



**Royal Commission**  
into Institutional Responses  
to Child Sexual Abuse

# REPORT OF CASE STUDY NO. 34

The response of Brisbane  
Grammar School and  
St Paul's School to allegations  
of child sexual abuse

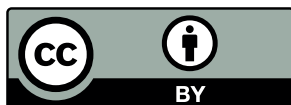
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The response of Brisbane Grammar School and St Paul's School  
to allegations of child sexual abuse

January 2017

## COMMISSIONERS

Justice Jennifer Coate  
Mr Andrew Murray

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# Preface

## The Royal Commission

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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](http://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 20 January 2017, the Royal Commission has held 6,432 private sessions and more than 2,060 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

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This case study examined the way in which Brisbane Grammar School at Spring Hill in Queensland and St Paul's School at Bald Hills in Queensland responded to allegations of child sexual abuse of former students.

The scope and purpose of the public hearing of the case study was to inquire into:

1. The experiences of former students of Brisbane Grammar.
2. The experiences of former students of St Paul's.
3. The response of the board of trustees, headmasters and other members of staff of Brisbane Grammar to complaints about the behaviour of Kevin Lynch, a former school counsellor at Brisbane Grammar.
4. The responses of the Anglican Diocese of Brisbane, the school council, headmasters and other members of staff of St Paul's to concerns raised, or complaints made, about the behaviour of Kevin Lynch and Gregory Knight, former members of staff at St Paul's.
5. The past and current systems, practices, policies and procedures in place at Brisbane Grammar and St Paul's in relation to raising and responding to concerns and complaints about child sexual abuse.
6. The circumstances relating to Gregory Knight's employment and registration as a teacher in Queensland.
7. Any related matters.



# Executive summary

In Case Study 34 the Royal Commission into Institutional Responses to Child Sexual Abuse examined the responses of two schools in Queensland to allegations of child sexual abuse. The two schools were:

- Brisbane Grammar School (Brisbane Grammar) at Spring Hill in Brisbane, Queensland
- St Paul's School (St Paul's) at Bald Hills in Brisbane, Queensland.

Brisbane Grammar is a prestigious day and boarding school for boys. It was first established in 1868. It currently caters for approximately 1,600 students from years 5 to 12, including 100 boarders.

St Paul's is a co-educational private school operated by the Anglican Church of Australia. St Paul's was established in 1960. Today, the school has over 1,300 students. St Paul's does not have boarding facilities.

At the public hearing a number of former students of the schools gave evidence of having been sexually abused by:

- Mr Kevin Lynch (deceased) – a teacher and later counsellor at Brisbane Grammar between 1973 and 1988 and a counsellor at St Paul's between 1989 and 1997
- Gregory Robert Knight – a teacher at St Paul's between 1981 and 1984.

We also heard evidence on the schools' responses to those students' allegations.

## Brisbane Grammar School

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### Governance

A board of trustees is responsible for the governance and management of Brisbane Grammar.

The headmasters of Brisbane Grammar during the relevant period were as follows:

- Dr Maxwell Howell (deceased) was appointed as the ninth headmaster of Brisbane Grammar in 1965. He was the headmaster until he retired in 1989.
- Dr Peter Lennox succeeded Dr Howell as headmaster in 1990. He was employed in that role until 2005.
- Mr Brian Short succeeded Dr Lennox as headmaster in 2006. He was employed in that role until 2013.
- Mr Anthony Micallef succeeded Mr Short as headmaster in 2013. He is the current headmaster of Brisbane Grammar.

## The experiences of former students at Brisbane Grammar

Mr Lynch commenced employment at Brisbane Grammar in 1973. Initially he was employed as a teacher. Shortly after he was employed, he was appointed to the role of school counsellor. He remained employed in that role until 1988, when he left the school.

We heard evidence that, during the period of Mr Lynch's employment at Brisbane Grammar, Mr Lynch sexually abused a large number of students.

A number of the former students of Brisbane Grammar gave evidence at the public hearing. They told of being sexually abused by Mr Lynch while they were at the school. They also gave evidence about the devastating effect the abuse had on them.

## What Brisbane Grammar knew about the complaints of sexual abuse

There was evidence that a number of complaints against Mr Lynch were made to senior staff at Brisbane Grammar, most significantly to Dr Howell (deceased), who was the headmaster of the school between 1965 and 1989.

We find that in 1981 BQH told Dr Howell that Mr Lynch had sexually abused his son BQJ. Dr Howell did not investigate the allegations and did not report the matter to the police or the board of trustees. In not doing so, he failed in his obligations to protect the safety and wellbeing of the students.

We find that BQA disclosed to Mr David Coote, the then deputy headmaster, that he loved Mr Lynch more than his own parents. There is no evidence that Mr Coote took any actions to investigate the nature of Mr Lynch's relationship with BQA after this disclosure was made. This disclosure should have prompted Mr Coote to take action given Mr Coote's qualifications in psychology.

We find that during Dr Howell's period as headmaster there was a culture at Brisbane Grammar where boys who made allegations of sexual abuse were not believed and allegations were not acted upon.

## St Paul's School

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### Governance

St Paul's is owned by the Corporation of the Synod of the Diocese of Brisbane.

The headmasters of St Paul's at the relevant time were as follows:

- Mr Peter Krebs was headmaster of St Paul's from 1960 until 1978.
- Mr Gilbert Case succeeded Mr Krebs as headmaster in 1979. He was employed in that role until 2000.
- Ms Margaret Goddard succeeded Mr Case as head of the school in 2001. She was employed in that role until August 2007.
- Dr Paul Browning succeeded Ms Goddard as head in 2008. He is the current headmaster of St Paul's.

## The experiences of former students at St Paul's

In 1989, after he left Brisbane Grammar, Mr Lynch gained employment at St Paul's as the school counsellor. He remained in that position until 1997.

Former students of the school told us that Mr Lynch had sexually abused them while he was employed at St Paul's. A number of those students gave evidence at the public hearing about the devastating effect the sexual abuse has had on them.

## What St Paul's knew about complaints of sexual abuse by Mr Kevin Lynch

There was evidence that the school was aware of complaints of sexual abuse of students by Mr Lynch and took no action to deal with those complaints.

We are satisfied that two students – BSB and BRC – made complaints to Mr Case, the then headmaster of St Paul's, about Mr Lynch. We find that in 1996, after an incident of prolonged and serious abuse, BRC sought out BSB and told him what had happened to him in the counselling session with Mr Lynch. They immediately went to see Mr Case. Each disclosed to Mr Case that Mr Lynch had been sexually abusing them.

Mr Case made a phone call to 'Kevin' and discussed the allegations. After the phone call Mr Case told BRC and BSB that they were lying and threatened to punish them if they persisted with the allegations.

On 22 January 1997, while Mr Lynch was still employed as the school counsellor, the Queensland Police Service charged Mr Lynch with nine counts of offences committed against a St Paul's student, BSE. The following day Mr Lynch committed suicide.

## The response of the Anglican Diocese of Brisbane

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In 2000, the Anglican Diocese of Brisbane appointed Mr Case to the position of executive director of the Anglican Schools Commission. This role involved liaising with various Anglican schools throughout Brisbane to develop, implement and improve their policies to deal with allegations of child sexual abuse.

Mr Case was appointed to this position by a committee in circumstances where two members of the committee (Dr Peter Hollingworth and Mr Bernard Yorke) were aware of allegations that Mr Case had been told about Mr Lynch's sexual abuse of students and that Mr Case had not taken any action in response.

## Gregory Robert Knight

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Knight was employed as a teacher at St Paul's between 1981 and 1984.

Before he commenced at St Paul's, Knight had been employed at Willunga High School at Willunga in South Australia and at Brisbane Boys' College in Queensland.

Allegations were made that Knight sexually abused a number of boys at Willunga High School. In 1978 the South Australian Department of Education held an inquiry into the allegations against Knight (the Mayfield inquiry). The inquiry found that Knight had sexually abused boys. Initially, Knight was dismissed by the then Minister for Education in South Australia, Dr Donald Hopgood AO. This decision was later rescinded and Knight was permitted to resign. The effect of this decision was that Knight maintained his registration as a teacher in South Australia. He was later employed as a teacher in Queensland (including at St Paul's) and in the Northern Territory. Dr Hopgood accepted in his evidence that, in rescinding the dismissal of Knight and in not notifying the South Australian Teachers Registration Board, he acted in disregard for the welfare of the students at non-government schools in South Australia.

Dr Hopgood and Knight were both members of the Noarlunga City Concert Band. After Knight resigned from Willunga High School, Dr Hopgood wrote a reference for Knight using South Australian parliamentary letterhead. In the reference Dr Hopgood spoke in positive terms about Knight's performance in the band. The reference contained no mention of the Mayfield inquiry.

In January 1980 Knight was employed by Brisbane Boys' College as a music teacher. In October 1980 Mr Graham Thomson, the then headmaster of Brisbane Boys' College, became aware of some allegations about Knight. Mr Thomson then met with Knight and presented him with the allegations. Following this meeting Mr Thomson's view was that, even though there was no allegation of sexual assault or touching, the conduct complained of might point to the possibility of that sort

of behaviour occurring in the future. Mr Thomson consulted the chairman of the governing body of the school and then summarily dismissed Knight, instructing him to leave the school within 24 hours. He provided Knight with a statement of service confirming his employment at the school.

In December 1980 Knight applied for a teaching position at St Paul's. Mr Case, the headmaster of St Paul's, telephoned Mr Thomson about Knight's application. We find that what Mr Thomson told Mr Case in that conversation, which included a reference to Knight's 'attitude to boys', should have caused Mr Case to look at Knight's application with due caution. It did not.

During the period of Knight's employment at St Paul's, allegations were made that he sexually abused a number of students. He was later charged with and convicted of the sexual abuse of BSG.

We find that the only action that St Paul's took to deal with the allegations that Knight had sexually abused boys was that Mr Case accepted Knight's resignation in October 1984. Mr Case gave Knight a favourable reference.

Knight went on to teach at Dripstone High School in the Northern Territory. A student at that school made allegations of child sexual abuse against Knight and the school principal immediately referred the matter to the police. Knight was later charged with and ultimately convicted of a number of counts of child sexual abuse and was sentenced to eight years' imprisonment.

## Systems, policies and procedures

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### Brisbane Grammar School

The current chairman of the board of trustees, Mr Howard Stack, gave evidence. Mr Stack accepted that, during the time Mr Lynch was employed, the school had no systems, policies or procedures in place for dealing with allegations of child sexual abuse of students.

Mr Stack also accepted that, during the time Mr Lynch was employed, the school failed to keep adequate records of the attendance of students at counselling sessions and of their absence from classes. We are satisfied that each of these failures represented a missed opportunity for the school to have discovered the abuse Mr Lynch was perpetrating against students.

We accept that since 1998 Brisbane Grammar has put in place various policies and procedures for responding to complaints of child sexual abuse.

## St Paul's School

We find that Mr Case's inaction in response to notifications of child sexual abuse by Knight and Mr Lynch meant that Mr Case did not achieve his most fundamental obligation, which was to make sure that students under his care were kept safe.

Mr Case accepted that during Mr Lynch's time at the school there was no system in place:

- to monitor how often Mr Lynch was seeing boys
- to inform the students about the nature of a counselling relationship or the boundaries that were expected to be observed in a counselling relationship.

Mr Case also accepted that during the time both Mr Lynch and Knight were employed at the school there was no system in place for dealing with allegations that students made about child sexual abuse.

The current headmaster and the current chairman of the school council each gave evidence that the culture of St Paul's has changed and that the school now has in place systems, policies and procedures to deal with allegations of child sexual abuse.

# 1 Brisbane Grammar School

In Case Study 34 the Royal Commission into Institutional Responses to Child Sexual Abuse examined the response of Brisbane Grammar School (Brisbane Grammar) to complaints about the conduct of Mr Kevin Lynch, who was a school counsellor at Brisbane Grammar between 1973 and 1988.

Brisbane Grammar is a prestigious independent, non-denominational day and boarding school for boys. It is located in Spring Hill near the Brisbane CBD. The school was established in 1868. It currently caters for approximately 1,600 students from years 5 to 12, including 100 boarders.<sup>1</sup>

Brisbane Grammar is affiliated with the Australian Boarding Schools Association<sup>2</sup> and is a member of the Great Public Schools' Association of Queensland Inc.<sup>3</sup>

## 1.1 Governance of Brisbane Grammar School

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### Board of trustees

Brisbane Grammar is constituted as a statutory corporation under the Grammar Schools Act 1975 (Qld). That Act provides that the school must have a board of trustees, which must have seven members. Four members are appointed by the Minister for Education in Queensland and the remaining three are elected by the school's 'subscribers'<sup>4</sup> (that is, persons who have donated a prescribed amount to the school).<sup>5</sup>

The board of trustees is responsible for the governance and management of Brisbane Grammar.<sup>6</sup> The current chairman of the board of trustees is Mr Howard Stack.<sup>7</sup>

### Headmasters

The headmasters of Brisbane Grammar during the relevant period were as follows:

- Dr Maxwell Howell (deceased) was appointed as the ninth headmaster of Brisbane Grammar in 1965.<sup>8</sup> He was the headmaster until he retired in 1989.<sup>9</sup>
- Dr Peter Lennox succeeded Dr Howell as headmaster in 1990. Dr Lennox was employed in that role until 2005.<sup>10</sup>
- Mr Brian Short replaced Dr Lennox as headmaster in 2006. Mr Short was employed in that role until 2013.
- Mr Anthony Micallef succeeded Mr Short as headmaster in 2013. He is the current headmaster of Brisbane Grammar.<sup>11</sup>

In a signed statement dated 3 June 2002, prepared during the course of civil litigation, Dr Howell described his role as headmaster of Brisbane Grammar. Dr Howell stated that, as headmaster, he ‘ran the school’ and met with the board of trustees monthly to present written reports ‘in relation to the progress of the School and other matters of interest’.<sup>12</sup> Dr Howell stated that he had ‘various Deputy Masters who helped me run the School’ and that he met regularly with those masters.<sup>13</sup>

Mr Stack, the current chairman of the board of trustees, and Mr Micallef, the current headmaster of Brisbane Grammar, described the headmaster’s current responsibilities. Mr Stack stated that the ‘day to day management of the School and the performance and function of the Board’s powers is delegated to the Headmaster and the Senior Leadership Team (SLT)’.<sup>14</sup> Mr Micallef stated that the headmaster is ‘responsible to the Board of Trustees for the management, good order and quality of performance of the School and the academic, extracurricular (sporting and cultural) and wellbeing of the School, students and staff’.<sup>15</sup>

The senior leadership team, which includes the headmaster, reports to the board of trustees at each of its meetings. The headmaster provides a report which covers a number of topics, including ‘child protection / student harm / needs’.<sup>16</sup>

## 1.2 Regulation of non-government schools in Queensland

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Grammar schools in Queensland are statutory corporations and are required to comply with the *Financial Accountability Act 2009* (Qld) and the *Statutory Bodies Finance Arrangements Act 1982* (Qld). Brisbane Grammar’s annual report is tabled in Queensland Parliament.<sup>17</sup> The Acts do not require the annual report to record material matters or risks affecting child protection, safety or wellbeing.

Mandatory reporting requirements for school staff commenced in Queensland in 2004.<sup>18</sup>

Grammar schools are also accredited in accordance with the *Education (Accreditation of Non-State Schools) Act 2001* (Qld) and the *Education (Accreditation of Non-State Schools) Regulations 2001* (Qld). Since 2002, section 10 of the Regulations has required non-state schools to have in place ‘written processes about the appropriate conduct of staff and students that accord with legislation applying to the care and protection of children’.<sup>19</sup> Section 10 was amended to reflect the requirements introduced by mandatory reporting.<sup>20</sup>

## 1.3 Brisbane Grammar School’s employment of Mr Kevin Lynch

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Mr Lynch applied to Brisbane Grammar for the position of English and history master on 12 July 1972.<sup>21</sup> He was not successful immediately.<sup>22</sup>



In November 1972, the acting headmaster, Mr Trevor Baker-Finch, offered him a position teaching history, economics and English from 1 January 1973.<sup>23</sup> Mr Lynch accepted the position.<sup>24</sup>

In around 1976, Mr Lynch enrolled in a Diploma of School Counselling.<sup>25</sup> The evidence did not disclose whether he obtained that diploma.

In 1976, Mr Lynch first began to perform the role of school counsellor at Brisbane Grammar on a part-time basis.<sup>26</sup> In 1977, he was employed in that role on a full-time basis.<sup>27</sup>

Mr Lynch worked as a school counsellor from two rooms at Brisbane Grammar. One of the rooms was the counselling room and the other was known as the careers room.<sup>28</sup>

The counselling room had two doors:<sup>29</sup> one leading to the corridor and the other leading to the careers room.<sup>30</sup> Both doors were fitted with intercoms.<sup>31</sup> The door to the careers room had a lighting system with a red light and a green light.<sup>32</sup> It also had a lock on the door.<sup>33</sup>

BQG gave evidence that ‘all the boys knew that if the red light was on you did not press the intercom, you had to sit in the careers room and wait for the light to turn green’.<sup>34</sup> BQG also gave evidence that there was a filing cabinet behind Mr Lynch’s desk which contained baby oil and towels in the bottom drawer.<sup>35</sup>

Mr Lynch left the school in 1988 and moved to St Paul’s. We address Mr Lynch’s employment at St Paul’s later in this report.

## 1.4 The experiences of former students at Brisbane Grammar

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A number of former students gave evidence at the public hearing about their experiences at Brisbane Grammar. Three parents of former students also gave evidence.

### BQQ

BQQ started at Brisbane Grammar in year 8 in 1982. He boarded at the school for one year and continued to attend as a day student from year 9 to year 12.<sup>36</sup>

When he was in year 9 his parents suggested that he see the school counsellor, Mr Lynch, because he was not coping at the school. He felt a lot of pressure to succeed and was not doing very well academically.<sup>37</sup> BQQ said Brisbane Grammar was ‘run through violence and fear’.<sup>38</sup>

BQQ said that he saw Mr Lynch three or four times in year 9 and about three or four times in year 10.<sup>39</sup> He said that during most of these sessions Mr Lynch sexually abused him.<sup>40</sup>

BQQ says that he did not report the abuse by Mr Lynch to anyone at Brisbane Grammar while he was a student. He says that at the time he did not know that what Mr Lynch was doing was a crime.<sup>41</sup> He thought that Brisbane Grammar was one of the best schools in Brisbane, so he thought that Mr Lynch must have known what he was doing.<sup>42</sup>

BQQ said that he first reported the abuse to Brisbane Grammar in June 2000.<sup>43</sup>

In February 2002, he requested an apology from Brisbane Grammar. BQQ received a letter from the headmaster, Dr Lennox. In that letter Dr Lennox apologised, offered counselling services and offered BQQ the opportunity to meet with Dr Lennox. BQQ accepted the invitation to meet with Dr Lennox, but he said he was unsatisfied with the subsequent interview.<sup>44</sup>

BQQ gave evidence that he feels like he stopped growing emotionally from the time he was abused by Mr Lynch and he feels like a 13-year-old boy.<sup>45</sup> BQQ says he has struggled with drug and alcohol addiction throughout his adult life and he has been diagnosed with post-traumatic stress disorder. BQQ said that because of his struggle with drugs and alcohol he separated from his partner in 2007 and he lost his employment in 2009. BQQ says he currently smokes marijuana and drinks roughly a bottle of bourbon every day. He does not drink when he has custody of his children every second weekend.<sup>46</sup>

BQQ said that he first visited a psychiatrist who specialises in addiction in 2000. He now visits a different psychiatrist and a psychologist. BQQ lives at home with his parents, he has not held a job in four years and he is on the Disability Support Pension.<sup>47</sup>

## BQK

BQK commenced at Brisbane Grammar in 1983 and graduated at the end of 1987.<sup>48</sup>

At school, BQK said he was ostracised and racially taunted by other students. He gave evidence that he had a lot of disciplinary issues.<sup>49</sup>

BQK gave evidence that he first saw Mr Lynch during his first year at Brisbane Grammar.<sup>50</sup> He said that he saw Mr Lynch approximately two or three times a week<sup>51</sup> and continued to see Mr Lynch throughout his time at Brisbane Grammar.<sup>52</sup> When BQK was in years 10, 11 and 12, he said that these sessions also occurred in Mr Lynch's apartment outside of school hours.<sup>53</sup>

BQK said that Mr Lynch's office had two entrances – one through the careers room and one leading into the corridor. This set-up meant that a student waiting to see Mr Lynch could not see who was coming out of the room.<sup>54</sup>

BQK gave evidence that he was sexually abused by Mr Lynch. BQK gave evidence that Mr Lynch used a form of hypnosis in the sessions. BQK said that Mr Lynch would regularly masturbate him

to the point of ejaculation and sometimes make BQK ingest his own semen. BQK said that at other times Mr Lynch placed acupuncture needles in BQK's testicles or put his thumb in BQK's anus.<sup>55</sup>

BQK gave evidence that Mr Lynch told BQK that this 'treatment' was giving BQK an 'edge' in life.<sup>56</sup> BQK believed Mr Lynch. BQK gave evidence that he had never seen a counsellor before and assumed that this was a normal treatment method.<sup>57</sup>

BQK saw Mr Lynch as a mentor and a father figure. BQK invited Mr Lynch, instead of his father, to deliver a speech at his 21st birthday party.<sup>58</sup>

Mr Lynch committed suicide in January 1997 after he was charged with a number of sexual offences against a child. BQK said that he did not fully comprehend that what was happening to him was sexual abuse until after he heard that Mr Lynch had committed suicide.<sup>59</sup>

