-0018, ‘Statement of Amanda Chaplin’, Case Study 39, STAT.0949.001.0001_R at [41].
 580 Exhibit 39-0018, ‘Statement of Amanda Chaplin’, Case Study 39, STAT.0949.001.0001_R at [39].
 581 Exhibit 39-0018, ‘Statement of Amanda Chaplin’, Case Study 39, STAT.0949.001.0001_R at [45].
 582 Exhibit 39-0018, ‘Statement of Amanda Chaplin’, Case Study 39, STAT.0949.001.0001_R at [45].
 583 Exhibit 39-0018, ‘Statement of Amanda Chaplin’, Case Study 39, STAT.0949.001.0001_R at [40].

584 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18792:39–47.
585 Exhibit 39-0015, Case Study 39, STAT.0949.001.0013_R.
586 Exhibit 39-0018, ‘Statement of Amanda Chaplin’, Case Study 39, STAT.0949.001.0001_R at [39].
Exhibit 39-0018, ‘Statement of Amanda Chaplin’, Case Study 39, STAT.0949.001.0001_R at [48]–[49].
587 Transcript of C Watson, Case Study 39, 11 April 2016, 18879:43–5.
588 Transcript of C Watson, Case Study 39, 11 April 2016, 18882:29–32.
589 Transcript of C Langsford, Case Study 39, 11 April 2016, 18911:31–43.
590 Exhibit 39-0018, ‘Statement of Amanda Chaplin’, Case Study 39, STAT.0949.001.0001_R at [41]; Transcript of
A Chaplin, Case Study 39, 8 April 2016, 18793:1–9.
591 Transcript of C Watson, Case Study 39, 11 April 2016, 18880:1–15.
592 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18794: 31–42.
593 Transcript of C Watson, Case Study 39, 11 April 2016, 18884:30–43.
594 Exhibit 39-0018, ‘Statement of A Chaplin’, Case Study 39, STAT.0949.001.0001_R at [44], [58].
595 Transcript of A Chaplin, Case Study 39, 8 April 2016, 1897:20–3.
596 Transcript of C Watson, Case Study 39, 11 April 2016, 18884:45–18885:3.
597 Transcript of C Langsford, Case Study 39, 11 April 2016, 18912:27–37.
598 Transcript of A MacDonald, Case Study 39, 11 April 2016, 18947:14–17.
599 Exhibit 39-0018, ‘Statement of Amanda Chaplin’, Case Study 39, STAT.0949.001.0001_R at [51]–[52].
600 Transcript of A Chaplin, Case Study 39, 8 April 2016, 18795:37–43.
601 Exhibit 39-0018, ‘Statement of Amanda Chaplin’, Case Study 39, STAT.0949.001.0001_R at [51].
602 Exhibit 39-0018, ‘Statement of Amanda Chaplin’, Case Study 39, STAT.0949.001.0001_R; Transcript of A
Chaplin, Case Study 39, 8 April 2016, 18796:15–19.
603 Submissions in reply of Amanda Chaplin, Case Study 39, SUBM.1039.008.0001 at [3].
604 Transcript of C Watson, Case Study 39, 8 April 2016, 18813:34–5.
605 Exhibit 39-0015, Case Study 39, TENN.0003.001.0285_R at 0286.
606 Exhibit 39-0015, Case Study 39, TENN.0003.001.0452_R at 0453_R, 0454_R.
607 Exhibit 39-0015, Case Study 39, NSW.0475.001.0012_R at 0025_R.
608 Exhibit 39-0015, Case Study 39, NSW.0475.001.0012_R at 0028_R.
609 Exhibit 39-0020, ‘Statement of Craig Watson’, Case Study 39, STAT.0963.001.0001_R at [25].
610 Exhibit 39-0015, Case Study 39, NSW.2079.001.0274.
611 Exhibit 39-0015, Case Study 39, NSW.2079.001.0274.
612 Exhibit 39-0015, Case Study 39, TENN.0004.001.0167.
613 Exhibit 39-0015, Case Study 39, TENN.0004.001.0156_R.
614 Exhibit 39-0015, Case Study 39, NSW.2079.001.0276.
615 Exhibit 39-0015, Case Study 39, TENN.0003.001.0106_R.
616 Exhibit 39-0015, Case Study 39, TENN.0003.001.0115.
617 Exhibit 39-0015, Case Study 39, TENN.0003.001.0112_R.
618 Exhibit 39-0015, Case Study 39, TENN.0003.002.0123_R.
619 Transcript of C Turner, Case Study 39, 11 April 2016, 18965:15–19.
620 Exhibit 39-0015, Case Study 39, TENN.0003.001.0166_R.
621 Transcript of C Watson, Case Study 39, 11 April 2016, 18877:2.
622 Transcript of C Turner, Case Study 39, 11 April 2016, 18965:37–43.
623 Transcript of C Watson, Case Study 39, 11 April 2016, 18877:11.
624 Exhibit 39-0015, Case Study 39, NPF.067.002.0015_E_R.
625 Exhibit 39-0015, Case Study 39, TENN.0005.001.0222_R.
626 Exhibit 39-0015, Case Study 39, NSW.0475.001.0006_R; Exhibit 39-0015, Case Study 39,
TENN.0005.001.0209_R.
627 Exhibit 39-0020, ‘Statement of Craig Watson’, Case Study 39, STAT.0963.001.0001_R at [44]–[45].
628 Exhibit 39-0015, Case Study 39, NPF.067.001.0216_E_R.
629 Exhibit 39-0015, Case Study 39, NPF.067.001.0106_E_R.
630 Exhibit 39-0017, ‘Statement of BXB’, Case Study 39, STAT.0967.001.0001_R at [55].
631 Exhibit 39-0015, Case Study 39, NSW.0035.001.0017_R.
632 Exhibit 39-0015, Case Study 39, NSW.0035.001.0017_R.