BQK did not report the abuse during his time at Brisbane Grammar.<sup>60</sup>

In 2000, BQK heard media reports about Mr Nigel Parodi, a former student of Brisbane Grammar. In May 2000, Mr Parodi shot three police officers in a suburban street after they responded to a call about a threat. Mr Parodi then went into hiding for almost three weeks before being found dead in nearby bushland, apparently as a result of suicide.<sup>61</sup> The police officers survived and eventually returned to their duties. In media reports following the incident, it was alleged that Mr Parodi had been abused by Mr Lynch while he was a student at Brisbane Grammar.<sup>62</sup>

In May 2000, following these allegations about Mr Lynch in the media reports, BQK approached lawyers to pursue civil litigation. BQK said that this was the first time he was able to admit to himself that he had been abused by Mr Lynch and the extent to which he had been let down by Brisbane Grammar.<sup>63</sup>

In 2002, BQK attended a mediation which he described as being like a 'sausage factory', and he rejected the 'insulting' offer that the school made to him. BQK said that he felt this process was an extension of 'the establishment' and that all the lawyers in Brisbane were part of a club from which he was excluded.<sup>64</sup> BQK wanted to pursue litigation because he found the initial response of the school to be so offensive.<sup>65</sup> BQK settled his claim against Brisbane Grammar at mediation in December 2014.<sup>66</sup>

BQK said this process was never about money. He decided to settle his claim with Brisbane Grammar after almost 15 years because he felt the school was beginning to show that they were accountable and they faced the prospect of shame and ridicule on par with the shame that victims of abuse feel.<sup>67</sup>

BQK said that he left Brisbane Grammar as a poorly educated and extremely angry young man with an utter resentment for authority and 'the establishment' of the Brisbane elite. BQK said that he is a functioning alcoholic who will go on 'massive benders' lasting up to a week.<sup>68</sup>

BQK said he is left with a ‘horrible’ feeling of emptiness and an inability to feel. BQK said that he is angry about the way Brisbane Grammar responded when the abuse by Mr Lynch became public knowledge.<sup>69</sup> BQK said that he is a workaholic and he is driven by the idea that he will have to confront his demons if he does not keep moving forward or working.<sup>70</sup> He said that he has channelled the fear and anger caused by the abuse into a drive to succeed in business and, while on a superficial level he has everything that a person could want, he is plagued by the abuse and the effect it has on him.<sup>71</sup>

## BQG

BQG started at Brisbane Grammar in 1983 in year 8, when he was 12 years old.<sup>72</sup>

BQG gave evidence that there was a ‘culture of fear and fear-driven respect’ around the headmaster, Dr Howell. BQG gave evidence that the culture at the school was such that ‘you didn’t report things’.<sup>73</sup>

BQG said that he first saw Mr Lynch in his first year at school. On this occasion, BQG said, Mr Lynch used ‘relaxation exercises’ which included encouraging BQG to masturbate and touching BQG on his testicles.<sup>74</sup>

BQG gave evidence that he was abused by Mr Lynch about three times a week, or more, for many years. He said that the abuse continued throughout BQG’s time at Brisbane Grammar and after BQG left school.<sup>75</sup> BQG said that at some point Mr Lynch started to masturbate BQG, and on other occasions Mr Lynch had BQG masturbate him.<sup>76</sup> BQG gave evidence that Mr Lynch often told him that he had to keep the sessions confidential and tried to normalise the abuse.<sup>77</sup>

BQG gave evidence that Mr Lynch’s room had two doors, both fitted with locks and intercoms.<sup>78</sup> The intercom at one door was fitted with a lighting system which had a red light and a green light. He gave evidence that if the red light was on then a student knew not to enter the office. The student had to wait in the careers room for the green light to turn on.<sup>79</sup>

BQG gave evidence that over time Mr Lynch became a father figure to him. For this reason, BQG did not think about reporting the abuse to anyone. BQG felt that Mr Lynch remained an important figure in his life until the time of his death in 1997. BQG was invited to sit with Mr Lynch’s family at his funeral and carried his coffin.<sup>80</sup>

BQG decided to pursue civil proceedings following the media attention surrounding Mr Lynch.<sup>81</sup> After a couple of years he gave up because he found that the process and the school were ‘wearing him down’.<sup>82</sup>

Following a private session with the Royal Commission in late 2014, BQG decided to revisit civil proceedings in 2015. However, once again, he has found that the process is difficult and burdensome.<sup>83</sup> At the time of the public hearing, BQG’s civil claim was ongoing.<sup>84</sup>

As an adult, BQG was diagnosed as having post-traumatic stress disorder and he sees a psychologist once a week.<sup>85</sup> He feels the abuse has impacted on his ability to trust people and this has led to two failed marriages.<sup>86</sup>

Despite not completing high school, BQG said that he has been quite successful commercially. However, his failure to complete year 12 meant that he was not able to pursue studies in law. He feels inadequate because he has no degree.<sup>87</sup> BQG said that he does not trust anyone, he has a fear of being abandoned and he has had a lifetime of hollow relationships.<sup>88</sup>

## BQS

BQS started at Brisbane Grammar in 1986, shortly after his parents divorced.<sup>89</sup>

He gave evidence that there was a culture of bullying at the school. He said that he did not report incidents of bullying to anyone at the school because he did not know that what he was being subjected to was wrong.<sup>90</sup> BQS was fearful of the headmaster, Dr Howell.<sup>91</sup>

BQS gave evidence that he was sent to see Mr Lynch because he had been misbehaving in class. He said he saw Mr Lynch every day for about one year and was sexually abused by Mr Lynch during those sessions. BQS gave evidence that at the time he did not know that what Mr Lynch was doing to him was wrong, but he knew he did not like it.<sup>92</sup>

BQS said he did not tell anyone at the school what Mr Lynch was doing to him. However, he gave evidence that he recalls sitting at the desk of a teacher, Mr Ashleigh Byron, one day after many visits to Mr Lynch. He recalls saying to Mr Byron, 'I don't want to see Kevin Lynch again'. BQS remembered that he had his head down and was crying when he was speaking to Mr Byron. BQS gave evidence that Mr Byron did not ask why he did not want to continue seeing Mr Lynch. Mr Byron told him, 'You're just going to have to. You've got no choice in the matter. You have problems at home. You need to be doing something'.<sup>93</sup>

BQS said that he first disclosed the abuse in about 2001. He said that until that time he had a form of amnesia about Mr Lynch and he was not aware that he had been abused.<sup>94</sup>

BQS commenced civil proceedings around 2001 or 2002. The matter subsequently settled for \$26,000. BQS said that he felt 'totally undercompensated'.<sup>95</sup>

BQS gave evidence that he has suffered significantly as a result of the abuse by Mr Lynch and does not consider himself to have been successful in life. BQS has struggled with alcohol and drug addictions since 1987, he has spent time in rehabilitation facilities and he is currently on the Disability Support Pension. He has been diagnosed with an organic brain disorder, post-traumatic stress disorder, chronic depression and anxiety. He continues to receive treatment for these

conditions, including frequent hospitalisations. As a result of the abuse, BQS has not been able to form healthy relationships and has attempted to take his own life on three occasions.<sup>96</sup>

## BQR

BQR is the mother of BQS. She gave evidence about the impact of the abuse by Mr Lynch on BQS and their family.

BQR said that, even though it is now 30 years since BQS started school at Brisbane Grammar, the trauma of those times is still with her today.<sup>97</sup> At the time, knowing that there was a counsellor at the school was comforting to BQR.<sup>98</sup> BQR thought that BQS's behaviour at the time was due only to her divorce from BQS's father.<sup>99</sup>

BQR also gave evidence that her older son also saw Mr Lynch for counselling. She gave evidence that Mr Lynch had asked her older son to hold his own penis while Mr Lynch held his penis.<sup>100</sup>

## BQH and BQI

BQH and BQI gave evidence about their son BQJ, who was a boarding student at Brisbane Grammar from 1981.<sup>101</sup> In mid-1981 BQJ told his parents that Mr Lynch had 'fiddled' with BQJ's penis.<sup>102</sup> BQH and BQI gave evidence that, after this disclosure, they drove four hours to see the headmaster, Dr Howell.

We discuss the evidence of BQH and BQI in further detail below.

## BQA

BQA started at Brisbane Grammar in 1980, when he was in year 8, and left the school before completing year 10 in 1982.<sup>103</sup>

About four months after BQA started at the school, Dr Howell sent him to see Mr Lynch 'because [he] was easily distracted in class and "not contributing to the school" either academically or in sports'.<sup>104</sup> He said that '[a]lmost immediately, LYNCH commenced performing relaxation techniques on me that led to touching and then masturbation'.<sup>105</sup>

BQA said that he was abused by Mr Lynch until he left Brisbane Grammar.<sup>106</sup> BQA gave evidence that he was touched and masturbated by Mr Lynch. He said sometimes Mr Lynch gave him tablets that made him feel either drowsy or elated. The tablets stopped him feeling stressed. BQA said that Mr Lynch also masturbated himself and anally penetrated him on two occasions.<sup>107</sup>

BQA said that Mr Lynch encouraged BQA to skip school cricket games and allowed him to regularly skip classes. He gave evidence that on one occasion Mr Lynch accompanied BQA to see a movie and masturbated BQA in the theatre during the movie.<sup>108</sup> He said that on more than one occasion Mr Lynch encouraged BQA to skip school entirely. On these occasions Mr Lynch authorised BQA's departure from the school with the school bursar.<sup>109</sup> BQA gave evidence that Mr Lynch made him feel special and told him he loved him like a father.<sup>110</sup>

BQA gave evidence that he attended Mr Lynch's office so regularly between 1980 and 1982 that some teachers made comments to him about his absences.<sup>111</sup> No teacher or staff member asked him why he was seeing Mr Lynch so often for counselling.<sup>112</sup>

BQA also gave evidence that when he was in year 10 in 1982 his classmates often chanted the words 'poof, poof' under their breath when he walked past them. He said that was because it was becoming common knowledge at the school that Mr Lynch was touching students.<sup>113</sup> BQA said that on at least two occasions he had to see Dr Howell about the fact that he had been skipping school. On both occasions Mr Lynch was brought into the meeting as well. BQA said that Dr Howell 'wanted me to admit that I had been skipping school because I was unhappy at home'.<sup>114</sup>

BQA gave evidence that on one occasion, when he was in year 10 in 1982, Dr Howell entered Mr Lynch's office during one of his sessions with Mr Lynch and saw BQA with his trousers and underpants down. BQA said that Dr Howell told him he was a 'sick individual, or words to that effect' and told him to return to class.<sup>115</sup>

Shortly after this incident, BQA says he was called to meet with Mr David Coote, the deputy headmaster of Brisbane Grammar at the time. Mr Coote questioned BQA about his 'inappropriate relationship with Lynch'. BQA gave evidence that he told Mr Coote that he loved Mr Lynch more than his own parents.<sup>116</sup> Brisbane Grammar challenged this evidence, and we address the evidence below.

BQA said that in 1999, after he had left Brisbane Grammar, he attended a meeting at the school. At that meeting he disclosed the abuse to Mr Stack, the chairman of the board of trustees for Brisbane Grammar. BQA gave evidence that, in his first meeting with Mr Stack, Mr Stack was shocked and concerned by BQA's disclosure of sexual abuse.<sup>117</sup>

BQA said that he attended a second meeting with Mr Stack. During the second meeting he felt that Mr Stack was not helpful at all and was only interested in protecting the school.<sup>118</sup> Mr Stack gave evidence that he did not meet with BQA in 1999 and that the first time he met with BQA was in April 2001.<sup>119</sup> When asked by Counsel Assisting if he was sure about that, Mr Stack said:

I'm totally sure about that. I responded, as was tendered to the Royal Commission yesterday, my response to his letter, in which we – I offered to meet with him, together with the headmaster, and suggested he make an appointment to do that. I subsequently, on 30 April 2001, had a meeting with [BQA] in which he acknowledged that he did initially

make an appointment with Dr Lennox but that he cancelled that appointment after he had had a meeting with a Detective Laws, who informed him that he had no case because Lynch was deceased. He told me that he cancelled that meeting, and that meeting on 24 April 2001 was the first time that I met with [BQA].<sup>120</sup>

When BQA reported the abuse to police, he was told that Mr Lynch had killed himself. He remembers the police telling him, 'No perp, no case'.<sup>121</sup>

In around August 2000, BQA engaged lawyers to file an application for leave to bring a claim which was statute barred for being outside the limitation period. This was unsuccessful.<sup>122</sup>

BQA says that, as a result of the abuse, he never completed school or tertiary education. He has had two failed marriages and experiences great difficulties in trusting people. He has anger management issues and has made attempts to take his own life.<sup>123</sup>

## BQF

BQF commenced at Brisbane Grammar in 1980 in year 8. At that time, BQF's parents lived in Papua New Guinea and BQF boarded at the school until he left after completing year 12 in 1984.<sup>124</sup>

BQF gave evidence that the boarding school culture was 'quite militant' and that Mr Ron Cochrane, the senior resident housemaster of the boarding house, ran the boarding house with an iron fist.<sup>125</sup> BQF said that he was scared to approach Mr Cochrane about anything.<sup>126</sup>

Around April 1981, BQF saw a flyer in the common room advertising Mr Lynch's services at the school. He visited Mr Lynch because he was feeling homesick and was being bullied. He gave evidence that on his visit Mr Lynch locked the door behind him. Mr Lynch put BQF under some form of hypnosis, put Vaseline in BQF's hand, guided his hand towards his penis and encouraged BQF to masturbate. After some time BQF, in his words, 'freaked out' and left Mr Lynch's office. He did not go back to see Mr Lynch again. BQF gave evidence that at that time he did not know if what had happened was right or wrong.<sup>127</sup>

Within a couple of days of the abuse, BQF told a friend, who suggested that he tell Mr Cochrane. BQF gave evidence that he went to see Mr Cochrane and said to him that Mr Lynch had 'pulled out some Vaseline and put it on my knob'. BQF gave evidence that Mr Cochrane said 'don't worry about it, go back to your New Guinea contingent'.<sup>128</sup>

Mr Cochrane denied that this conversation took place, and we address this further below.

BQF gave evidence that, a couple of weeks after telling Mr Cochrane, he told another friend about the abuse.<sup>129</sup> BQF then told a prefect, who told him to 'leave it with [him]', but BQF never heard anything more about it.<sup>130</sup>



About a week after telling the prefect, BQF told his father about the abuse.<sup>131</sup>

BQF said that as a result of the abuse he has never married and has problems with intimacy. He has experienced drug addiction and flashbacks. He has had to be prescribed medications for depression.<sup>132</sup>

## BQO

BQO did not give evidence at the public hearing. He provided a statement to the Royal Commission. BQO said that he had started at Brisbane Grammar in 1975 in year 8 and had boarded at the school.<sup>133</sup>

BQO said that there was a lot of bullying of younger students at the school and that prefects were essentially given unsupervised power over the other students.<sup>134</sup> He gave evidence that in 1977 a prefect in the boarding house lined the boarders up against a wall. The prefect pushed an umbrella against BQO's pyjama pants, through his trousers, and penetrated his anus, causing him to bleed.<sup>135</sup>

As a result of the abuse by the prefect, BQO suffered excruciating physical pain and decided to see the school counsellor, Mr Lynch. BQO reported the abuse by the prefect to Mr Lynch. He recalls Mr Lynch calling someone to tell them BQO would not be attending the next two lessons. Mr Lynch then said words to the effect, 'I'm going to do this because it will be easier to talk to you'. BQO was then hypnotised by Mr Lynch.<sup>136</sup>

BQO said that he was never offered any medical treatment and was never questioned by anyone at the school about the assault by the prefect.<sup>137</sup>

## 1.5 Complaints about Mr Lynch

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As will be addressed below, former students and some parents gave evidence that they told Dr Howell and other members of staff at Brisbane Grammar about incidents concerning Mr Lynch. They also gave evidence about the school's responses to those disclosures.

Dr Howell died before this case study. However, in 2002, Dr Howell signed statements, swore affidavits and prepared correspondence in which he addressed the issue of whether he was told about allegations that Mr Lynch had sexually abused students. These documents were prepared during the course of civil litigation.

Included in Dr Howell's statements, affidavits and correspondence before his death were his responses to the allegations by BQH, BQA and BQP, which were the subject of evidence at the public hearing.

In these documents, Dr Howell denied the allegations that former students and parents had informed him that Mr Lynch had sexually abused boys.

## Complaint by BQJ

BQJ commenced at Brisbane Grammar in 1981 as a boarder.<sup>138</sup> BQJ's father, BQH, received a telephone call in mid-1981 from his wife, BQI.<sup>139</sup> BQI said that their son had called her and said that Mr Lynch had 'fiddled' with his penis.<sup>140</sup>

BQH said that he immediately made an appointment to see Dr Howell.<sup>141</sup> The purpose of the meeting was to discuss BQJ's allegations about Mr Lynch.<sup>142</sup> BQH said that he travelled down to Brisbane by car with his wife – approximately a four-hour drive from their home.<sup>143</sup> BQH said that he met with Dr Howell in Dr Howell's office. His wife remained outside during the meeting.<sup>144</sup>

BQH gave evidence that during the meeting he told Dr Howell that Mr Lynch 'had been interfering with [his] son'.<sup>145</sup> He gave evidence that Dr Howell asked him, 'are you going to tell the police?'. BQH said no. He gave evidence that he made it clear to Dr Howell that if this was not an isolated incident then he expected action.<sup>146</sup>

BQI did not go inside Dr Howell's office during this meeting, so she could not give direct evidence about what occurred between BQH and Dr Howell. However, she said that the main purpose of the trip was to see Dr Howell about BQJ's allegation<sup>147</sup> and that BQH told her immediately after the meeting that he had raised the matter with Dr Howell.<sup>148</sup>

BQH and BQI each said that they did not hear from Dr Howell or anyone else at the school about any action that was taken to deal with BQJ's complaint.<sup>149</sup>

BQH prepared a statutory declaration about the events the subject of this hearing for the purpose of civil litigation.<sup>150</sup> That account differed in some respects from the evidence he gave to the Royal Commission. Those discrepancies were addressed by Brisbane Grammar's submissions and are dealt with below.

Before his death, Dr Howell addressed BQH's statutory declaration in an affidavit sworn on 27 September 2002. Dr Howell said in the affidavit:

5. I find some of the allegations made in the Statutory Declaration by BQH inexplicable:
  - a I do not use, and have never used, the term 'Righto'.
  - b It is inconceivable that a meeting with me to discuss the matters alleged would have been 'all over in about five minutes'.

- c It is highly likely I would have responded strongly to BQH suggesting to me how the complaint should be handled. I was and am well aware of how such complaints should be handled.
  - d I would have assumed that BQH would have spoken to other parents prior to speaking to me.
  - e I would not have given any impression that the matter was not serious, that the matter would not be investigated, or that the matter should be kept quiet. My attitude would have been quite to the contrary.
  - f I find it curious that so serious a complaint as is alleged was not followed up by BQH, particularly as BQH would have known that Kevin Lynch continued at the School for the balance of the years of his sons' attendances
6. I have no recollection of any meeting with BQH and have no recollection of any meeting with any parent in which the allegations alleged to have been discussed were discussed.
7. Had I had a meeting with BQH at which he made the allegations as set out in paragraph 19 of his Statutory Declaration then I have no doubt that:
- a I would have remembered the conversation
  - b I would have immediately acted upon the conversation by carrying out an investigation and putting the allegations to Lynch
  - c Subject to the results of the investigation I would have dismissed Lynch
8. I would have had no hesitation in dismissing a staff member against whom such an allegation was made and I had done so in similar circumstances in relation to a complaint in 1969. It is inconceivable that I would have received such a complaint and failed to act. The allegation made is of the most serious nature and one which goes to the very heart of my philosophy as an educator and Headmaster over a period of some 48 years. Had the alleged complaint been made to me it most certainly would not have gone uninvestigated.<sup>151</sup>

It is clear that Dr Howell's response to BQH's statutory declaration amounts to a denial that the meeting occurred as BQH said it did. While Dr Howell says in paragraph 6 that he has no recollection, the clear effect of paragraph 7 is that Dr Howell is saying that, if BQH's version was truthful and accurate, Dr Howell would remember the meeting.

We are satisfied that Dr Howell's affidavit is an effective denial of BQH's statutory declaration. Accordingly, there is a direct conflict between BQH and Dr Howell over whether this meeting occurred in the way that BQH alleges.

There was no challenge to the evidence of BQH and BQI during the public hearing.<sup>152</sup> Brisbane Grammar submitted that nothing turns on this point because, while Brisbane Grammar and a number of staff were represented during the hearing by senior and junior counsel, Dr Howell was not represented.<sup>153</sup> No one sought leave to appear for Dr Howell at the hearing.

However, it is clear that senior counsel appearing for Brisbane Grammar assumed a role which included protecting Dr Howell's reputation. For example, senior counsel put to another witness, BQA, in cross-examination that BQA's version of events (that Dr Howell had walked into Mr Lynch's office during one of their sessions while BQA was only partially dressed) 'didn't happen'.<sup>154</sup> In particular, BQH and BQI were not questioned about any differences between the evidence given to us and the contents of BQH's statutory declaration.

Accordingly, we find that the fact that there was no challenge to the evidence of BQH<sup>155</sup> and BQI,<sup>156</sup> even though other evidence which was unfavourable to Dr Howell was directly challenged, adds weight to the reliability of the evidence that BQH and BQI gave.

Brisbane Grammar submitted to the contrary. In support of its submission, Brisbane Grammar relied in part on a difference between BQH's account in a 2002 statutory declaration, where he recalled that his son said to him that Mr Lynch had 'fiddled with my penis', and BQH's oral evidence at the public hearing, where he said his son had told him that Mr Lynch had 'fiddled with my dick'.<sup>157</sup>

We reject Brisbane Grammar's submission that BQH did not have a good recollection of his meeting with Dr Howell. In relation to the difference between BQH's 2002 statutory declaration and his evidence at the public hearing, there was this exchange with Counsel Assisting during BQH's evidence at the public hearing:

Q. I will withdraw the question and ask it in a different way. Sitting here today, is there any doubt in your mind about whether you told Mr Howell about the things that you recorded in your statutory declaration and that you have told the Commission about today?

A. There is absolutely no doubt at all. Why would we travel 400 kilometres, or 800 return journey, if it wasn't for a very specific reason?<sup>158</sup>

We do not consider that that minor difference between the account in the 2002 statutory declaration and BQH's oral evidence adversely affects his reliability as a witness.

Further, we find that BQH's account of what he told Dr Howell is consistent with statements he made to his wife, BQI, shortly after the meeting. We consider that BQI is a reliable witness, who had a good recollection of the initial disclosure by her son, what she conveyed to her husband about that disclosure, the trip she took with her husband to see Dr Howell and what her husband told her had happened in that meeting.

Accordingly, we are satisfied that BQH told Dr Howell in mid-1981 that Mr Lynch had sexually abused his son, BQJ. We reject Dr Howell's denial of BQH's version of events as set out in his 2002 affidavit.

There was no evidence that Dr Howell took any action after that disclosure. Accordingly, we also find that Dr Howell did not investigate the allegations and did not report the matter to the police or the board of trustees. In not doing so, he failed in his obligations to protect the safety and wellbeing of the students at Brisbane Grammar.

## Complaint by BQA

BQA gave evidence that he was sexually abused by Mr Lynch between 1980 and 1982.<sup>159</sup>

BQA gave evidence that Dr Howell entered Mr Lynch's office during one of his sessions with Mr Lynch and saw BQA with his pants down.<sup>160</sup> Shortly after this incident, BQA says he was called to meet with Mr Coote, the then deputy headmaster. Mr Coote asked BQA about his 'inappropriate relationship' with Mr Lynch and told BQA he was not to see Mr Lynch again. At that meeting, BQA said that he told Mr Coote that he loved Mr Lynch more than his own parents.<sup>161</sup>

Mr Coote denies that he had ever asked BQA about his 'inappropriate' relationship with Mr Lynch.<sup>162</sup> Mr Coote did not have a recollection of BQA saying to him that he loved Mr Lynch more than he loved his parents – he could not rule it out but felt that he would have recalled it if it had occurred.<sup>163</sup>

In a letter to the board of trustees of Brisbane Grammar, lawyers acting for BQA advised that BQA said that he met with Dr Howell and that Dr Howell described BQA's relationship with Mr Lynch as 'disturbing and inappropriate'.<sup>164</sup>

In a statement he made in 2002, Dr Howell denied BQA's allegations about the meeting.<sup>165</sup> Dr Howell did not address BQA's allegation that Dr Howell had entered Mr Lynch's office while BQA had his pants down – that allegation was not made until after Dr Howell's death.

Brisbane Grammar made submissions to the effect that we should have 'serious reservations about the reliability of BQA's evidence insofar as it concerns the alleged knowledge of Dr Howell and Mr Coote of the abuse committed by Lynch'.<sup>166</sup>

Brisbane Grammar relied on differences between BQA's recollections of his dealings with Dr Howell in the two accounts he had given in September 1999 and<sup>167</sup> August 2000<sup>168</sup> and his recollections at the time he gave evidence at the public hearing.<sup>169</sup>

BQA accepted in his evidence at the public hearing that there have been some differences in his accounts over time. He was challenged by senior counsel for Brisbane Grammar about his evidence that Dr Howell had witnessed him partially naked in Mr Lynch's office. BQA said in response:

Well, I suggest to you you weren't there and it did happen. What I will explain to you is that such memories like this are not linear. They are not consistent. They come at random times. And this, for me, came 14 years after it was dead and buried ...<sup>170</sup>

A difficulty in assessing BQA's evidence about his dealings with Dr Howell is that, as we have noted, BQA did not raise one of the critical events he recounted – that is, that Dr Howell saw him in Mr Lynch's office partially naked<sup>171</sup> – until after Dr Howell's death. As a result, we do not have the opportunity of hearing a response from Dr Howell to that evidence.

In the absence of a response from Dr Howell to that critical matter, we cannot be satisfied of the matters that BQA alleges to the level that is required by the principle stated in *Briginshaw v Briginshaw*<sup>172</sup> (*Briginshaw*), as set out in the preface to this report. We wish to make it clear that we do not find that BQA was an unreliable witness.

As noted above, BQA said that he disclosed to Mr Coote that he loved Mr Lynch more than his own parents. Mr Coote gave evidence that he could not rule out that this had occurred, although he believed it did not happen.<sup>173</sup> We prefer BQA's evidence because he had a clear recollection of making this disclosure, and Mr Coote's evidence is that he could not rule out the possibility that BQA made the disclosure.

We find that BQA disclosed to Mr Coote that he loved Mr Lynch more than his own parents. There is no evidence that Mr Coote took any action to investigate the nature of Mr Lynch's relationship with BQA after BQA made the disclosure. We consider this disclosure should have prompted Mr Coote to take action, particularly given Mr Coote's qualifications in psychology (Mr Coote gave evidence that he had done a major in psychology at university).<sup>174</sup> Mr Coote's evidence, as set out below, is that an inquiry should be made and action is required where a student makes these types of disclosures:

Q. If a student did say something like that to you about his relationship with a counsellor, it would be a pretty classic sign that there might be transference going on; would you agree?

A. Yes.

Q. And you agree, don't you, that if there's evidence of transference, that is something which positively suggests the possibility, if not likelihood, of a boundary violation of some sort?

A. No, not necessarily. It depends on the entire circumstances of the student and the student's family and the relationship between the students and the particular teacher. It depends.

Q. You said this yesterday – and look, if you need to, before answering this question, please, at that part of your answer at lines 22 to 37 – about situations of transference:

And it is inappropriate and it's then a question of who's bringing it about and are they aware of what's happening ...

Do you see that?

A. Yes.

Q. Any suggestion that there was a situation of transference would put you on notice that you'd need to inquire about what was going on in the counselling relationship, wouldn't it?

A. Yes, that's correct.<sup>175</sup>

BQA also said that Mr Coote described BQA's relationship with Mr Lynch as 'inappropriate'.<sup>176</sup> Mr Coote denied this.<sup>177</sup> In light of our finding that BQA disclosed to Mr Coote that he loved Mr Lynch more than his own parents, it is not necessary to determine this matter.

## Complaint by BQP

BQP was not required to give evidence at the public hearing. A letter he sent to the school in 2000 was tendered.<sup>178</sup>

BQP stated in that letter that in 1979 or 1980 Mr Lynch placed his hand inside his underpants and tried to masturbate him.<sup>179</sup> In that letter BQP said that he met with Dr Howell in his office. At the meeting he told Dr Howell what had occurred 'in rather explicit detail'.<sup>180</sup> BQP said in the letter that Dr Howell's response was to say that he may have been dreaming or was exaggerating. He promised an investigation, but nothing happened.<sup>181</sup>

In a letter to the school's solicitors in 2002, Dr Howell denied BQP's account.<sup>182</sup> In the letter, Dr Howell identified a number of features of BQP's account which in his view were false.<sup>183</sup>

Brisbane Grammar submitted that it was not open to us to accept BQP's account because it was unsworn and BQP did not give evidence at the public hearing.<sup>184</sup>

In order to make findings, we must be satisfied in accordance with the principle in *Briginshaw*, as set out in the preface to this report. BQP did not give evidence. We could not test his account and his written account was not sworn. Dr Howell denied the allegations. Therefore, we cannot be satisfied to the requisite standard that the meeting as set out in BQP's account occurred.

## Complaint by BQE

BQE was not required to give evidence at the public hearing. A psychiatrist's report tendered in the public hearing recorded BQE as having told the psychiatrist that he was sexually abused by Mr Lynch from 1977 to 1979.<sup>185</sup>

He told the psychiatrist that after the abuse he told a master at the school, Mr Raymond Cross, that he was being sexually abused by Mr Lynch. He said that Mr Cross told him that he should not make up stories and that Mr Lynch was a 'very well-respected man'.<sup>186</sup>

In his statement and oral evidence, Mr Cross denied the allegation.<sup>187</sup>

In the circumstances, we make no finding on whether BQE informed Mr Cross of the abuse. In order to make findings, we must be satisfied in accordance with the principle in *Briginshaw*, as set out in the preface to this report. BQE did not give evidence. We could not test his account. Mr Cross denied the allegations. Therefore, we cannot be satisfied to the requisite standard that BQE told Mr Cross that he was being abused by Mr Lynch.

## Complaints by BQF and BQD

In his statement and in evidence at the public hearing, BQF said that Mr Lynch sexually abused him.<sup>188</sup> He said that he went to see Mr Cochrane, the then boarding housemaster, and told him that he had been to see Mr Lynch and that Mr Lynch had 'pulled out some Vaseline' and put it on his 'knob'.<sup>189</sup> BQF said that Mr Cochrane told him not to worry and to go back to his 'New Guinea contingent'.<sup>190</sup> Mr Cochrane denied that BQF had said this to him.<sup>191</sup>

In the absence of any evidence other than the sworn evidence of both BQF and Mr Cochrane, we cannot be satisfied that BQF told Mr Cochrane that he had been touched by Mr Lynch in the manner referred to above and that Mr Cochrane told him not to worry about it. We wish to make clear that we do not find that BQF was an unreliable witness.

A psychiatrist's report was tendered which contained an account of a disclosure by another student, BQD, which was said to have been made to Mr Cochrane in similar circumstances to BQF.<sup>192</sup>



BQD did not provide a statement to the Royal Commission and he did not give evidence. That report records BQD telling the psychiatrist that he was abused by Mr Lynch,<sup>193</sup> that he told Mr Cochrane of the abuse and that Mr Cochrane rejected the allegations.<sup>194</sup>

Mr Cochrane gave evidence and said that ‘BQD didn’t make the comment to me’.<sup>195</sup> When Counsel Assisting asked him whether it was ‘possible that your response was to listen to BQD but form the view that his allegation was not credible’, Mr Cochrane responded, ‘Well, it’s possible, but I don’t know – probably – you know. It didn’t happen, so – but it – anything’s possible’.<sup>196</sup>

As set out in the preface to this report, the standard of proof is that set out in *Briginshaw*. BQD did not give evidence. We do not have any document signed by BQD setting out his account. Mr Cochrane gave evidence and was questioned by Counsel Assisting. Mr Cochrane denied the allegation. In these circumstances, we cannot prefer the account set out in the psychiatrist’s report to the sworn evidence of Mr Cochrane.

## 2 St Paul's School

In Case Study 34 the Royal Commission also examined the response of St Paul's School (St Paul's) to concerns or complaints about the behaviour of former staff member Mr Lynch.

St Paul's is a co-educational private school at Bald Hills in Brisbane, Queensland. The school was opened in 1960. Today, the school has over 1,300 students.<sup>197</sup> St Paul's does not have boarding facilities.

St Paul's is operated by the Anglican Church of Australia and is owned by the Corporation of the Synod of the Diocese of Brisbane.<sup>198</sup>

### 2.1 Governance of St Paul's School

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#### Diocesan Council and school council

As a school owned by the Anglican Diocese of Brisbane, the governing body of St Paul's is the Diocesan Council. The Diocesan Council delegates certain governance functions to the school council pursuant to the school's Constitution.<sup>199</sup> The school council comprises members of the Anglican Church and community, and its role is to provide governance and strategic direction to St Paul's.<sup>200</sup>

The chair of the school council at the time of the public hearing was Ms Heather Walker.<sup>201</sup>

#### Headmasters

The headmasters of St Paul's at the relevant times were as follows:

- Mr Peter Krebs was headmaster from 1960 until 1978.
- Mr Gilbert Case succeeded Mr Krebs as headmaster of St Paul's in 1979. He remained in that role until the end of 2000.<sup>202</sup>
- Ms Margaret Goddard succeeded Mr Case as head of the school in 2001. She remained in that role until August 2007.<sup>203</sup>
- Dr Browning succeeded Ms Goddard as head of the school in 2008. He is the current headmaster of St Paul's.<sup>204</sup>

Mr Case accepted that the most fundamental thing that he had to do for students under his care was to make sure they were kept safe.<sup>205</sup> Mr Case stated that the headmaster's formal responsibilities were set out in his letter of appointment and in the Constitution for the St Paul's school council, which was adopted at the time of his appointment in 1978.<sup>206</sup> Mr Case's letter of appointment states:

The headmaster is responsible to the School Authorities for the proper conduct, administration and discipline of the School and for the general supervision of all activities and maintenance of the School property. He will control staff in all departments of the School and will be entitled to appoint and dismiss staff.<sup>207</sup>

The Constitution adopted at the time of Mr Case's appointment is not in evidence before the Royal Commission. However, a revised version of that Constitution (the 1985 Constitution) was annexed to Mr Case's statement.<sup>208</sup> The 1985 Constitution states that the council will consult with and advise the headmaster as to the 'conduct of the School'<sup>209</sup> and receive regular reports from the headmaster 'as to the general progress of the School'.<sup>210</sup>

Mr Case agreed that, if he was notified of an allegation about sexual abuse of a student by a teacher, the Constitution required him to notify the school council.<sup>211</sup>

## 2.2 St Paul's School's employment of Mr Kevin Lynch

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Mr Lynch was employed at St Paul's as the school counsellor in 1989. Mr Case was the headmaster of St Paul's at that time.<sup>212</sup>

On 22 January 1997, and while Mr Lynch was still employed as the school counsellor at St Paul's, the Queensland Police Service charged him with nine counts relating to offences committed against a St Paul's student, BSE.<sup>213</sup> BSE's evidence about his experience of sexual abuse by Mr Lynch is set out in further detail below.

Later, on 22 January 1997, investigating police officers informed Mr Case that Mr Lynch had been charged with child exploitation and that the officer concerned was confident that Mr Lynch was guilty.<sup>214</sup>

The following day, on 23 January 1997, Mr Lynch committed suicide.<sup>215</sup>

On 29 January 1997, St Paul's held an elaborate funeral for Mr Lynch in the school chapel with four concelebrant priests, including the school chaplain.<sup>216</sup> BSB, a former student at St Paul's, gave evidence that there was 'standing room only' at Mr Lynch's funeral.<sup>217</sup>

Several former students from St Paul's gave evidence to the Royal Commission that they were sexually abused by Mr Lynch during counselling sessions in their time at the school. They gave evidence that Mr Lynch saw them for counselling appointments in a room which had a system of lights to indicate when the room was occupied or was free to enter.

For example, BSB gave evidence that Mr Lynch had a room at the top of the school divided by a brown concertina screen.<sup>218</sup> Behind the screen was a reclining chair for the students and a desk.

The door to Mr Lynch's room had a set of 'traffic lights', which showed red to indicate 'no entry', yellow to indicate 'knock and wait' and green to indicate when it was acceptable to enter.<sup>219</sup>

BRC gave evidence that there was 'a set of lights outside Lynch's office' which the students used to call 'traffic lights', where '[g]reen meant "enter", yellow meant "knock and wait", red meant "no entry"'.<sup>220</sup>

BRN also gave evidence that Mr Lynch had a system of lights for entry to the counselling room. BRN told us that, about one year after he had started at the school, Mr Lynch set up a series of lights outside his office. Before this, students were able to simply knock on Mr Lynch's office door and enter whenever they wanted to see him or had an appointment. After the lights were set up, students were told that they were only able to enter the office when the light was green. An orange light meant 'knock before you enter' and a red light meant 'no entry'. BRN gave evidence that he attended Mr Lynch's office on one occasion and tried to open his office door when the red light was on, but the door was locked.<sup>221</sup>

In her statement to the Royal Commission, the former head of St Paul's between 2001 and August 2007, Ms Goddard, said that she reviewed Mr Lynch's annual diaries which recorded the counselling appointments of students at St Paul's. Ms Goddard said that she sought these diaries after reviewing the isolated counselling rooms that Mr Lynch used and after she was aware of the full extent of Mr Lynch's depravity.<sup>222</sup>

She gave evidence that 'it was necessary, in my work, to procure those diaries and to look closely at them to verify information that was coming to me from the diocese'.<sup>223</sup> Ms Goddard estimated that there were well over a thousand names in each annual diary; that the diaries showed that Mr Lynch had many 'counselling' sessions each day; and that it was rare for the diary to record a blank day.<sup>224</sup>

## 2.3 The experiences of former students at St Paul's

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### BRN

BRN gave evidence at the hearing.<sup>225</sup> BRN started at St Paul's in 1987.<sup>226</sup>

BRN gave evidence that, at a school assembly in either 1988 or 1989, the headmaster, Mr Case, announced that Mr Lynch had joined the school as a counsellor. At the assembly, Mr Case praised Mr Lynch and said that he had a great reputation, having come from Brisbane Grammar. He called on the students to take advantage of Mr Lynch's expertise and experience.<sup>227</sup>

BRN recalled that, within a couple of weeks of that assembly, he made an appointment to see Mr Lynch to talk about his career choices. After this first appointment, he started meeting with

Mr Lynch regularly.<sup>228</sup> He gave evidence that Mr Lynch sexually abused him during these sessions.<sup>229</sup> BRN did not disclose the abuse by Mr Lynch while he was a student at St Paul's.

After leaving St Paul's in 1991, BRN continued to see Mr Lynch at his home on a monthly basis until shortly before Mr Lynch's death in 1997.<sup>230</sup> BRN considered Mr Lynch a friend and felt deep sorrow after learning of his death – he had met Mr Lynch's children, and Mr Lynch befriended his parents and was invited for dinner at the family home. Mr Lynch even attended BRN's 21st birthday party.<sup>231</sup>

BRN said that the abuse by Mr Lynch has had a significant impact on his life. He has suffered from low self-esteem, which has prevented him from completing educational courses and impacted on his ability to earn an income. Between 1994 and 2000, BRN started experiencing inexplicable headaches and anxiety attacks. He has had difficulty maintaining long-term relationships and intimacy as a result of the abuse.<sup>232</sup>

## BSE

BSE gave evidence at the public hearing.<sup>233</sup> He attended St Paul's from 1991 until 1993. When BSE was in year 9, he was referred to Mr Lynch because of his disruptive behaviour. BSE started seeing Mr Lynch two or three times a week and was sexually abused by him over a period of about two years.<sup>234</sup>

BSE did not report the abuse by Mr Lynch to anyone at St Paul's because he was too embarrassed.<sup>235</sup> However, after BSE left the school, he made a complaint about Mr Lynch to the police in October 1996.<sup>236</sup> He was 19 years old at the time.<sup>237</sup>

At the request of the police, BSE then met Mr Lynch while wearing a recording device. BSE said that during this meeting the police were waiting around the corner from Mr Lynch's house. Mr Lynch made admissions, recorded on the device, that he had sexually abused BSE.<sup>238</sup>

As noted above, the charges that police laid against Mr Lynch on 22 January 1997 related to sexual offences alleged to have been committed against BSE. The charges were never heard because Mr Lynch died by suicide on 23 January 1997.

BSE described to the Royal Commission some of the personal impacts of the abuse by Mr Lynch. He said that the abuse led to a long history of drug abuse which has affected his ability to maintain consistent employment. He has suffered depression and has attempted suicide. He currently experiences problems with alcohol abuse, which has affected his kidneys.<sup>239</sup>

## BSB

BSB commenced at St Paul's in 1993 in year 6 and first saw Mr Lynch in 1994, when he was in year 7.<sup>240</sup>

BSB gave evidence that Mr Lynch established a level of trust with him over multiple sessions. These early sessions included playing a relaxation tape to BSB and massaging him.<sup>241</sup>

In 1995, Mr Lynch touched BSB's penis and masturbated him. BSB continued to see Mr Lynch at least twice a week.<sup>242</sup>

He did not tell anyone what was happening in the sessions because he trusted Mr Lynch. He did not believe that Mr Lynch would abuse or hurt him. At that time, he did not think that what Mr Lynch was doing was wrong.<sup>243</sup>

BSB said that, due to the abuse, he continues to have flashbacks and his ability to trust people has never been repaired. He finds himself unable to sustain long-term relationships.<sup>244</sup>

BSB gave evidence that while he was still a student at St Paul's he spoke to the headmaster, Mr Case, about Mr Lynch on two occasions.

The first occasion was in September 1995.<sup>245</sup> BSB said that he went with another student, BRC (whose experience is set out below), to see Mr Case. BSB said that 'we told CASE that LYNCH had been spreading our personal information around the school and that we were most upset about it'.<sup>246</sup> BSB said that Mr Case called Mr Lynch to his office and Mr Lynch denied the allegations. BSB said that he did not disclose to Mr Case at this time that Mr Lynch had been 'touching him inappropriately'.<sup>247</sup>

BSB said that there was a second occasion on which he spoke to Mr Case about Mr Lynch, in late 1996. BSB said that he and BRC met with Mr Case and that he 'informed [Case] that in the course of his counselling sessions with each of us LYNCH had touched our genitals'.<sup>248</sup>

Mr Case disputed BSB's version of events. We address the evidence of each of BSB, BRC and Mr Case regarding these matters in detail below.