- 633 Exhibit 39-0015, Case Study 39, TENN.0004.001.0526_R at 0556_R.
634 Exhibit 39-0020, 'Statement of Craig Watson', Case Study 39, STAT.0963.001.0001_R at [55]–[57]; Exhibit 39-0015, Case Study 39, TENN.0004.001.0798_R.
635 Exhibit 39-0020, 'Statement of Craig Watson', Case Study 39, STAT.0963.001.0001_R at [58].
636 Exhibit 39-0015, Case Study 39, TENN.0005.001.0046.
637 Exhibit 39-0015, Case Study 39, TENN.0005.001.0157.
638 Exhibit 39-0026, 'Statement of Alistair MacDonald', Case Study 39, STAT.0962.001.0001_R at [7].
639 Exhibit 39-0026, 'Statement of Alistair MacDonald', Case Study 39, STAT.0962.001.0001_R at [12].
640 Exhibit 39-0015, Case Study 39, TENN.0005.001.0231 at 0237.
641 Exhibit 39-0015, Case Study 39, TENN.0005.001.0418 at 0424.
642 Exhibit 39-0015, Case Study 39, TENN.0005.001.0342 at 0348.
643 Exhibit 39-0026, 'Statement of Alistair MacDonald', Case Study 39, STAT.0962.001.0001_R at [13].
644 Exhibit 39-0015, Case Study 39, TENN.0005.001.0251.
645 Transcript of A MacDonald, Case Study 39, 11 April 2016, 18933:24–44.
646 Transcript of A MacDonald, Case Study 39, 11 April 2016, 18940:32–8.
647 Exhibit 39-0015, Case Study 39, TENN.0005.001.0251 at 0268.
648 Exhibit 39-0015, Case Study 39, TENN.0005.001.0251 at 0268.
649 Transcript of A MacDonald, Case Study 39, 11 April 2016, 18935:40–18937:36.
650 Transcript of A MacDonald, Case Study 39, 11 April 2016, 18937:21–3, 18937:39–44.
651 Exhibit 39-0016, 'Statement of Kerryn Boland', STAT.0918.001.0001_R at [12].
652 Exhibit 39-0016, 'Statement of Kerryn Boland', STAT.0918.001.0001_R at [53].



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