## BRC

BRC commenced at St Paul's in 1994 in year 7.<sup>249</sup>

He first started seeing Mr Lynch about halfway through year 8, in 1995, and saw Mr Lynch once a week in July and August 1995.<sup>250</sup> BRC was a fellow year 8 student with BSB.<sup>251</sup>

BRC said that during his sessions Mr Lynch played a relaxation tape. Mr Lynch started to massage him in accordance with the parts of the body mentioned on the tape. BRC said that during those early sessions he was still wearing his shirt and pants.<sup>252</sup>

BRC gave evidence that, towards the end of the school year in 1996, he had an appointment to see Mr Lynch. In this session, Mr Lynch played the relaxation tape multiple times, touched BRC's genitals and masturbated BRC repeatedly. Mr Lynch also sprayed a substance into BRC's mouth which paralysed him and administered injections into BRC's penis. BRC estimated that this session lasted around five hours.<sup>253</sup>

BRC stated that, due to the sexual abuse by Mr Lynch, he continues to have flashbacks, especially during times of high stress. He said he finds it difficult to trust people.<sup>254</sup>

BRC gave evidence that while he was still a student at St Paul's he spoke to the headmaster, Mr Case, about Mr Lynch on two occasions.

The first occasion was in September 1995. BRC said that he and BSB went to see Mr Case.<sup>255</sup> BRC said that he 'told CASE that LYNCH had been discussing private conversations that I had with him with other students'.<sup>256</sup> He said that Mr Case called Mr Lynch to his office and asked him if he had been discussing the information. BRC said that Mr Lynch 'flatly denied it'.<sup>257</sup>

BRC said that the second occasion he spoke to Mr Case about Mr Lynch was towards the end of the 1996 school year. BRC said that, after a long counselling session with Mr Lynch (which is described in further detail below), he went to find BSB and told him what had happened during the counselling session. BRC said that he and BSB 'went up to see CASE straight away'.<sup>258</sup> BRC said that both he and BSB told Mr Case that Mr Lynch had been sexually abusing them.<sup>259</sup>

Mr Case disputed BRC's version of events. We address the evidence of each of BRC, BSB and Mr Case regarding these matters in detail below.

## 2.4 BSB and BRB's meetings with Mr Case

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### The meeting in September 1995 between Mr Case, BSB and BRC

BSB, BRC and Mr Case each gave evidence that there was a meeting in September 1995 at which they were all present and which concerned Mr Lynch. The evidence we heard revealed differences in the accounts of BSB, BRC and Mr Case as to what was disclosed to Mr Case at the meeting in September 1995.

## BSB's account

BSB gave evidence about the September 1995 meeting and the events leading up to it as follows:

In about May or June 1995, a fellow Grade 8 student named BRC approached me in the school grounds and questioned me about my family problems. He told me that LYNCH had told him about them so that he could 'help me'. I didn't tell BRC at the time but during my sessions with LYNCH he had been telling me about BRC['s] problems disclosed to him during his sessions with LYNCH, including that BRC was being bullied by fellow students. LYNCH told me that BRC wouldn't listen to him but that he might listen to me given that we were around the same age.

At my next counselling session, a couple of days later, LYNCH showed me some black and white pictures of various boys' penises, of different sizes, some erect others flaccid, some circumcised and others not. He asked me to point to the one that was about my size, which I did. He then told me about BRC['s] penis and the penis of another student named BRK who was at that time in Grade 9 at St Pauls [sic]. He pointed out one of the pictures as illustrating a penis which LYNCH described as being similar to BRK and another which he described as similar in shape and size to BRC. LYNCH made a point of describing to me in some detail how he believed that the different sizes of penis depended upon different boys' levels of maturity.

I found that session with LYNCH particularly disturbing and during the lunch hour following it I sought out BRC and discussed LYNCH's disclosure of confidential details of students. It may be that around this time and as a result of LYNCH breaching the confidence of BRC, BRK and I, I had started to reconsider LYNCH's behaviour. BRC informed me that LYNCH had freely told him of my problems confided in him. We began to discuss whether we could confide in LYNCH and why he might be disclosing confidential personal information. I can recall that another student overheard our conversation and said something to us to make us think that what he was doing was not ok.

BRC then insisted that I accompany him to LYNCH's office in order to confront LYNCH with these matters and to verify what I had told him about LYNCH's disclosure of confidential information. In my presence BRC told LYNCH words to the effect that I had informed him that LYNCH had disclosed to me information given by him to LYNCH in the strictest confidence. LYNCH flatly denied all of this, at which point I said words to the effect that LYNCH had for example told me that BRC was fixated with computers. At this point BRC became very angry. In a fit of rage, BRC tipped LYNCH's desk onto him before storming out of the room.



I quickly followed BRC and we discussed what had just occurred. BRC and I were not closely acquainted and were not in the same class. In a state of shock we discussed LYNCH's disclosure of details about both our families going through difficulties. We believed that this should have been confidential. We were most concerned as to who else may have [sic] been made aware of our details. We then decided to speak to CASE. This was around September 1995. I was 12 years of age at the time. At that stage BRC and I had not discussed anything about LYNCH's sexual behaviours.

Just after lunch that day, BRC and I attended with CASE in his office. BRC did the majority of the talking. We told CASE that LYNCH had been spreading our personal information around the school and that we were most upset by it. I didn't tell CASE that LYNCH had been touching me inappropriately, just that LYNCH had seen fit to disclose to other students personal information provided to him in strictest confidence. CASE responded with words to the effect of *'Look, I can't see these things happening at St Paul's. Let me call Mr Lynch and get him up here.'* LYNCH then arrived at CASE's office. BRC and I remained in his office at the time. CASE told LYNCH that we had complained that he was spreading confidential information around the school. LYNCH denies this allegation and told CASE that BRC had tipped a desk on him. He then left.

CASE then got very angry at both BRC and I and called us 'liars'. He told us that if he heard about this again, the two of us could expect to be severely punished. CASE also banned us from attending LYNCH's office.<sup>260</sup>

BSB gave evidence at the public hearing about what BRC told Mr Case at the meeting in September 1995. BSB said:

BRC was basically discussing the fact that he had been up to see Mr Lynch and that Mr Lynch was disclosing scenarios around his family problems, the fact that he was being bullied and that he had a fixation with computers. And he hadn't told anyone else about those problems.<sup>261</sup>

BSB gave evidence that there was no mention of any sexual abuse by Mr Lynch at the September 1995 meeting with Mr Case.<sup>262</sup>

BSB said that the prohibition that Mr Case imposed at the meeting in September 1995 did not stop Mr Lynch from calling BSB out of class for counselling appointments.<sup>263</sup> BSB said that he began attending sessions with Mr Lynch at least every two days and the sessions started to include after-hours counselling. BSB said that he was sexually abused by Mr Lynch during each session. BSB said he missed a lot of class time and one teacher commented on this.<sup>264</sup>

## BRC's account

BRC gave evidence about the September 1995 meeting and the events leading up to it as follows:

One lunchtime at school during September 1995, BSB came to talk to me while I was eating lunch in the playground. He told me that LYNCH had told him about the problems that I had been going to see him about. I felt very upset and angry because the trust I had put in LYNCH had been betrayed.

After talking with BSB we went up to see LYNCH and discuss what had happened. LYNCH's office was located at the top of Block 3. There were a set of lights outside LYNCH's office. The students used to call them 'Traffic Lights'. Green meant 'Enter', Yellow meant 'Knock and Wait', Red meant 'No Entry'. The light was green so BSB and I went in. LYNCH was at his desk talking to BRK and a few others. I asked LYNCH if BSB and I could talk to him in private. He asked BRK and the other students to wait outside for a few minutes. When BRK and the others went outside, BSB and I remained with LYNCH. I said to LYNCH words to the effect of *'BSB has told me that you have been talking to him about things that I discussed with you when I came to see you. You said that anything I told in my sessions with you would remain private and you wouldn't tell anybody else without my permission.'* LYNCH responded with words to the following effect: *'Rubbish, I haven't told anybody anything about anything.'* I said *'Yes you have, how else would BSB have known about the things we have talked about? I haven't told him.'* BSB then said *'You did tell me those things. You also told me that BRC had a fixation on computers.'* I said *'Why are you denying it? You have told other people things about me without my permission. Who else have you told?'* LYNCH repeated with words to the effect that *'I haven't told anybody anything.'* I said *'Bull shit.'* I was very angry with LYNCH because of what he had done. I was in front of his desk. I picked up the front of his desk and pushed it over on top of him. I then walked over to the front door to exit his office, opened it, and then slammed it on the way out.

After lunch (Period 6) later that day, BSB and I went up to see CASE, headmaster of St Paul's at that time. I told CASE that LYNCH had been discussing private conversations that I had with him with other students. CASE called LYNCH up to his office and asked him if he had been discussing the information, Lynch flatly denied it and told CASE that I had pushed his desk on top of him. LYNCH then went back to his office. CASE insisted that BSB and I that we were lying regarding LYNCH's alleged disclosure of my personal information and that if he was to hear anything more about, we would be severely penalized and would no longer be welcome at the school. BSB and I were therefore banned from going to see LYNCH. We were therefore confronted with the prospect of causing our respective families stress and embarrassment unless we complied with CASE's demand.<sup>265</sup>

BRC gave evidence at the public hearing that at the September 1995 meeting there was no mention of any sexual abuse.<sup>266</sup> BRC also gave evidence that, in relation to the issue of Mr Lynch showing photographs of penises, 'BSB may have mentioned that, but I certainly didn't'.<sup>267</sup>

## Mr Case's account

Mr Case agreed with Counsel Assisting that BSB and BRC came to his office in September 1995 and reported to him concerning Mr Lynch.<sup>268</sup> Mr Case made a file note on 6 September 1995 which recorded:

For reasons which I do not wish to state here, BSB (8 – T) and BRC (8 – H) are not to approach the Student Counsellor (whoever that may be from time to time) unless they first make an appointment with the Counsellor *through the School Chaplain*.<sup>269</sup>

At the public hearing, Mr Case explained that he did not wish to state the reasons:

Simply because it was a short note ... I was basically saying, 'Look, there's no need to go into details. We don't particularly want to inconvenience the boys. We don't want the boys to be grilled about why they need to go and see the school counsellor ...'.<sup>270</sup>

Mr Case agreed that he had been told at the September 1995 meeting that Mr Lynch had been spreading BSB's and BRC's 'personal information' or 'confidential information' around.<sup>271</sup>

As to the nature of the 'personal information' or 'confidential information', Mr Case gave evidence about two letters he wrote to Minter Ellison Lawyers (Minter Ellison) in 1997 – following Mr Lynch's death – about his knowledge of the September 1995 complaint by BSB and BRC. Minter Ellison were the lawyers representing the insurers of the Anglican Diocese of Brisbane,<sup>272</sup> and the correspondence was prepared by Mr Case in the context of Minter Ellison preparing a statement for Mr Case.<sup>273</sup>

In a letter dated 26 June 1997 from Mr Case to Minter Ellison, Mr Case wrote:

You asked me to check what the confidential information might be which two recent complainants alleged Mr Lynch had shared with the other. I believe there was some suggestion that these matters included the boys' concern about adequacy of penis size, but this was not expressed in any way which could have pointed to the suggestion that the boys' sexual organs had been sighted by Mr Lynch. This comment is added from memory: there is no detail on either boys' [sic] file.<sup>274</sup>

In a letter that Mr Case sent to Minter Ellison a little over a month later, on 30 July 1997, Mr Case wrote:

On another aspect of this business, I have been reflecting (almost agonising!) over the statement which is in preparation, and concerned in particular about accurate recall of the comments by the two students who alleged Mr Lynch had breached confidence to them in discussing each other. NAME REDACTED also discussed this part of my June 26 letter to you on the phone with me. The form of words to be preferred is probably something like this:

They expressed to me their concerns that problems they had mentioned in confidence to Mr Lynch with respect to their families and their personal development had been betrayed to the other.

I should appreciate the opportunity of discussing the whole statement with you again when you have had a chance to consider the material now forwarded.<sup>275</sup>

In his evidence to the Royal Commission, Mr Case accepted that his purpose in giving this later instruction in the second letter was to omit from his statement any express reference to concern about penis size.<sup>276</sup> Mr Case said that the use of the words ‘personal development’ was the only reference in the July 1997 letter to the information sharing relating to concerns about penis size.<sup>277</sup> Mr Case agreed that he omitted any express reference to concerns about penis size.<sup>278</sup> Accordingly, we infer from the evidence given by Mr Case that the words ‘personal development’ in the July 1997 letter are a reference to penis size.

Mr Case denied that he omitted the reference about penis size because it reflected badly on him and denied that he instructed his solicitors to include information that was misleading.<sup>279</sup> Mr Case denied that he changed his position to deliberately omit information that he knew was critical to the matter.<sup>280</sup> Mr Case stated that:

whatever this statement was which was in preparation, and whoever was preparing it – and obviously I was having some part in this – was the subject of discussion with the solicitors for the diocesan insurers and I was taking advice from them about the kinds of things that should be included and the kinds of things that shouldn’t be and, as I’ve said, it was a very difficult time because I was trying to be – trying to serve every master, I suppose, in terms of the people who wanted things said and the interests of the boys.<sup>281</sup>

Mr Case agreed with Counsel Assisting that at the September 1995 meeting he knew that the information sharing by Mr Lynch included spreading information about BSB’s and BRC’s feelings about the adequacy of the size of their penises.<sup>282</sup> Mr Case said that he did not consider it alarming ‘that a counsellor would be talking to boys ... about matters such as the size of their penises’<sup>283</sup> and that the complaints did not positively demand an investigation.<sup>284</sup>

Mr Case then gave evidence that he considered that it was not at all right that Mr Lynch was sharing matters including the boys’ concerns about the size of their penises. Mr Case said that he told this to Mr Lynch at the time.<sup>285</sup> Mr Case accepted that his evidence to the Royal Commission was the first time that he had volunteered the information that he raised this matter with Mr Lynch. Mr Case said that raising the matter with Mr Lynch did not necessarily indicate he thought that it was a serious matter.<sup>286</sup>

## Conclusion

We are satisfied that there was a meeting in September 1995 between BSB, BRC and Mr Case which concerned Mr Lynch. We accept Mr Case's evidence that BSB and BRC told him at the September 1995 meeting that Mr Lynch had been spreading BSB's and BRC's personal information or confidential information around. We also accept Mr Case's evidence that BSB and BRC told him at the September 1995 meeting that the information sharing by Mr Lynch included spreading information about BSB's and BRC's feelings about the adequacy of the size of their penises.

We are also satisfied that, in his correspondence to Minter Ellison in 1997, Mr Case changed the form of words and omitted the reference to penis size.

As set out in the preface to this report, in order to make findings we must be satisfied in accordance with the principle in *Briginshaw*.

BSB and BRC each gave evidence that, at the meeting in September 1995, they did not tell Mr Case that Mr Lynch had been sexually abusing them. Mr Case gave evidence, and we have found, that BSB and BRC told Mr Case that Mr Lynch had been sharing information with BSB and BRC about their feelings about adequacy of penis size.

Mr Case acknowledged that Mr Lynch's conduct in sharing information about the boys' feelings about adequacy of penis size was a matter of concern which he raised with Mr Lynch. However, he denied that it was conduct that required an investigation.

There was no evidence before us to enable us to determine whether, as at September 1995, Mr Lynch's conduct in sharing information about the boys' feelings about adequacy of penis size was a matter which required an investigation. Mr Case took some steps in response to the information he received in September 1995: he put the allegation to Mr Lynch (which Mr Lynch denied) and he prohibited BSB and BRC from attending further counselling sessions with Mr Lynch.

## Evidence about a 1996 meeting between Mr Case, BSB and BRC

BRC and BSB each gave evidence that they attended a second meeting with Mr Case in late 1996. At that meeting they again raised concerns about Mr Lynch with Mr Case.<sup>287</sup> Mr Case denied that there was any such meeting in late 1996.<sup>288</sup>

Accordingly, there is a difference between the evidence of BRC and BSB on the one hand and the evidence of Mr Case on the other. We address in detail below the evidence of each witness on this issue. In considering the evidence about the meeting in late 1996, it is helpful to set out the evidence about statements that BRC and BSB made in April 1997, as well as evidence about a letter that BSB wrote in May 1998. We will then consider BRC's and BSB's evidence at the public hearing in 2015 about the meeting in late 1996.

## Disclosures by BRC and BSB in 1997 following Mr Lynch's death

### BRC's disclosure in 1997

As noted above, Mr Lynch committed suicide on 23 January 1997 – the day after he was charged with child sex offences against another St Paul's student, BSE.

BRC gave evidence that, following Mr Lynch's death, in March or April 1997 he went with BSB (and another student, BRK) to see the school chaplain, Father George Henry, to disclose what had occurred during his counselling sessions with Mr Lynch. BRC gave the following evidence:

All of us trusted Father HENRY very much. He called the new student counsellor, Marie THOMPSON in to calm us down. We were all very stressed and upset about what had happened to us. THOMPSON had CASE also attend that meeting. CASE made us write down on a piece of paper what happened. I wasn't very clear because I was very stressed and worried about what CASE would do to us. I have always found CASE a very hard person to talk to, and he had threatened me with consequences in the past because he preferred to believe that we were lying. It was as if LYNCH in particular, and more generally CASE, the school and those superintending and ultimately responsible for its operations, were simply beyond trust and accountability.

Later that afternoon, my parents were called up to the school and I meet [sic] with them and CASE in his office. I asked CASE to tell my parents what had happened. I recall it was a very brief meeting and CASE was not at all very supportive or candid.<sup>289</sup>

In March or April 1997 BRC wrote an account of his abuse by Mr Lynch. The account was tendered at the public hearing. It states:

To who [sic] it may concern,

- 1 First time was a lunch time, BSB took me up to KJL's office and told me he was a very nice man as he helped him with his family problems (Grade 8).
- 2 Peroid [sic] 6 KJL asked to stay in his office while he gave BSB the relaxation tape. He only took BSB[']s tie off. When BSB had gone back to class at the end of peroid [sic] 6, KJL asked me to stay in peroid [sic] 7 for the relaxation tape. He only took my tie off. He told me to come back.
- 3 When I came back the next time he gave me the relaxation tape this time he took my tie off and undid another button. He kept on telling me to come back until he got down to undoing the belt and zip.

- 4 After this I was receiving information [sic] back through BSB and some other people in the school that I had told KJL. BSB and I went to see KJL about it and all he would say was 'I am not saying any more' I then shouted at him 'I don't want to come back and see you anymore because you are spreading private information [sic] across the school.' I then walked out of his office.
- 5 One year later he came to chapel. When it came to peace I shook his hand. When I was in history with SJA, KJL came down to the classroom and asked SJA if he could see me. I went outside to talk to him and he said that he wanted to make up. I thought about it for a while then I said OK. He then asked me to come up to his office at lunch time.
- 6 When I went up to his office at lunch time he said he wanted to see me some time later on. When he saw me again he undid my shirt completely, he then gave me the relaxation tape and then he pulled my pants down and made me masturbate myself. I said that I wasn't happy about it but he ignored me and told me I would be fine. I said after this I didn't want to come back he then said [sic] it won't happen again. He kept on telling me until the end of the year he said to me he would look forward to seeing me in 1997.
- 7 When I got back to school at the beginning [sic] of this year, BSB told me Mr Lynch was dead. We then talked more about what happened to each of us. We pieced it together and came to see Father George.

BRC.<sup>290</sup>

BRC said that following this disclosure St Paul's offered him counselling with the new school counsellor, Ms Marie Thompson. He attended counselling with Ms Thompson until she left the school.<sup>291</sup> BRC said that he continued to see Ms O'Malley, the counsellor who replaced Ms Thompson, during year 12. However, he stated that he did not feel comfortable confiding in the school counsellors.<sup>292</sup>

### **BSB's disclosure in 1997**

BSB gave evidence that in March 1997 he discussed Mr Lynch with BRC and another student, BRK. BSB said that he, BRC and BRK decided to approach Father Henry and tell him what Mr Lynch had been doing during the counselling sessions.<sup>293</sup> BSB gave evidence that, after they gave a 'brief explanation' of what Mr Lynch had been doing during the counselling sessions, Father Henry called the school counsellor, Ms Thompson.<sup>294</sup>

Father Henry gave evidence that he understood that the boys' allegations against Mr Lynch were of a sexual nature.<sup>295</sup> BSB said that Ms Thompson counselled the boys that day.<sup>296</sup> BSB said that Ms Thompson 'told us that she would have to inform CASE and we were all asked to handwrite a letter to CASE explaining what happened and to sign it'.<sup>297</sup>

BSB's written account stated:

To whom it may concern,

This note is to state the illegal [sic] practice of Kevin Lynch, operating at St. Paul's School.

How I became [sic] to see Mr Lynch

It all started in grade 7 when I had a few problems with my step dad and I was told to see Mr Lynch. Mr Lynch said that I was Extremely stressed and that he had a relaxation tape that he would use on me. He said that he would undo my shirt, he asked if I felt safe and I answered yes. The undoing of the shirt was so he could get to my shoulder muscles. However, the next time it went further he opened [the] buckle on my pants and undid my zipper, once again he said do you feel safe. I answered no! But he said there was no need to be afraid as he wouldn't hurt me. This time he touched my penis and told me to suck my thumb, he said when you suck your thumb do you get a slight tingle in your penis. THIS CONTINUED FOR ABOUT SIX MONTHS. Then he started to play with my penis asking me if it felt good. This also happened for a period of about SIX MONTHS. By this stage I had all the buttons on my short [sic] undone and my pants DOWN AROUND MY ANKLES. THE NEXT VISIT I HAD WAS DIFFERENT. Mr Lynch told me I was so Stressed that he would hypnotise me. I AGREED AND SAT IN THE CHAIR. THIS TIME WHEN MR LYNCH GOT DOWN THE PELVIC AREA HE ASKED ME TO MASTUBATE [sic]. THIS WOULD BE THE FIRST ... SO HE TOLD ME HOW. HE ASKED ME DID I WANT TO? I SAID NO. HE SAID I SHOULD TRY AS I WOULD ENJOY IT. THIS ONLY HAPPEN [sic] TWICE. THEN HE WENT BACK TO JUST PLAYING WITH MY PENIS DURING THE RELAXATION TAPE. I thought all this was supposed to happen until I found out A FEW WEEKS AGO THAT IT WAS A CASE OF SEXUAL ABUSE.

CONDITIONS

I must be consulted before any action or any OTHER PERSON IS TOLD OF THE INCIDENT.

Under no circumstances will MY PARENTS BE TOLD.

BSB.<sup>298</sup>



BSB gave evidence that his parents (as well as BRC's parents and BRK's parents) were then called to the school and the three boys had to present their written accounts to Mr Case in his office, in the presence of their parents. BSB said he did not speak to Mr Case at all before his parents attended the school.<sup>299</sup>

BSB said that following this disclosure St Paul's offered him counselling sessions with Ms Thompson, which he attended until Ms Thompson left the school in Easter 1998. BSB gave evidence that during these counselling sessions Ms Thompson asked 'What can the school do to help you?'. He said his 'answer was always' that he wanted an apology in writing. BSB said that he never received an apology.<sup>300</sup>

### **BRK's disclosure in 1997**

BRK was the third student in the group that approached Father Henry in March 1997. At that time, BRK also provided a written account of his experience with Mr Lynch. However, BRK did not provide a statement or give oral evidence to the Royal Commission. BRK's written account was tendered. It said:

BRK

To whom it may concern

The problem with K.J.Lynch

I do not wish my parents to know about this

and if they need to know it must come

though [sic] me first.

It all started in Grad [sic] 8. I went to see Mr Lynch

because I was teased by people. The first time

I was just speaking to him about my problems.

That was upto [sic] year 7. Then in year 8 that is when

he asked me if I wanted too [sic] and I said Yes.

Every time I went and saw him he undid another

button. About a couple [sic] of months later he undid my pants and made me do it. He always asked me if I was cumfobel [sic] and I said Yes because I thought that is what happens.

then he started telling rumurs [sic] about BRC and BSB

That is when I get a bit confused because I thought every thing was suppose [sic] to be ILLEGIBLE [sic]. Oneday [sic] BSB let some info out-about BRC's problems. Then BRC asks were [sic] BSB got the info from and said [sic] from Mr Lynch.

That was when we found out that Mr Lynch was spreading rumurs [sic] about us. And that is when we found out about the rest.<sup>301</sup>

### **Father Henry's evidence**

Father Henry said that, following the disclosures from BSB and BRC (as well as from BRK) in 1997, he attended the meetings with the boys' parents. He also had meetings with parents of other students as more allegations had come forward.<sup>302</sup>

Father Henry said that he did not speak to Mr Case on or after the date the boys disclosed their complaints about Mr Lynch and that, while both he and Mr Case attended the meetings with the boys and their parents, he had no discussion with Mr Case.<sup>303</sup>

Father Henry stated that he was otherwise not involved in the school's response to the allegations.<sup>304</sup> He did not report the allegations to the school council or the Anglican Diocese of Brisbane because he considered that to be the responsibility of the headmaster.<sup>305</sup>

In a file note dated 21 April 1997, Mr Case recorded the allegations made by BSB and BRC (as well as BRK, who, as we have noted, did not give evidence to the Royal Commission).<sup>306</sup> This note is discussed further in section 3 of this report.

## BSB's letter to Bishop Noble in May 1998

BSB gave evidence that on 28 May 1998 he wrote a letter to Bishop John Noble, the then Bishop of the Northern Region of the Anglican Diocese of Brisbane,<sup>307</sup> 'explaining to him what had happened to me at Brisbane Grammar and asking for an apology and [sic] from the school and the headmaster in writing' (the May 1998 letter).<sup>308</sup> The May 1998 letter stated that BSB had been sexually abused by Mr Lynch.<sup>309</sup>

In relation to the origins of the May 1998 letter, BSB gave evidence that he had had counselling sessions with a psychologist, Dr Coral Palmer, in 1998.<sup>310</sup> BSB gave the following evidence:

Q. How did you come to write this account?

A. Basically through my counselling sessions with Coral Palmer. The school had been requesting that there was some documentation of what had occurred, so what Coral had done over a couple of sessions was get as much information, and while I had those sessions, I was to write down and, as I could recall, update his particular document. Yes, that's basically how this document came along.<sup>311</sup>

In his evidence to the Royal Commission, BSB confirmed that in the May 1998 letter he had recounted the meeting he had with BRC and Mr Case in September 1995 (which we addressed earlier in this report).<sup>312</sup>

In the May 1998 letter, following his account of the September 1995 meeting, BSB also recorded a subsequent meeting between BRC and Mr Case:

However my friend tells me the next day that he went and saw Mr Case again and notified him about the sexual assault, he told me that he was treated in the same way, after this we said nothing, we thought that if Mr Case wouldn't believe us who would.<sup>313</sup>

We are satisfied that the second meeting referred to in the May 1998 letter and referred to above is a reference to a meeting in late 1996 which BSB said in his written statement to the Royal Commission that he had had with BRC and Mr Case.

BRC also gave evidence to us about a meeting he had in late 1996 with BSB and Mr Case.<sup>314</sup> Mr Case denied that this meeting happened.<sup>315</sup> We address the evidence given by each of BSB, BRC and Mr Case about this issue in detail below.

We note that BSB's May 1998 letter indicates he was not present at the late 1996 meeting where he says that BRC told Mr Case about sexual abuse by Mr Lynch.<sup>316</sup>

## The evidence regarding a meeting in late 1996

As noted above, BRC and BSB each said in their statements to the Royal Commission that they attended a meeting in late 1996 with Mr Case. At that meeting they again raised concerns about Mr Lynch with Mr Case. Mr Case denied that this meeting occurred. We address the evidence of each of BRC, BSB and Mr Case in detail below.

### BRC's account

BRC gave evidence about a meeting which he said occurred in late 1996. BRC said that he, BSB and Mr Case attended the meeting. He also gave evidence about the events leading up to it.

BRC said that in the second half of the 1996 school year Mr Lynch took him out of class and encouraged him to apologise to Mr Case for making false allegations. Mr Lynch wanted him to do this so that BRC could resume counselling sessions. BRC was reluctant to do this, but he went to Mr Case and apologised. He did it because he was determined to improve his academic performance and deal with bullying issues. From that time, BRC attended sessions with Mr Lynch once or twice a week. Towards the end of term 3 in 1996, BRC and BSB began to have joint counselling sessions in which Mr Lynch instructed the boys to massage each other.<sup>317</sup>

BRC gave evidence that towards the end of the school year in 1996 he had an appointment to see Mr Lynch. In this session, Mr Lynch played the relaxation tape multiple times, touched BRC's genitals and masturbated BRC repeatedly. Mr Lynch also sprayed a substance into BRC's mouth which paralysed him, and Mr Lynch administered injections into BRC's penis. BRC estimated that this session lasted around five hours.<sup>318</sup>

BRC said that, instead of going back to class after this session, he found BSB and told him what had happened in the session. BRC gave evidence about the meeting with Mr Case as follows:

I was in such an emotionally fragile state following that five-hour session with Lynch that I did not attend class for the final period that day. School was about to begin last period. Instead I went to find [BSB]. I told [BSB] what had happened to me in the session with Lynch. We both went up to see Case straightaway. We told him that Lynch had been sexually abusing us – [BSB] on numerous occasions and me in the session that had just been completed. I said to him that something needed to be done straightaway. Case then rang Lynch (he was addressing the person on the other end of the call as 'Kevin') and discussed our allegations. He said words to the effect that confirmed Lynch's denial of the allegations. After finishing the call, Case made very clear that, in his opinion, [BSB] and I were lying. He demanded that we return to class. He also said that we risked being

heavily penalised for lying. I didn't go back to class. Instead, I sat down somewhere quiet in the school grounds. I was in a state of severe shock and felt helpless and powerless at the whole turn of events, including Case's blunt denial of our allegations. I went home as usual and didn't tell my parents about what had happened. I didn't know how to tell them. I was highly embarrassed and convinced that it was my fault.<sup>319</sup>

### **BSB's account**

BSB said that, late in the final term of the school year in 1996, he was approached by BRC. BSB gave the following evidence about what occurred:

Late in the final term of school in 1996, BRC urgently requested of my class teacher that he be allowed to speak to me in private. Outside the class he appeared very angry and upset and insisted on being told whether Lynch had sexually abused me. He went on to tell me that Lynch had just very aggressively masturbated him. BRC was in an extremely agitated state. We immediately went to Case's office.<sup>320</sup>

BSB gave the following evidence about what occurred in Mr Case's office:

Case met with us and BRC and I informed him that in the course of his counselling sessions with each of us Mr Lynch had touched our genitals. Case emphatically dismissed these allegations and told us that he simply could not imagine Lynch doing such a thing. Indeed he seemed instead to be warning us against making such 'serious allegations'. Nevertheless while we were with him, he said, as he picked up the phone, speaking to Lynch, introducing himself with the words, 'Kevin, it's Gilbert. I have two boys here', and then proceeded to discuss with the other person our allegations. Upon finishing his conversation with that person Case once again warned us of the punishment that could be handed to us if we were to raise the allegations again or to persist with the allegations or discuss them with others at all. Case's manner of addressing us left me in no doubt that he was threatening BRC and I took it as such.<sup>321</sup>

BSB's evidence about the meeting in late 1996 was different from his account as set out in the May 1998 letter, referred to above.

BRC's evidence that BSB was present at the meeting in late 1996 was also different from BSB's May 1998 letter. As noted above, Mr Case denied that BRC and BSB told him in late 1996 that Mr Lynch had sexually abused them.<sup>322</sup> Mr Case gave evidence that he had no recollection of the meeting, that he could not remember it and that he could not accept that it might have occurred.<sup>323</sup>

Counsel Assisting asked BSB about the inconsistency between his May 1998 letter and his evidence to the Royal Commission. There was this exchange:

Q. Do you accept that there's a difference in terms of the sequence of events in relation to these meetings you've given evidence about, as you've described it here as compared to your evidence in your statement?

A. I do, and, look, to clarify that, this particular statement was almost written, you know, under duress and it had to be done very rapidly. I can be honest, at the time when this was all coming out, you've probably heard from many other victims here, once Mr Lynch died, you were actually becoming made more aware of what occurred. So I can comfortably state that the statement that I wrote in this particular time frame, I'm certainly, date, time-line wise, not 100 per cent.

Q. Have you thought more about the timing after you wrote this account?

A. After I wrote this memo, this counselling service was still offered by the school and it was still linked to a church, which I didn't have a lot of faith in at the time, to be perfectly honest. After this, I actually went and received proper, professional counselling from outside sources, and what those reports reveal in fact is a much clearer recollection of events.<sup>324</sup>

Mr Case submitted that BSB's explanation of the differences in the accounts he gave about the events was 'far from adequate' and it would be 'extraordinary' to suggest that BSB's detailed account in the May 1998 letter would be rejected in 'favour of a recollection 17 years later'.<sup>325</sup> Mr Case submitted that the 'unsatisfactory state of evidence means that the Commission should not make a finding that BRC disclosed [Mr] Lynch's abuse to Mr Case before [Mr] Lynch killed himself'.<sup>326</sup>

## Conclusion

As set out in the preface to this report, in order to make findings we must be satisfied in accordance with the principle in *Briginshaw*.

Mr Case denied that BSB and BRC ever told him in late 1996 that they had been sexually abused by Mr Lynch.

BSB's account of the meeting has varied. However, we accept BSB's explanation for the difference between his accounts. We accept he was under duress at the time he wrote the May 1998 letter. BRC's account that he emerged from Mr Lynch's office in a distressed state and searched out and found BSB to support him and accompany him to Mr Case's office corroborates BSB's later recollection that he was at that meeting. We accept BSB's account of the meeting given in evidence to the Royal Commission.

We accept the evidence of BRC. BRC was a compelling witness. BRC's evidence was of a contemporaneous complaint to Mr Case which followed an incident of prolonged and serious abuse by Mr Lynch. BRC has remained consistent in his account of the events over a period of many years. In this respect we have had regard to Mr Case's 21 April 1997 file note. That note recorded BRC's allegation, made when he was still a schoolboy, that he had alerted Mr Case to sexual abuse by Mr Lynch some time in 1996.<sup>327</sup> The note recorded Mr Case's denial that he was told of that allegation.<sup>328</sup>

Accordingly, we reject Mr Case's evidence that BRC and BSB did not tell him that they had been sexually abused by Mr Lynch. We are satisfied that BRC and BSB told Mr Case in 1996 that they had been abused by Mr Lynch.

## 3 The Response of the Anglican Diocese of Brisbane

During the public hearing the Royal Commission explored two issues concerning the response of the Anglican Diocese of Brisbane to alleged sexual abuse by Mr Lynch:

- the decision to appoint Mr Case to the position of executive director of the Anglican Schools Commission in 2000
- the accuracy of statements made by the diocese which denied that St Paul's knew of complaints about Mr Lynch before his death in January 1997.

The factual questions relevant to both of these issues is the information the diocese had about Mr Case's knowledge of Mr Lynch's alleged sexual abuse of students:

- first, at the time the decision was taken to promote Mr Case to the position of executive director of the Anglican Schools Commission
- secondly, at the time that statements were made denying that St Paul's had knowledge of complaints during Mr Lynch's lifetime.

### 3.1 The response to disclosures by BRC and BSB and Mr Case's April 1997 file note

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As noted above, in around March or April 1997, BSB and BRC (and a third student, BRK) decided to approach the then school chaplain, Father Henry, and tell him what Mr Lynch had been doing during counselling sessions. BSB gave evidence that they gave a 'brief explanation' of what Mr Lynch had been doing during the counselling sessions and then Father Henry called the new school counsellor, Ms Thompson. Ms Thompson counselled the boys that day and asked them to write an account explaining what had occurred. The written accounts were then given to Mr Case.<sup>329</sup>

On 21 April 1997, Mr Case prepared a file note which recorded the allegations made by the three boys.<sup>330</sup> Mr Case wrote that BRC, BSB and BRK's 'signed statements are enclosed with the copy of this memo being sent to the General Manager of the Diocese of Brisbane' (Mr Bernard Yorke).<sup>331</sup>

In that note, Mr Case also recorded BRC's allegation that he had alerted Mr Case to sexual abuse by Mr Lynch sometime in 1996. The note recorded Mr Case's denial that he was told of that allegation.<sup>332</sup>

Mr Yorke was the general manager of the Anglican Diocese of Brisbane at the time (from 1991 to 2003).<sup>333</sup> He could not recall receiving the April 1997 file note from Mr Case, but he accepted that it is likely that he would have received it.<sup>334</sup>

The note records that he was given a copy with relevant enclosures.<sup>335</sup> We find that Mr Yorke received a copy of the April 1997 file note, which recorded an allegation that BRC informed Mr Case about sexual abuse by Mr Lynch in 1996 – an allegation which Mr Case denied.



Dr Peter Hollingworth, the then Archbishop of Brisbane, could not recall whether he saw Mr Case's 21 April 1997 file note.<sup>336</sup> There is no evidence that he saw that note.

## 3.2 The diocese's response to the May 1998 letter

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As noted above, BSB wrote a letter to Bishop Noble in May 1998 (the May 1998 letter) which included allegations that BRC had informed Mr Case that he had been sexually abused by Mr Lynch.

Dr Hollingworth said that he could not recall having seen the May 1998 letter that was sent to Bishop Noble at any time.<sup>337</sup> However, Dr Hollingworth gave this evidence to the Royal Commission:

Q. Do you remember discussing the paragraph that I've drawn your attention to, about the notification to Mr Case about the sexual assault by Mr Lynch, with Bishop Noble or with anyone else?

A. I have no clear recollection of having a one-on-one conversation with Bishop Noble, though it's quite likely there would have been a general conversation where the matter would have been raised at a bishops' staff meeting.

Q. In fairness to you, Dr Hollingworth, you make that observation, and I won't call it a concession, but you say something to that effect at paragraph 20 of your statement?

A. Yes.

Q. You mean by that, don't you, that you accept that having regard to the seriousness of that matter in the document I have drawn to your attention, it's likely that Bishop Noble would have raised it with you?

A. I believe so, yes, verbally.

Q. Just so the Commission understands, is the position that you don't have an actual recollection of that, but you think that that is the likely course of events?

A. That's correct.<sup>338</sup>

Mr Yorke, the general manager of the Anglican Diocese of Brisbane from 1991 to 2003, accepted that he received the May 1998 letter prepared by BSB.<sup>339</sup> The May 1998 letter was enclosed in a letter from BSB's psychologist at the time, Dr Palmer, to Bishop Noble.<sup>340</sup> This was clear because Mr Yorke prepared a response to both the May 1998 letter and the letter he received from Dr Palmer.<sup>341</sup>

Mr Yorke had no recollection about whether he had discussed BSB's May 1998 letter or his response to it with Dr Hollingworth. However, he said that it would be surprising if he did not pass on information of that sort to the then Archbishop.<sup>342</sup> He stated that 'I usually discussed everything, kept him in the picture'.<sup>343</sup>

Dr Hollingworth gave evidence that, while he could not recall seeing Mr Yorke's letter of 18 June 1998 responding to BSB's May 1998 letter, he thought that 'I must have seen it before he sent it'.<sup>344</sup>

Dr Hollingworth gave the following evidence:

Q. Was your usual practice around this time, if you were to review a letter of this sort, to also call for the correspondence to which the letter responds?

A. In all probability.

Q. Does that mean, if you followed your usual practice, you would have called for the letter that Ms Palmer had sent, to which this letter responds?

A. Yes, I would have, but this is why I think Bishop Noble would have discussed the matter with me, because I actually – I remember the name of Mrs Palmer and I remember her counselling centre, so it's perfectly familiar to me, and, for those circumstances, I wouldn't have asked for any additional correspondence that was to go back.<sup>345</sup>

We find that Mr Yorke knew of the contents of Mr Case's April 1997 file note, which was to the effect that BRC had alleged that he informed Mr Case of the sexual abuse by Mr Lynch while Mr Lynch was alive. We also find that Mr Yorke knew of BSB's allegation in the May 1998 letter that BRC informed Mr Case of the sexual abuse by Mr Lynch while Mr Lynch was alive.

Dr Hollingworth submitted that we should not find that he knew of BSB's allegations that Mr Case had failed to respond to allegations of sexual abuse by Mr Lynch.<sup>346</sup> Dr Hollingworth submitted that, in order to make that finding, we would need to be satisfied in accordance with the principles in *Briginshaw*.

As set out in the preface to this report, the principles stated in *Briginshaw* apply. We are satisfied, in accordance with those principles, that Dr Hollingworth knew of BSB's allegation, because the clear effect of Dr Hollingworth's evidence was that he would have expected Bishop Noble to have told him and also that his usual practice would be to have called for the letter containing BSB's account when approving Mr Yorke's letter in response to it.<sup>347</sup> That is, Dr Hollingworth identified two separate sources through which he would have expected to receive this information. Further, Mr Yorke also said that he routinely kept Dr Hollingworth informed of matters such as this.<sup>348</sup>

### 3.3 Appointment of Mr Case as executive director of the Anglican Schools Office

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Mr Case resigned from his position as headmaster at St Paul's effective from the end of 2000.<sup>349</sup> He moved to a position as executive director of the Anglican Schools Office.<sup>350</sup> This was considered to be a promotion.<sup>351</sup> Mr Case's new role would involve liaising with the various Anglican schools throughout Brisbane and assisting schools to develop, implement and improve their policies to deal with allegations of child sexual abuse.<sup>352</sup>

Mr Case's appointment to the position of executive director was decided by a panel which included the then Archbishop of Brisbane, Dr Hollingworth, and Mr Yorke.<sup>353</sup>

Mr Yorke and Dr Hollingworth each said that they could not recall having in their minds at the time of Mr Case's appointment the information in the April 1997 file note and/or the May 1998 letter which contained allegations that BRC told Mr Case about Mr Lynch sexually abusing him during Mr Lynch's time at St Paul's.<sup>354</sup>

We have found that Dr Hollingworth did know of BSB's allegation in the May 1998 letter. We have also found that Mr Yorke knew of that allegation and the allegation recorded in Mr Case's April 1997 file note. Further, it is clear that Dr Hollingworth and Mr Yorke had this knowledge before Mr Case was appointed to the position of executive director.

Accordingly, we find that Dr Hollingworth participated in the appointment of Mr Case to the position of executive director of the Anglican Schools Office – a position which required Mr Case to ensure that schools which were owned and administered by the Anglican Diocese of Brisbane had proper child protection policies. At the time Mr Case was appointed to the role, Dr Hollingworth knew of BSB's claim from the May 1998 letter that Mr Case had failed to respond to an allegation about Mr Lynch which came to Mr Case's notice within Mr Lynch's lifetime – a claim that Mr Case denied.

We find that Mr Yorke participated in the appointment of Mr Case to the position of executive director – a position in which Mr Case had some responsibility for schools which were owned and administered by the Anglican Diocese of Brisbane. At the time this appointment was made, Mr Yorke knew of BRC's and BSB's allegations, recorded in the April 1997 file note and the May 1998 letter, that Mr Case had failed to respond to their allegations about Mr Lynch, which came to Mr Case's notice within Mr Lynch's lifetime – a claim that Mr Case denied.

Dr Phillip Aspinall succeeded Dr Hollingworth as Archbishop of the Anglican Diocese of Brisbane. Dr Aspinall was elected Archbishop on 12 November 2001 and commenced in that position on 2 February 2002.<sup>355</sup>

Dr Aspinall gave evidence that concerns about Mr Case's appropriateness for the role of executive director were brought to his attention by others within the first few weeks of his commencement as Archbishop.<sup>356</sup> He addressed these concerns with Mr Case on 21 February 2002.<sup>357</sup> Dr Aspinall said that, in his very early days as Archbishop, he put together a small group of advisers who helped him work through the 'flood' of allegations and complaints about Mr Lynch. One of those advisers reviewed documents the diocese held about Mr Case's handling of the complaints and set out a number of those concerns in a letter addressed to Dr Aspinall dated 5 March 2002.<sup>358</sup>

The letter recorded that 'it would appear on the legal documents forming part of several complainants allegations, that Mr Case had some knowledge of some of the problems generally and or specifically faced by some students at St Pauls'.<sup>359</sup> The letter also recorded that 'Mr Case's statement contradicts itself in various important time sequences'; 'Mr Case acknowledges that Mr Lynch was not really accountable to anyone – except Mr Case'; and '[i]t seems there were complaints from teachers about boys being out of class for frequently 1.5 – 2 hours and there is some mention of five hours!'.<sup>360</sup> The letter concluded that '[t]he whole thing looks very nasty'.<sup>361</sup>

Dr Aspinall also gave evidence that, within five to six weeks of his appointment as Archbishop, he had formed the view that Mr Case's position as executive director was untenable.<sup>362</sup> Dr Aspinall said that at the time it was clear that the whole diocese and all of its schools had a 'major piece of work to lift its game' in relation to child protection. The key question for Dr Aspinall was, 'did Mr Case command sufficient trust to lead that work?'. Dr Aspinall said that he quickly came to the view that Mr Case did not and could not.<sup>363</sup>

### 3.4 Statements by the Anglican Diocese of Brisbane in relation to Mr Lynch

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In May 2000, Mr Yorke gave Mr Case a guide – prepared by a third party – which outlined the appropriate way to respond to parents about knowledge that St Paul's had of complaints against Mr Lynch. That guide contained the statement, 'We have had no complaint of any improper behaviour by Mr Lynch at St Paul's before he committed suicide'.<sup>364</sup>

Mr Yorke accepted that, when he provided that guide to Mr Case, he knew that the statement contained in the guide was false if it was the position that BSB and BRC's allegations were accurate.<sup>365</sup>

As stated above, we accept BSB and BRC's evidence about what was said at the 1996 meeting with Mr Case. It follows that the statement was false.

In June 2000 a press release was prepared, with Dr Hollingworth recorded as the author. The press release included the following statements: 'A worrying aspect is that the children who were subjected to the misconduct did not complain to those in authority' and 'I am advised that the School knew nothing about the misconduct before the counsellor committed suicide'.<sup>366</sup>

Dr Hollingworth acknowledged that it was important that he made sure that statements in the press release were accurate and not offensive to the students who had been sexually abused by Mr Lynch.<sup>367</sup> As we have found, as a matter of fact these statements were also false.

## 4 Gregory Robert Knight

In Case Study 34 the Royal Commission examined the response of St Paul's to concerns and complaints about the behaviour of former staff member Gregory Knight.

In 1981, St Paul's employed Knight as a music teacher.

A former student, BSG, gave evidence at the public hearing about his experience at St Paul's in relation to Knight. The mother of a former student also gave evidence.

We heard evidence that, before Knight was employed at St Paul's, complaints about Knight had been made at other schools. The complaints were about Knight's conduct when he was employed as a teacher at Willunga High School in South Australia and at Brisbane Boys' College in Queensland.

It is helpful to set out the circumstances of these complaints before addressing the response of St Paul's and the Anglican Diocese of Brisbane to complaints about Knight while he was a teacher at St Paul's.

### 4.1 Willunga High School, South Australia

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Knight trained as a teacher in South Australia. He applied to the South Australian Department of Education for employment as a teacher in 1974.<sup>368</sup> He came to be employed at Willunga High School in Willunga, South Australia.

Knight attended camps with Willunga High School students in August and November 1977. Following the camps, some of the boys who attended the camps made complaints about Knight's conduct. Those complaints came to the attention of the principal of Willunga High School. The principal passed the matter on to the South Australian Department of Education.<sup>369</sup>

The Deputy Director-General of the department wrote to Knight in November 1977 saying that he had received a report from the principal of Willunga High School and that Knight was suspended until further notice.<sup>370</sup> On 25 November 1977, the Crown Solicitor wrote to the South Australian Commissioner of Police about the matter.<sup>371</sup> The Crown Solicitor asked the Commissioner of Police to investigate the complaints of alleged sexual assault of children by Knight while attending three different camps, including the August and November 1977 camps referred to above.<sup>372</sup>

The South Australia Police considered there was insufficient evidence to warrant criminal proceedings against Knight.<sup>373</sup> However, the then Director-General of the department, Mr John Steinle, wrote to Knight in March 1978 advising him that, if the allegations were proved, he was guilty of improper or disgraceful conduct contrary to section 26(1)(e) of the *Education Act 1972 (SA)*.<sup>374</sup> Mr Steinle did not give evidence to the Royal Commission.

In April and May 1978, an inquiry was held into the allegations. The inquiry was chaired by Mr John Mayfield, Director of Educational Facilities within the department.<sup>375</sup> Witnesses including the complainants and Knight gave oral evidence. After hearing the evidence, Mr Mayfield found that the allegation that Knight rubbed and touched a student's penis during the November 1977 camp was proven.<sup>376</sup> He rejected Knight's denials of that allegation.

Mr Mayfield found that a similar allegation made against Knight in respect of the August 1977 camp was also established.<sup>377</sup> He also found that a number of other allegations of inappropriate conduct towards boys by Knight were established. Mr Mayfield concluded that Knight was 'guilty of several counts of improper and disgraceful conduct'<sup>378</sup> and that Knight's conduct included acts which are disgraceful and totally unacceptable for a teacher.<sup>379</sup> Mr Mayfield recommended that, pursuant to section 26(2) of the *Education Act 1972 (SA)* (as amended), Knight be dismissed from the teaching service.<sup>380</sup>

Mr Mayfield set out his findings, conclusions and recommendations in a report to the then Minister for Education in South Australia, Dr Donald Hopgood AO.<sup>381</sup> The Crown Solicitor endorsed Mr Mayfield's findings.<sup>382</sup> On 30 May 1978, Dr Hopgood wrote to Knight advising that he was dismissed from the teaching service.<sup>383</sup>

However, around the time that Dr Hopgood wrote the letter dismissing Knight, Knight gave the Department of Education his notice of resignation.<sup>384</sup>

The then Director of Personnel in the department wrote a memo to Mr Steinle raising Knight's wish to resign.<sup>385</sup> Mr Steinle wrote a note to Dr Hopgood recommending that Dr Hopgood rescind his dismissal of Knight and should instead accept his resignation.<sup>386</sup> Dr Hopgood wrote to Knight rescinding his decision to dismiss him. Instead, he accepted Knight's resignation.<sup>387</sup>

At the time of Dr Hopgood's decision to dismiss Knight and his subsequent decision to rescind that dismissal and accept Knight's resignation, Knight and Dr Hopgood were both members of the Noarlunga City Concert Band. Knight was the music director and Dr Hopgood was the president of the band.<sup>388</sup>

About six months after Knight left the employment of the department, Dr Hopgood wrote a reference for Knight using South Australian parliamentary letterhead. In the reference Dr Hopgood spoke in positive terms about Knight's performance in the band.<sup>389</sup> Dr Hopgood accepted in his evidence to the Royal Commission that, by 14 June 1978, when he decided to rescind Knight's dismissal, he was aware that a delegate of the Department of Education, of which Dr Hopgood was the Minister, had found that Knight was 'guilty of several counts of improper and disgraceful conduct'.<sup>390</sup>

Dr Hopgood knew that, by rescinding the dismissal, unless he took any further action there was no impediment to Knight obtaining a teaching position at any non-government school in South

Australia or at any other school in any other state or territory in Australia.<sup>391</sup> The effect of rescinding the dismissal was that Knight's registration as a teacher in South Australia remained current.<sup>392</sup>

Dr Hopgood accepted that he took no steps to inform the Teachers Registration Board of South Australia of the findings of the Mayfield inquiry into the conduct of Knight.<sup>393</sup> However, we note that at the relevant time neither the Minister nor the department had a duty under the *Education Act 1927* (SA) to notify the Teachers Registration Board of a teacher's dismissal, resignation or conduct.<sup>394</sup>

As Minister for Education, Dr Hopgood accepted that his obligations included protecting the welfare and advancing the interests of school students in the state and non-state school systems in South Australia.<sup>395</sup>

It is plain, and Dr Hopgood accepted, that, in rescinding Knight's dismissal and not notifying the South Australian Teachers Registration Board, Dr Hopgood acted in disregard for the welfare of students at non-government South Australian schools.<sup>396</sup> Dr Hopgood provided a reference for Mr Knight that omitted the findings of the Mayfield inquiry.<sup>397</sup> Dr Hopgood said that, in providing the reference, he was 'keeping in [his] mind quite separately Knight the teacher and Knight the bandmaster'<sup>398</sup> and that he 'assumed he was not any longer going to be involved in teaching at all'.<sup>399</sup>

## 4.2 Brisbane Boys' College, Queensland

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By 1980, Knight had moved to Queensland. In January 1980 he was employed by Brisbane Boys' College as a music teacher<sup>400</sup> while awaiting registration as a teacher with the Board of Teacher Education in Queensland.<sup>401</sup>

There was a delay in the granting of his application, but that delay had nothing to do with the findings in the Mayfield report.<sup>402</sup> At no time during the application process was the Board of Teacher Education in Queensland aware of the findings in the Mayfield report.

There was no evidence before the Royal Commission that the Queensland Board of Teacher Education contacted the South Australian Teachers Registration Board before granting Knight teacher registration in Queensland.

Knight worked at Brisbane Boys' College from January 1980. In October 1980, Mr Graham Thomson, the then headmaster of Brisbane Boys' College, became aware of some allegations about Knight.<sup>403</sup>

Mr Thomson gave evidence that towards the end of 1980 he was approached by two senior boarders, who made two reports about Knight.<sup>404</sup> One boarder reported that Knight had invited him to shower in Knight's quarters, as he had an injury and there was no hot water in the boys' showers.<sup>405</sup> This boy told Mr Thomson that he could not remember whether or not Knight had interfered with him or touched his groin.<sup>406</sup>



Mr Thomson considered that the report disclosed misconduct or inappropriate conduct by Knight<sup>407</sup> and that it was a breach of a policy at the school which prohibited masters from having boarders in their private quarters.<sup>408</sup>

Mr Thomson gave evidence that the other senior boy reported that ‘Knight had instructed the boys that when going to the shower from where they had undressed, they were to put their towels over their shoulders’<sup>409</sup> rather than around their waist. This boy also reported that Knight would watch them as they walked to and from the shower.<sup>410</sup> The boy reported that the boys were embarrassed by Knight’s instruction and instead tried to hang their towels in such a way as to hide their genitals.<sup>411</sup> Mr Thomson’s evidence was that immediately after receiving these reports<sup>412</sup> he called Knight into his office and presented him with these allegations in detail.<sup>413</sup> In his evidence to the Royal Commission, Knight agreed that the allegations that Mr Thomson presented to him were substantially those that Mr Thomson described in his evidence above.<sup>414</sup> Mr Thomson gave evidence that Knight did not deny or provide any explanation for the events.<sup>415</sup>

Following his meeting with Knight, Mr Thomson’s view was that, even though there was no allegation of sexual assault or touching, the conduct complained of might point to the possibility of that sort of behaviour occurring in future.<sup>416</sup>

Mr Thomson consulted the chairman of the governing body of the school<sup>417</sup> and then summarily dismissed Knight, instructing him to leave the school within 24 hours.<sup>418</sup> He provided Knight with a statement of service confirming his employment at the school.<sup>419</sup>

## 4.3 St Paul’s School, Brisbane

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### Knight applies to St Paul’s for a teaching position

In December 1980, after his dismissal from Brisbane Boys’ College, Knight applied to Mr Case, then headmaster of St Paul’s, for a teaching position at St Paul’s.<sup>420</sup>

Mr Case telephoned Mr Thomson about Knight’s application.<sup>421</sup> Mr Case wanted to know the circumstances of Knight’s departure from Brisbane Boys’ College. There was the following exchange in Mr Thomson’s evidence:

Q. Just pausing there, do you remember what Case said to you?

A. He asked me the reason why Knight was dismissed, and I considered the information I gave was sufficient enough to suggest that I could not recommend Knight in any circumstances.

Q. You say in one of your later statements – and I’m sure you will remember this, so I probably don’t need to take you there – that you think that you would have given the information to Mr Case more in general terms. Do you remember saying that or something to that effect?

A. Yes, I did, something to that effect, yes.

Q. Doing the best you can – it’s important, and I know this happened a long time ago – do you remember what it is that you actually said to Mr Case on the telephone?

A. Yes, I believe that I said that his behaviour was unsupportable, unacceptable and was not becoming to a resident master of Brisbane Boys’ College.

Q. Anything else that you can remember?

A. I did explain to Mr Case that he had been dismissed summarily and had been asked to leave the premises in 24 hours.<sup>422</sup>

Mr Thomson later said that he was uncertain that Knight had been asked to leave within 24 hours.<sup>423</sup>

Mr Thomson also said in his evidence that he told Mr Case that Knight’s behaviour and attitude towards the boys was ‘improper, highly irregular and very odd’.<sup>424</sup> He told Mr Case that Knight was discharged from Brisbane Boys’ College because of irregular conduct in his attitude towards the boys and because of the fears and suspicions Mr Thomson held as a result of Knight’s inability to explain or defend the accusations made.<sup>425</sup> Mr Thomson also stated in oral evidence that he told Mr Case about the allegations against Knight in terms ‘sufficient enough to suggest that he should look at Knight’s application with due caution’.<sup>426</sup>

Mr Thomson also gave evidence of a practice which existed at the time for headmasters in schools that were members of the Great Public Schools’ Association of Queensland to ‘act with the utmost integrity and to be completely honest with each other’. Mr Thomson’s evidence was that this practice was generally, although not always, observed.<sup>427</sup>

Mr Case’s evidence was that Mr Thomson confirmed that Knight had been dismissed from Brisbane Boys’ College but did not give any details of the incidents other than to refer to Knight’s attitude towards boys in the boarding house. Mr Case’s evidence was that nothing Mr Thomson said led him to believe that any student would be at risk if Knight were employed at St Paul’s.<sup>428</sup> Mr Case said that the conversation was very ‘general’.<sup>429</sup>

Mr Thomson’s evidence on what he said to Mr Case ranges from general comments to remarks that Knight’s behaviour and attitude were improper. In those circumstances we cannot be satisfied as to the words he used.

Accepting Mr Case's evidence that Mr Thomson referred to Knight's 'attitude to boys', which is not inconsistent with one of the accounts that Mr Thomson gave, we are satisfied that Mr Case's account of what Mr Thomson told him should have caused Mr Case to look at Knight's application with 'due caution'. It did not.

Mr Case offered Knight the teaching position at St Paul's, and he commenced in 1981.<sup>430</sup> Knight was informed in letter from Mr Case, dated 21 September 1981, that he would be appointed as a permanent member of the school staff from the beginning of 1982.<sup>431</sup>

## The experience of a former student at St Paul's, BSG

BSG gave evidence at the hearing.<sup>432</sup> BSG attended St Paul's from 1981 until 1985. He attended the school on a scholarship, as did his brother.<sup>433</sup>

He gave evidence that he was sexually abused by Knight during the first three or four years of his time at the school. The abuse began with grooming-type behaviour such as discussions on sexual topics. It progressed to touching, masturbation and then rape.<sup>434</sup>

Knight and BSG met because BSG was musically talented and Knight was the only music teacher at the school. BSG gave evidence that he spent a lot of time with Knight and formed a 'unique' relationship with him. BSG also gave evidence that this relationship would have been obvious to others because it included elements such as travelling to and from school in Knight's car on a regular basis. BSG also gave evidence that students and teachers singled him out for public taunts and teased him about his relationship with Knight. He was often called names such as 'poofter', 'Knight's bum chum' and 'Knight's lover'.<sup>435</sup>

In year 11, BSG began to find the strength to pull away from Knight and began to participate in the derogatory name-calling of Knight himself. He gave evidence that on one occasion, in the first half of 1984, he was called to Mr Case's office to be disciplined over some comments he had made about Knight. At this meeting, BSG told Mr Case that he hated Knight because of the things Knight had done to him and that Knight deserved his derision because of this.<sup>436</sup>

BSG gave evidence that Mr Case immediately shut BSG down and very sternly said to him words to the effect of, 'You need to be very careful making statements like that. You should never lie like that. You will ruin a man's career if you tell lies like that'. BSG said that Mr Case reminded BSG that he and his brother were both on scholarships, which could be taken away. The meeting ended with Mr Case giving BSG a detention.<sup>437</sup>

Mr Case stated that he could not recall having this conversation with BSG, although he admitted that it might have occurred.<sup>438</sup>

We accept BSG's evidence. Mr Case admitted that the conversation may have occurred, although he could not recall it.

Accordingly, we find that BSG told Mr Case in 1984 that Knight deserved his derision because of the things Knight had done to him and that, in response, Mr Case accused BSG of lying.

We find that Mr Case did not investigate the matters that BSG raised or report them to the police or to the school council. In not doing these things, Mr Case did not take proper steps to protect the safety and wellbeing of BSG and other students at the school.

It should be noted that, in his statement to the Royal Commission<sup>439</sup> and in his oral evidence, Knight denied that he had sexually abused BSG.<sup>440</sup>

In 2004, Knight was charged with sexually assaulting BSG.<sup>441</sup> Those charges ultimately came to be heard in court before a jury and Knight was convicted.<sup>442</sup> Knight exercised his right to appeal against that decision<sup>443</sup> and he was unsuccessful.<sup>444</sup> That appeal decision was delivered in 2006 and is publicly available. There was no evidence that Knight has ever sought special leave to appeal to the High Court. Accordingly, Knight remains convicted of sexually abusing BSG.

BSG commenced civil action against the Anglican Church, the State of South Australia and Dr Hopgood for compensation in relation to his abuse by Mr Knight. He said that the litigation process took a terrible toll on his mental health and his relationships.<sup>445</sup>

## The response of St Paul's to BRW's complaint about Knight

BRW is the mother of BRV and BRT, who attended St Paul's during the 1980s.<sup>446</sup> BRV and BRT were heavily involved in the music program at the school and Knight was their music teacher.

In March or April 1984,<sup>447</sup> one of BRT's friends, BRX, told BRW that Knight would search him for cigarettes by putting his hand in BRX's pocket and touching him. BRX told BRW that he wanted it to stop because he felt very uncomfortable. BRX and BRW decided that BRW would approach the school.<sup>448</sup>

BRW made an appointment to see Mr Case within the week.<sup>449</sup> BRW said that she attended a meeting with Mr Case, Bishop Wicks (now deceased) and a third (unidentified) male member of staff.<sup>450</sup> She also said that she was made to stand in Mr Case's office for the duration of the meeting.<sup>451</sup> BRW told the three men about BRX's complaint. Mr Case called BRX and BRT (BRW's son) into the meeting and they confirmed the complaint to Mr Case.<sup>452</sup>

BRW's evidence was that Mr Case's response was to say to BRT 'why are you lying?'<sup>453</sup> and 'there is nothing wrong with Knight. He is a good husband and a father of 2 kids and you are causing a

terrible slur on him'.<sup>454</sup> BRW said that she asked, 'What is going to be done about the complaint?'. Bishop Wicks responded, 'There is nothing to be done, because there is nothing going on'.<sup>455</sup>

BRW also said that after this meeting her sons did not receive any more speech night awards even though they were heavily involved in school life.<sup>456</sup> She said that, for the duration of her involvement at the school after this meeting, Mr Case would not call her by her name, despite her heavy involvement in the life of the school.<sup>457</sup>

BRW said that, after the meeting in March or April 1994, Knight did not touch BRX again.<sup>458</sup>

During the course of the hearing, senior counsel for Mr Case stated that there was no challenge to BRW's account of the conversation except for the timing of it.<sup>459</sup> However, ultimately Mr Case gave evidence that he did not accept that BRW had raised these matters with him and that he could not recall the meeting taking place.<sup>460</sup> He did not accept her account, as he could not recall the meeting taking place at all.<sup>461</sup>

We accept BRW's account. First, Mr Case was represented at all times throughout the hearing by senior counsel and there was no challenge to BRW's evidence about what occurred at the meeting. The only challenge was to the timing of the meeting.<sup>462</sup>

Secondly, BRW had a good recollection of the meeting and Mr Case could not recall it. It had obviously left an impression on her and she had every reason to recall it. It is clear from her evidence that she was well motivated to bring the matter forward to Mr Case in the first place. A response of the sort that she says Mr Case gave and the treatment she received from Mr Case after the complaint was made would be firmly rooted in her memory.

Accordingly, we find that, in about Easter 1984, BRW disclosed to Mr Case that BRX was being touched on his genitals by Knight and that Mr Case's response was to not believe the account and to not take any action.

We also find that, in not investigating the matters that BRW raised or reporting them to the police or notifying the school council, Mr Case did not take proper steps to protect the safety and wellbeing of BRX and other students at the school.

## Other disclosures to Mr Case

Mr Case's evidence was that he only became aware of any complaint about Knight when Mr Harold Stevenson, a member of the school council, told Mr Case in October 1984 that a parent had informed Mr Stevenson that during a music camp Knight had exposed himself to three students.<sup>463</sup> Mr Case believed that one of the parents who had spoken to Mr Stevenson was BRW, whose two children attended the camp.<sup>464</sup>

Mr Case said that, a few days after receiving the allegation from Mr Stevenson, he and the school chaplain, Father Thomas Treherne, investigated the incident. Mr Case and Father Treherne spoke to three boys, one of whom was BSD. Mr Case believed he also spoke to the parents of the boys concerned.<sup>465</sup>

Mr Case came to learn that the allegation was that, during the night on a camp, the boys in one of the dormitories had played some version of the game 'Dare and Double Dare', in which Knight had participated and exposed himself (the truth or dare allegation).<sup>466</sup>

However, Mr Case accepted during his evidence before the Royal Commission that he had become aware of a number of further allegations against Knight in addition to the truth or dare allegation in October 1984.<sup>467</sup>

In August 1984, Mr Case recorded in a file note that there were allegations that Knight had homosexual tendencies or actions:

- while he was at Brisbane Boys' College
- during his association with a member of the football team at St Paul's while Knight was employed at St Paul's.<sup>468</sup>

Mr Case accepted in his evidence before the Royal Commission that the allegation of homosexual tendencies or actions in relation to the member of the St Paul's football team was, in truth, an allegation of child sexual abuse.<sup>469</sup>

Mr Case also accepted in his evidence before the Royal Commission that he prepared another file note, probably in October 1984, which recorded further allegations against Knight.<sup>470</sup> This file note recorded some information about the truth or dare allegation received in October 1984, but it also recorded allegations about Knight as follows: '[BRX] cup penis and testes' and 'insists take your pants off when they sleep'.<sup>471</sup>

Mr Case was also advised of allegations about Knight on or about 25 October 1984, which was about four days before Knight left St Paul's.<sup>472</sup> These allegations included that Knight:

- had told boys not to wear underwear while they slept
- had threatened to send boys outside to do push-ups without their clothes on
- had thrown a student, BRD, in the air in such a manner that BRD's genitals had been exposed through his shorts and rubbed down Knight's chest.

At that time, Mr Case was also made aware of BRW's allegations that Knight had searched the pockets of boys for cigarettes and had told the boys that being in love with each other at their age was natural.<sup>473</sup>

Mr Case said he formed the view that Knight had to be removed from the school in October 1984.<sup>474</sup> He gave Knight the option of resigning or being sacked.<sup>475</sup>

On 29 October 1984, Mr Case wrote to Knight accepting his resignation from his position at St Paul's.<sup>476</sup> Mr Case allowed Knight to resign from the school. Mr Case did nothing else.<sup>477</sup>

## A reference for Knight

Mr Case then wrote a reference for Knight on 6 November 1984, as follows:

Gregory Robert Knight was employed as the Director of the Music Program at this school from 1981 to 1984 inclusive.

During this time, Mr Knight transformed a lethargic Music Department into one whose chief characteristics included dynamism, vitality and student achievement.

Mr Knight has an exceptional ability to organize music programs and to challenge students in their commitment to them. He has exceptional skills as an entrepreneur and under his guidance music in this school came to represent a significant area of achievement for students from a variety of backgrounds, including many for whom this was their major achievement. Mr Knight's concern and interest in educational administration and in the needs of exceptional children at both ends of the scale was an integral part of the philosophy behind the development which he undertook in his education.

Mr Knight's particular skills as evinced during his time at this school concerned the development of a strong band and instrumental playing.

I should be happy to expand my comments on any aspects of Mr Knight's performance upon request.<sup>478</sup>

At the public hearing Mr Case was asked about the reference that he wrote for Knight on 6 November 1984. There was the following exchange:

Q. Can I ask you about tab 43. It's a reference that you wrote for Knight. There's no doubt, is there, Mr Case, that you were aware of all the matters that I have been asking about recorded in your file note and also in the typed note recording the allegations that came to your attention in August 1984, including about the allegations of homosexual action between Knight and a member of the student body of your school; agree?

A. I agree and I can only apologise to the Commission and to any students anywhere in Australia or anywhere else who were affected as a result of my writing this reference. I believe it was a stupid thing to do and something I should not have done.

Q. It was reckless, wasn't it?

A. I would agree with you.

Q. In total and utter disregard for the welfare of any student at a school that Knight may have come to be employed at, in light of what you knew about him?

A. I would now agree with you.<sup>479</sup>

It is clear that Mr Case recklessly wrote a reference for Knight which omitted critical information about Knight's misconduct while he was employed by St Paul's.

Mr Case's action in writing the reference was in total and utter disregard for the welfare of children at any school at which Knight may have come to be employed.

## 4.4 Knight moves to the Northern Territory

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In July 1985, after his 'resignation' from St Paul's, Knight applied for a teaching position with the Northern Territory Teaching Service.<sup>480</sup> His application was accepted<sup>481</sup> and Knight was employed as a teacher at Dripstone High School – a public school in Darwin in the Northern Territory.<sup>482</sup> There is no evidence that the Northern Territory Department of Education was aware of the Mayfield report or the allegations made against Knight during his time at St Paul's.

Serious allegations of child sexual abuse were made against Knight in October 1993. The response of Dripstone High School and the Northern Territory Department of Education was swift. Early in the morning of 26 October 1993, there was a meeting between the principal and assistant principal of Dripstone High School, Knight and a senior member of the Northern Territory Department of Education.<sup>483</sup>

Knight was confronted with the allegations of sexual abuse and he accepted the truth of those allegations. Knight wanted to pre-empt any action by the school or the department by resigning.<sup>484</sup>

However, the Department of Education was not prepared to accept his resignation and dismissed him on that day.<sup>485</sup> The school arranged for counselling for the children. The Department of Education ensured that the Northern Territory Police Force was notified.<sup>486</sup>



Police charged Knight in respect of the complaints.<sup>487</sup> In December 1994, he was convicted of a number of counts of child sexual abuse and was sentenced to eight years imprisonment, with a three-year non-parole period.<sup>488</sup>

The actions and inactions of St Paul's and Mr Case towards Knight stand in stark contrast to the response of Dripstone High School in 1993. At Dripstone High School, an allegation against Knight came to the attention of the principal, and it is clear that Knight attempted to deal with that by resigning from the school. However, the principal refused to allow that to occur. Instead, the matter was referred to the police and, as noted above, Knight was ultimately convicted.

## 4.5 Teacher registration

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As we have noted above, the Royal Commission heard evidence that, despite the fact that there was an adverse finding made against Knight in the Mayfield report, that matter did not come to the attention of the schools in Queensland and the Northern Territory which employed Knight.

Similarly, the fact that there were complaints of child sexual abuse against Knight while he was at St Paul's did not come to the attention of the school which employed Knight in the Northern Territory. The regulations governing circumstances in which schools are required to notify the teacher registration authorities of complaints of child sexual abuse do not appear to be consistent.

The Royal Commission is considering teacher registration and exchange of information across states and territories. This issue will be addressed in the Royal Commission's final report.

## 5 Systems, Policies and Procedures

### 5.1 Policies, procedures and culture of Brisbane Grammar School

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Mr Stack, the current chairman of the school's board of trustees, gave evidence. There was no evidence that Dr Howell disclosed to the board of trustees or Mr Stack any of the complaints made to him about Mr Lynch's sexual abuse of students.

Mr Stack accepted that, during the time that Mr Lynch was employed at Brisbane Grammar, the school failed to keep adequate records of students' attendance at counselling and absences from class.<sup>489</sup> He also accepted that, as a result of that failure, the school missed an opportunity to discover the abuse that Mr Lynch was perpetrating against students.<sup>490</sup> We agree.

Mr Stack accepted that, during the period of Mr Lynch's employment, Brisbane Grammar failed to ensure that there were adequate documentary records of the number and frequency of attendances by students at counselling sessions with Mr Lynch.<sup>491</sup> We are satisfied that, as a result of this failure, the school missed an opportunity to discover the abuse that Mr Lynch was perpetrating against students.

Mr Stack also accepted that Brisbane Grammar did not give the students any advice about the normal boundaries to be expected in a counselling relationship, and this was a complete failure by the school.<sup>492</sup> Again, we agree. We find that, during Mr Lynch's time at the school, the school had no systems, policies or procedures in place for dealing with allegations of child sexual abuse against staff members and that, despite having no legislative obligation to have these systems, policies and procedures in place, the school ought to have had such systems, policies and procedures.

Counsel Assisting submitted that we should find that there was a culture at Brisbane Grammar during Dr Howell's period as headmaster where boys who made allegations of sexual abuse were not believed and allegations that boys made were not acted on.<sup>493</sup> Brisbane Grammar submitted that this finding should not be made and that an alternative finding was available in these terms:

There was a culture at BGS from 1976 to 1988 which did not encourage or facilitate the reporting by students to staff of any instances or suspected instances of child sexual abuse.<sup>494</sup>

We accept Counsel Assisting's submission and are satisfied that there was a culture at Brisbane Grammar during Dr Howell's period as headmaster where boys who made allegations of sexual abuse were not believed and allegations that boys made were not acted on.

We are also satisfied that there was a culture at Brisbane Grammar from 1976 to 1988 which did not encourage or facilitate the reporting by students to staff of any instances or suspected instances of child sexual abuse.

We accept that since 1988 Brisbane Grammar has put in place various policies and procedures for responding to complaints of child sexual abuse.

## 5.2 Policies and procedures of St Paul's School

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Mr Case accepted in his oral evidence that the most fundamental thing that he had to do for students under his care was to make sure they were kept safe.<sup>495</sup>

We find that Mr Case's inaction in response to notifications of child sexual abuse by Knight and Mr Lynch meant that he did not achieve his most fundamental obligation, which was to make sure the students under his care were kept safe.

Mr Case accepted that during Mr Lynch's time at the school there was no system in place to monitor the frequency with which Mr Lynch was seeing boys.<sup>496</sup> There was uncontested evidence that boys took significant amounts of time out of class to see Mr Lynch in counselling sessions;<sup>497</sup> however, no formal system in place at the school detected this.<sup>498</sup>

Mr Case accepted and we find that, during Mr Lynch's time at the school, the school had no systems, policies or procedures in place for dealing with allegations of child sexual abuse against staff members.<sup>499</sup>

Mr Case also accepted and we find that there was no system in place at the school for informing students about the nature of a counselling relationship or about what boundaries it was expected a counsellor should observe.<sup>500</sup> Many of the boys gave evidence that they did not know at the time of the abuse whether what Mr Lynch was doing was wrong.

Mr Case accepted that when he was the headmaster at St Paul's, during which time both Mr Lynch and Knight were employed at the school, there was 'no system in place for dealing with allegations made by students of child sexual abuse'.<sup>501</sup> Mr Case also accepted that, practically, there was an 'informal one' whereby he expected staff members who were told of a complaint to inform either Mr Case or another senior staff member, who would then deal with the complaint.<sup>502</sup>

Dr Browning, the current headmaster of St Paul's, and Ms Walker, the current chairman of the school council, gave evidence that the culture of St Paul's has changed and that the school now has in place systems, policies and procedures to deal with allegations of child sexual abuse.<sup>503</sup>

## 6 Systemic Issues

This case study provided the Royal Commission with information about systemic issues within its Terms of Reference in the area of institutional response to concerns and allegations about incidents of child sexual abuse within the settings of two private educational institutions in Queensland.

It also provided the Royal Commission with insights into the regulatory systems in place in South Australia, Queensland and the Northern Territory which govern the registration of teachers and communications between respective teacher registration authorities when a notification of a complaint of child sexual abuse is received.

In particular, the systemic issues raised in this case study included:

- understanding the scope and impact of child sexual abuse
- responding to concerns, allegations and incidents of child sexual abuse
- monitoring and oversight of effectiveness of and compliance with school policies
- reporting, regulation and oversight of educational institutions working with children
- arrangements within educational institutions to prevent child sexual abuse
- the effects of institutional culture on the type of institutional response.
- record keeping.

# 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 His Excellency's Command  
Prime Minister

## APPENDIX B: Public Hearing

<b>The Royal Commission</b>	Justice Peter McClellan AM (Chair) Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray
<b>Commissioners who presided</b>	Justice Jennifer Coate Mr Andrew Murray
<b>Date of hearing</b>	3–13 November 2015 20 November 2015 30 November 2015
<b>Legislation</b>	<i>Royal Commissions Act 1902</i> (Cth) <i>Commissions of Inquiry Act 1950</i> (Qld)
<b>Leave to appear</b>	State of Queensland Graham Thomson Brisbane Grammar School: Howard Stack, Anthony Micallef, Peter Lennox, Ron Cochrane, Raymond Cross, Cecil Munns, Ashley Byron, Gary Merritt and David Coote Brisbane Boys' College BSG BQK BQG Father Thomas Treherne Gilbert Case Margaret Goddard Anglican Diocese of Brisbane: St Paul's School, Archbishop Phillip Aspinall, Bernard Yorke, Reverend Geoff Smith, Father George Henry, Sherril Molloy, Rod McLary, Greg Miles, Andrew Knox, Heather Walker, Paul Browning and John Wright State of South Australia

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<b>Leave to appear</b>	<p>Donald Hopgood</p> <p>BRN</p> <p>BRW</p> <p>Dr Peter Hollingworth</p> <p>Presbyterian and Methodist Schools Association</p> <p>BSE</p> <p>BQS</p> <p>BQA</p> <p>Gregory Knight</p> <p>BQR</p> <p>Gregory Day</p> <p>Fredrick Danielsen</p> <p>BSB</p> <p>BRC</p> <p>BQF</p>
<b>Legal representation</b>	<p>D Lloyd, Counsel Assisting the Royal Commission</p> <p>D Kent QC and B McMillan, instructed by G Cooper of Crown Law Queensland, appearing for the State of Queensland</p> <p>J L Lee, instructed by G Holland of Holland &amp; Holland Solicitors, appearing for Graham Thomson</p> <p>W Sofronoff QC and J O'Connor, instructed by D Abernethy of Corrs Chambers Westgarth, appearing for Brisbane Grammar School: Howard Stack, Anthony Micallef, Peter Lennox, Ron Cochrane, Raymond Cross, Cecil Munns, Ashley Byron, Gary Merritt and David Coote</p> <p>D Atkinson, instructed by S Winn of Paxton-Hall Lawyers, appearing for Brisbane Boys' College</p> <p>R Singh of Shine Lawyers, appearing for BSG</p> <p>P Skinner, instructed by M Slattery of Carroll &amp; O'Dea Lawyers, appearing for BQK</p>

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**Legal representation**

J Ellis of Ellis Legal, appearing for BQG

C Gnech of Robert & Faith Legal Practice, appearing for Father Thomas Treherne

J Hunter QC, instructed by P Quinn of Creevey Russell Lawyers, appearing for Gilbert Case

M Plunkett, instructed by T Fisher of Fisher Dore Lawyers, appearing for Margaret Goddard

J Bell QC and A Braithwaite, instructed by G Cranny of Gilshenan and Luton Lawyers, appearing for the Anglican Diocese of Brisbane: St Paul's School, Archbishop Phillip Aspinall, Bernard Yorke, Reverend Geoff Smith, Father George Henry, Sherril Molloy, Rod McLary, Greg Miles, Andrew Knox, Heather Walker, Paul Browning and John Wright

T Golding, instructed by the Crown Solicitor for the State of South Australia, appearing for the State of South Australia

A Kimmins, instructed by T Abbott, instructed by Camatta Lempens Lawyers, appearing for Donald Hopgood

A Kernaghan, instructed by J Howell of Kernaghan and Associates, appearing for BRN

Dr M Marich, instructed by S Exner of Dr Martine Marich and Associates, appearing for BRW

C Kirton QC, instructed by A George of Doogue O'Brien George, appearing for Peter Hollingworth

D Atkinson, instructed by S Winn of Paxton-Hall Lawyers, appearing for Presbyterian and Methodist Schools Association

K Kelso, instructed by M Woods of Woods Prince Lawyers, appearing for BSE and BQF

T Ryan, instructed by M Howden of Howden Sagggers Lawyers, appearing for BQS

T Lambert, instructed by T Fisher of Fisher Dore Lawyers, appearing for BQA

J Noud, instructed by P O'Brien of O'Brien Solicitors, appearing for Gregory Knight

<b>Legal representation</b>	P Murphy, appearing for BQR and Gregory Day B Coyne, of Boe Williams Anderson, appearing for Fredrick Danielsen D Brown, appearing for BSB and BRC
<b>Pages of transcript</b>	1,211
<b>Notice to Produce issued under <i>Royal Commissions Act 1902</i> (Cth) and documents produced</b>	67 notices to produce, producing approximately 86,067 documents
<b>Summons to Produce issued under <i>Commissions of Inquiry Act 1950</i> (Qld) and documents produced</b>	Six summons to produce, producing approximately 964 documents
<b>Summons to Attend issued under <i>Royal Commissions Act 1902</i> (Cth)</b>	34 summons to attend
<b>Number of exhibits</b>	87 exhibits consisting of a total of 1,337 documents tendered at the hearing
<b>Witnesses</b>	<p><b>BQK</b> Former student, Brisbane Grammar School</p> <p><b>BQG</b> Former student, Brisbane Grammar School</p> <p><b>BQS</b> Former student, Brisbane Grammar School</p> <p><b>BQR</b> Mother of former student, Brisbane Grammar School</p> <p><b>BQH</b> Father of former student, Brisbane Grammar School</p> <p><b>BQI</b> Mother of former student, Brisbane Grammar School</p> <p><b>BQA</b> Former student, Brisbane Grammar School</p>

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**Witnesses****Raymond Cross**

Former teacher, Brisbane Grammar School

**David Coote**

Former Deputy Headmaster, Brisbane Grammar School

**BQF**

Former student, Brisbane Grammar School

**Ron Cochrane**

Former teacher, Brisbane Grammar School

**Howard Stack**

Chairman, School Council, Brisbane Grammar School

**BSG**

Former student, St Paul's School

**BRW**

Mother of former student, St Paul's School

**Gregory Day**

Former teacher, Willunga High School, South Australia

**Donald Hopgood**

Former Minister for Education, South Australia

**Gregory Knight**

Former teacher, St Paul's School

**Graham Thomson**

Former Headmaster, Brisbane Boys' College (1974-1989 and 1996)

**Father Thomas Treherne**

Former School Chaplain, St Paul's School (1982-1990)

**BSB**

Former student, St Paul's School

**BRC**

Former student, St Paul's School

**BRN**

Former student, St Paul's School

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**Witnesses****BSE**

Former student, St Paul's School

**Father George Henry**

Former School Chaplain, St Paul's School (1992–2001)

**Craig Patterson**

Former teacher, St Paul's School

**Margaret Goddard**

Former Head, St Paul's School (2000–2007)

**Gilbert Case**

Former Head, St Paul's School (1979–2000) and Former Executive Director, Anglican Schools Office (2000–2003)

**Dr Peter Hollingworth**

Former Archbishop, Anglican Diocese of Brisbane

**Heather Walker**

Chairman, St Paul's School Council

**Paul Browning**

Current Head, St Paul's School

**The Reverend Phillip Aspinall**

Archbishop, Anglican Diocese of Brisbane

**Bernard Yorke**

Former General Manager, Anglican Diocese of Brisbane

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# Endnotes

- 1 Exhibit 34-0017, 'Statement of A Micallef', Case Study 34, STAT.0701.001.0001\_R at [3(c)].
- 2 Australian Boarding Schools Association, *Brisbane Grammar School*,  
<http://www.boarding.org.au/schools/details/48/Brisbane-Grammar-School> (viewed 4 November 2016).
- 3 Great Public Schools' Association of Queensland, *Home*,  
<http://www.gpsqld.org.au/> (viewed 4 November 2016).
- 4 *Grammar Schools Act 1975* (Qld), s 7(4).
- 5 Exhibit 34-0015, 'Statement of H Stack', Case Study 34, STAT.0380.001.0001\_R at [6].
- 6 Exhibit 34-0015, 'Statement of H Stack', Case Study 34, STAT.0380.001.0001\_R at [6].
- 7 Exhibit 34-0015, 'Statement of H Stack', Case Study 34, STAT.0380.001.0001\_R at [1].
- 8 Brisbane Grammar School, *BGS Timeline*, [http://www.brisbanegrammar.com/About/GrammarHistory/ Documents/bgs\\_history\\_timeline\\_2011.pdf](http://www.brisbanegrammar.com/About/GrammarHistory/Documents/bgs_history_timeline_2011.pdf) (viewed 27 October 2016).
- 9 Exhibit 34-0015, 'Statement of H Stack', Case Study 34, STAT.0380.001.0001\_R at [34].
- 10 Exhibit 34-0018, 'Statement of P Lennox', Case Study 34, STAT.0702.001.0001\_R at [2].
- 11 Exhibit 34-0017, 'Statement of A Micallef', Case Study 34, STAT.0701.001.0001\_R at [1(a)].
- 12 Exhibit 34-0003, Case Study 34, DOC.203.001.0176\_R.
- 13 Exhibit 34-0003, Case Study 34, DOC.203.001.0176\_R at 0177\_R.
- 14 Exhibit 34-0016, 'Supplementary Statement of H Stack', Case Study 34, STAT.0380.002.0001\_R at [15].
- 15 Exhibit 34-0017, 'Statement of A Micallef', Case Study 34, STAT.0701.001.0001\_R at [1].
- 16 Exhibit 34-0017, 'Statement of A Micallef', Case Study 34, STAT.0701.001.0001\_R at [3(l)(iv)].
- 17 Exhibit 34-0015, 'Statement of H Stack', Case Study 34, STAT.0380.001.0001\_R at [5].
- 18 *Education (General Provisions) Act 1989* (Qld) as amended by the *Education and Other Legislation (Student Protection) Amendment Act 2003* (Qld). These amendments commenced in 2004.
- 19 Exhibit 34-0015, 'Statement of H Stack', Case Study 34, STAT.0380.001.0001\_R at [18].
- 20 Exhibit 34-0015, 'Statement of H Stack', Case Study 34, STAT.0380.001.0001\_R at [19].
- 21 Exhibit 34-0015, Case Study 34, DOC.800.001.0001\_R.
- 22 Exhibit 34-0015, Case Study 34, DOC.800.001.0003\_R.
- 23 Exhibit 34-0015, Case Study 34, DOC.800.001.0006\_R.
- 24 Exhibit 34-0003, Case Study 34, DOC.800.001.0007\_R.
- 25 Exhibit 34-0015, Case Study 34, DOC.801.001.0010.
- 26 Exhibit 34-0003, Case Study 34, DOC.103.002.0156\_R.
- 27 Exhibit 34-0003, Case Study 34, DOC.404.011.0085\_E\_R at 0086\_E\_R.
- 28 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [12].
- 29 Exhibit 34-0004, 'Statement of BQS', Case Study 34, STAT.0716.001.0001\_R at [15].
- 30 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [12].
- 31 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [26].
- 32 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [25].
- 33 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [11];  
Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [26];  
Exhibit 34-0012, 'Statement of BQF', Case Study 34, STAT.0732.002.0001\_R at [22].
- 34 Exhibit 34-0003, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [25].
- 35 Exhibit 34-0003, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [26].
- 36 Exhibit 34-0019, 'Statement of BQQ', Case Study 34, STAT.0698.001.0001\_R at [7].
- 37 Exhibit 34-0019, 'Statement of BQQ', Case Study 34, STAT.0698.001.0001\_R at [19].
- 38 Exhibit 34-0019, 'Statement of BQQ', Case Study 34, STAT.0698.001.0001\_R at [10].
- 39 Exhibit 34-0019, 'Statement of BQQ', Case Study 34, STAT.0698.001.0001\_R at [22].
- 40 Exhibit 34-0019, 'Statement of BQQ', Case Study 34, STAT.0698.001.0001\_R at [24]–[26].
- 41 Exhibit 34-0019, 'Statement of BQQ', Case Study 34, STAT.0698.001.0001\_R at [28].
- 42 Exhibit 34-0019, 'Statement of BQQ', Case Study 34, STAT.0698.001.0001\_R at [35].
- 43 Exhibit 34-0019, 'Statement of BQQ', Case Study 34, STAT.0698.001.0001\_R at [35].
- 44 Exhibit 34-0019, 'Statement of BQQ', Case Study 34, STAT.0698.001.0001\_R at [37]–[40].
- 45 Exhibit 34-0019, 'Statement of BQQ', Case Study 34, STAT.0698.001.0001\_R at [48].
- 46 Exhibit 34-0019, 'Statement of BQQ', Case Study 34, STAT.0698.001.0001\_R at [41]–[46].

47 Exhibit 34-0019, 'Statement of BQQ', Case Study 34, STAT.0698.001.0001\_R at [42], [47].

48 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [1], [33].

49 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [7]–[9].

50 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [10].

51 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [18].

52 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [12].

53 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [19].

54 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [11]–[12].

55 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [14]–[16].

56 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [13].

57 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [17].

58 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [45].

59 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [54].

60 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [47].

61 Exhibit 34-0015, Case Study 34, DOC.500.001.0028.

62 Exhibit 34-0015, Case Study 34, DOC.500.001.0003; Exhibit 34-0015, Case Study 34, DOC.500.001.0005;  
Exhibit 34-0015, Case Study 34, DOC.500.001.0027; Exhibit 34-0015, Case Study 34, DOC.500.001.0028.

63 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [59].

64 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [64]–[66].

65 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [67]–[68].

66 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [78]–[79].

67 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [80].

68 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [34], [87].

69 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [85].

70 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [43].

71 Exhibit 34-0001, 'Statement of BQK', Case Study 34, STAT.0730.001.0001\_R at [93].

72 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [8].

73 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [10]–[11].

74 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [15]–[18].

75 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [19]–[20].

76 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [21].

77 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [24].

78 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [26].

79 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [25].

80 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [27], [30], [40].

81 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [58].

82 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [62]–[63].

83 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [64]–[65].

84 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [66].

85 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [50].

86 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [53], [55].

87 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [45].

88 Exhibit 34-0002, 'Statement of BQG', Case Study 34, STAT.0723.001.0001\_R at [43]–[54].

89 Exhibit 34-0004, 'Statement of BQS', Case Study 34, STAT.0716.001.0001\_R at [5].

90 Exhibit 34-0004, 'Statement of BQS', Case Study 34, STAT.0716.001.0001\_R at [10].

91 Exhibit 34-0004, 'Statement of BQS', Case Study 34, STAT.0716.001.0001\_R at [7].

92 Exhibit 34-0004, 'Statement of BQS', Case Study 34, STAT.0716.001.0001\_R at [14], [16].

93 Exhibit 34-0004, 'Statement of BQS', Case Study 34, STAT.0716.001.0001\_R at [19].

94 Exhibit 34-0004, 'Statement of BQS', Case Study 34, STAT.0716.001.0001\_R at [29]–[30].

95 Exhibit 34-0004, 'Statement of BQS', Case Study 34, STAT.0716.001.0001\_R at [29]–[38].

96 Exhibit 34-0004, 'Statement of BQS', Case Study 34, STAT.0716.001.0001\_R at [39]–[43].

97 Exhibit 34-0005, 'Statement of BQR', Case Study 34, STAT.0715.001.0001\_R at [6].

- 98 Exhibit 34-0005, 'Statement of BQR', Case Study 34, STAT.0715.001.0001\_R at [7]–[8].
- 99 Exhibit 34-0005, 'Statement of BQR', Case Study 34, STAT.0715.001.0001\_R at [9].
- 100 Exhibit 34-0005, 'Statement of BQR', Case Study 34, STAT.0715.001.0001\_R at [20]–[21].
- 101 Exhibit 34-0006, 'Statement of BQH', Case Study 34, STAT.0725.001.0001\_R at [3].
- 102 Exhibit 34-0003, Case Study 34, DOC.102.002.0180\_R at 0181\_R.
- 103 Exhibit 34-0007, 'Statement of BQA', Case Study 34, STAT.0748.001.0001\_R at [4].
- 104 Exhibit 34-0007, 'Statement of BQA', Case Study 34, STAT.0748.001.0001\_R at [6].
- 105 Exhibit 34-0007, 'Statement of BQA', Case Study 34, STAT.0748.001.0001\_R at [9].
- 106 Exhibit 34-0007, 'Statement of BQA', Case Study 34, STAT.0748.001.0001\_R at [5], [8].
- 107 Exhibit 34-0007, 'Statement of BQA', Case Study 34, STAT.0748.001.0001\_R at [9].
- 108 Exhibit 34-0007, 'Statement of BQA', Case Study 34, STAT.0748.001.0001\_R at [10].
- 109 Exhibit 34-0007, 'Statement of BQA', Case Study 34, STAT.0748.001.0001\_R at [15].
- 110 Exhibit 34-0007, 'Statement of BQA', Case Study 34, STAT.0748.001.0001\_R at [11].
- 111 Exhibit 34-0007, 'Statement of BQA', Case Study 34, STAT.0748.001.0001\_R at [12];  
Transcript of BQA, Case Study 34, 4 November 2015 at 12106:44–46.
- 112 Transcript of BQA, Case Study 34, 4 November 2015 at 12107:11–13.
- 113 Exhibit 34-0007, 'Statement of BQA', Case Study 34, STAT.0748.001.0001\_R at [13];  
Transcript of BQA, Case Study 34, 4 November 2015 at 12108:7–12109:4.
- 114 Exhibit 34-0007, 'Statement of BQA', Case Study 34, STAT.0748.001.0001\_R at [16].
- 115 Exhibit 34-0007, 'Statement of BQA', Case Study 34, STAT.0748.001.0001\_R at [28].
- 116 Exhibit 34-0007, 'Statement of BQA', Case Study 34, STAT.0748.001.0001\_R at [33].
- 117 Exhibit 34-0007, 'Statement of BQA', Case Study 34, STAT.0748.001.0001\_R at [43]–[46].
- 118 Exhibit 34-0007, 'Statement of BQA', Case Study 34, STAT.0748.001.0001\_R at [47].
- 119 Transcript of H Stack, Case Study 34, 6 November 2015 at 12288:15–36.
- 120 Transcript of H Stack, Case Study 34, 6 November 2015 at 12288:25–36.
- 121 Exhibit 34-0007, 'Statement of BQA', Case Study 34, STAT.0748.001.0001\_R at [62].
- 122 Exhibit 34-0007, 'Statement of BQA', Case Study 34, STAT.0748.001.0001\_R at [54];  
Exhibit 34-0003, Case Study 34, DOC.100.002.0416\_R.
- 123 Exhibit 34-0007, 'Statement of BQA', Case Study 34, STAT.0748.001.0001\_R at [71]–[76].
- 124 Exhibit 34-0012, 'Statement of BQF', Case Study 34, STAT.0732.002.0001\_R at [7].
- 125 Exhibit 34-0012, 'Statement of BQF', Case Study 34, STAT.0732.002.0001\_R at [10], [15].
- 126 Transcript of BQF, Case Study 34, 5 November 2015 at 12220:18–20.
- 127 Exhibit 34-0012, 'Statement of BQF', Case Study 34, STAT.0732.002.0001\_R at [19]–[28].
- 128 Exhibit 34-0012, 'Statement of BQF', Case Study 34, STAT.0732.002.0001\_R at [30]–[32].
- 129 Exhibit 34-0012, 'Statement of BQF', Case Study 34, STAT.0732.002.0001\_R at [34].
- 130 Exhibit 34-0012, 'Statement of BQF', Case Study 34, STAT.0732.002.0001\_R at [34].
- 131 Exhibit 34-0012, 'Statement of BQF', Case Study 34, STAT.0732.002.0001\_R at [35].
- 132 Exhibit 34-0012, 'Statement of BQF', Case Study 34, STAT.0732.002.0001\_R at [41]–[44].
- 133 Exhibit 34-0020, 'Statement of BQO', Case Study 34, STAT.0705.001.0001\_R at [5].
- 134 Exhibit 34-0020, 'Statement of BQO', Case Study 34, STAT.0705.001.0001\_R at [7], [9].
- 135 Exhibit 34-0020, 'Statement of BQO', Case Study 34, STAT.0705.001.0001\_R at [19]–[20].
- 136 Exhibit 34-0020, 'Statement of BQO', Case Study 34, STAT.0705.001.0001\_R at [22], [24].
- 137 Exhibit 34-0020, 'Statement of BQO', Case Study 34, STAT.0705.001.0001\_R at [26].
- 138 Exhibit 34-0003, Case Study 34, DOC.103.002.0180\_R;  
Exhibit 34-0006, 'Statement of BQH', Case Study 34, STAT.0725.001.0001\_R at [3].
- 139 Exhibit 34-0006, 'Statement of BQH', Case Study 34, STAT.0725.001.0001\_R at [5].
- 140 Exhibit 34-0003, Case Study 34, DOC.103.002.0180\_R; Exhibit 34-0003, Case Study 34,  
DOC.370.002.0523\_R; Exhibit 34-0003, Case Study 34, DOC.370.002.0520\_R at 0520\_R–0521\_R.
- 141 Exhibit 34-0006, 'Statement of BQH', Case Study 34, STAT.0725.001.0001\_R at [5];  
Exhibit 34-0003, Case Study 34, DOC.103.002.0180\_R at 0181\_R; Exhibit 34-0006,  
'Statement of BQH', Case Study 34, STAT.0725.001.0001\_R at [5].
- 142 Exhibit 34-0003, Case Study 34, DOC.103.002.0180\_R at 0181\_R.

- 143 Transcript of BQH, Case Study 34, 4 November 2015 at 12059:32–37;  
Exhibit 34-0006, ‘Statement of BQH’, Case Study 34, STAT.0725.001.0001\_R at [7].
- 144 Exhibit 34-0003, Case Study 34, DOC.103.002.0180\_R at 0181\_R.
- 145 Transcript of BQH, Case Study 34, 4 November 2015 at 12060:19–23.
- 146 Transcript of BQH, Case Study 34, 4 November 2015 at 12060:28–40.
- 147 Transcript of BQL, Case Study 34, 4 November 2015 at 12067:25–36.
- 148 Transcript of BQL, Case Study 34, 4 November 2015 at 12068:10–30.
- 149 Transcript of BQH, Case Study 34, 4 November 2015 at 12061:18–42;  
Transcript of BQL, Case Study 34, 4 November 2015 at 12068:32–46.
- 150 Exhibit 34-0003, Case Study 34, DOC.103.002.0180\_R.
- 151 Exhibit 34-0003, Case Study 34, DOC.370.002.0597\_R at 0597\_R–0598\_R.
- 152 Transcript of BQH, Case Study 34, 4 November 2015 at 12057:18–25.
- 153 Submissions on behalf of Brisbane Grammar School, Howard Stack, Ronald Cochrane, Raymond Cross,  
David Coote, Anthony Micallef and Peter Lennox, Case Study 34, SUBM.1034.011.0001 at 0022.
- 154 Transcript of BQA, Case Study 34, 4 November 2015 at 12098:47–12099:15.
- 155 Transcript of BQH, Case Study 34, 4 November 2015 at 12057:18–25, 12063:6–11.
- 156 Transcript of BQL, Case Study 34, 4 November 2015 at 12069:8–12070:10.
- 157 Submissions on behalf of Brisbane Grammar School, H Stack, R Cochrane, R Cross, D Coote,  
A Micallef and P Lennox, Case Study 34, SUBM.1034.011.0001 at 0015.
- 158 Transcript of BQH, Case Study 34, 4 November 2015 at 12062:20–27.
- 159 Exhibit 34-0007, ‘Statement of BQA’, Case Study 34, STAT.0748.001.0001\_R at [4]–[5].
- 160 Exhibit 34-0007, ‘Statement of BQA’, Case Study 34, STAT.0748.001.0001\_R at [28].
- 161 Exhibit 34-0007, ‘Statement of BQA’, Case Study 34, STAT.0748.001.0001\_R at [33]–[34].
- 162 Transcript of D Coote, Case Study 34, 4 November 2015 at 12157:9–11.
- 163 Transcript of D Coote, Case Study 34, 4 November 2015 at 12158:10–20.
- 164 Exhibit 34-0003, Case Study 34, DOC.100.002.0416\_R at 0416\_R–0418\_R.
- 165 Exhibit 34-0003, Case Study 34, DOC.203.001.0167\_R at 0174\_R.
- 166 Submissions on behalf of Brisbane Grammar School, H Stack, R Cochrane, R Cross, D Coote,  
A Micallef and P Lennox, Case Study 34, SUBM.1034.011.0001 at 0023.
- 167 Exhibit 34-0007, ‘Statement of BQA’, Case Study 34, STAT.0748.001.0001\_R at [43];  
Exhibit 34-0015, Case Study 34, DOC.100.001.0508\_R.
- 168 Exhibit 34-0003, Case Study 34, DOC.100.002.0416\_R.
- 169 Submissions on behalf of Brisbane Grammar School, H Stack, R Cochrane, R Cross, D Coote,  
A Micallef and P Lennox, Case Study 34, SUBM.1034.011.0001 at 0023–0025.
- 170 Transcript of BQA, Case Study 34, 4 November 2015 at 12099:14–22.
- 171 Exhibit 34-0007, ‘Statement of BQA’, Case Study 34, STAT.0748.001.0001\_R at [28].
- 172 (1938) 60 CLR 336.
- 173 Transcript of D Coote, Case Study 34, 4 November 2015 at 12158:18–20.
- 174 Transcript of D Coote, Case Study 34, 5 November 2015 at 12164:31–36.
- 175 Transcript of D Coote, Case Study 34, 5 November 2015 at 12166:5–36.
- 176 Exhibit 34-0007, ‘Statement of BQA’, Case Study 34, STAT.0748.001.0001\_R at [33].
- 177 Exhibit 34-0010, ‘Statement of D Coote’, Case Study 34, STAT.0749.001.0001\_R at [15(a)];  
Transcript of D Coote, Case Study 34, 4 November 2015 at 12157:9–11.
- 178 Exhibit 34-0003, Case Study 34, DOC.100.001.0393\_R.
- 179 Exhibit 34-0003, Case Study 34, DOC.100.001.0393\_R at 0394\_R.
- 180 Exhibit 34-0003, Case Study 34, DOC.100.001.0393\_R at 0394\_R.
- 181 Exhibit 34-0003, Case Study 34, DOC.100.001.0393\_R at 0394\_R–0395\_R.
- 182 Exhibit 34-0003, Case Study 34, DOC.600.001.0001\_R.
- 183 Exhibit 34-0003, Case Study 34, DOC.600.001.0001\_R at 0001\_R–0002\_R.
- 184 Submissions on behalf of Brisbane Grammar School, H Stack, R Cochrane, R Cross, D Coote,  
A Micallef and P Lennox, Case Study 34, SUBM.1034.011.0001 at 0030–0031.
- 185 Exhibit 34-0003, Case Study 34, DOC.328.001.0097\_R at 0100\_R–0102\_R.

- 186 Exhibit 34-0003, Case Study 34, DOC.328.001.0097\_R at 0101\_R.
- 187 Exhibit 34-0009, 'Statement of R Cross', Case Study 34, STAT.0704.001.0001\_R at [34]–[36];  
Transcript of R Cross, Case Study 34, 4 November 2015 at 12128:23–31.
- 188 Exhibit 34-0012, 'Statement of BQF', Case Study 34, STAT.0732.002.0001\_R at [24]–[28];  
Transcript of BQF, Case Study 34, 5 November 2015 at 12212:32–12213:21.
- 189 Exhibit 34-0012, 'Statement of BQF', Case Study 34, STAT.0732.002.0001\_R at [31]–[32].
- 190 Exhibit 34-0012, 'Statement of BQF', Case Study 34, STAT.0732.002.0001\_R at [32].
- 191 Exhibit 34-0013, 'Statement of R Cochrane', Case Study 34, STAT.0703.001.0001\_R at [57];  
Transcript of R Cochrane, Case Study 34, 5 November 2015 at 12246:39–43.
- 192 Exhibit 34-0003, Case Study 34, DOC.313.001.0083\_R at 0087\_R.
- 193 Exhibit 34-0003, Case Study 34, DOC.313.001.0083\_R at 0086\_R.
- 194 Exhibit 34-0003, Case Study 34, DOC.313.001.0083\_R at 0087\_R.
- 195 Transcript of R Cochrane, Case Study 34, 5 November 2015 at 12241:13–20.
- 196 Transcript of R Cochrane, Case Study 34, 5 November 2015 at 12242:29–46.
- 197 My School, *St Paul's School, Bald Hills, QLD*, <https://www.myschool.edu.au/SchoolProfile/Index/100260/StPaulsSchool/47999/2015> (viewed 4 November 2016).
- 198 Exhibit 34-0050, Case Study 34, STAT.0713.001.0020 at 0020.
- 199 Exhibit 34-0050, 'Statement of P Browning', Case Study 34, STAT.0713.001.0001 at [13]–[19].
- 200 Exhibit 34-0052, 'Statement of H Walker', Case Study 34, STAT.0722.001.0001 at [19].
- 201 Exhibit 34-0052, 'Statement of H Walker', Case Study 34, STAT.0722.001.0001 at [2].
- 202 Exhibit 34-0048, 'Statement of G Case', Case Study 34, STAT.0746.001.0001\_R at [33], [171].
- 203 Exhibit 34-0045, 'Statement of M Goddard', Case Study 34, STAT.0693.001.0001 at [5].
- 204 Exhibit 34-0050, 'Statement of P Browning', Case Study 34, STAT.0713.001.0001 at [3]–[4].
- 205 Transcript of G Case, Case Study 34, 12 November 2015 at 12856:7–14.
- 206 Exhibit 34-0048, 'Statement of G Case', Case Study 34, STAT.0746.001.0001 at [34]–[35].
- 207 Exhibit 34-0048, Case Study 34, STAT.0746.001.0049 at 0050.
- 208 Exhibit 34-0048, Case Study 34, STAT.0746.001.0045.
- 209 Exhibit 34-0048, Case Study 34, STAT.0746.001.0045 at 0048.
- 210 Exhibit 34-0048, Case Study 34, STAT.0746.001.0045 at 0048.
- 211 Transcript of G Case, Case Study 34, 12 November 2015 at 12893:39–12894:24.
- 212 Exhibit 34-0027, Case Study 34, ASQ.218.002.0307\_R at 0307\_R–0308\_R;  
Exhibit 34-0027, Case Study 34, ASQ.015.002.0006\_R at 0007\_R.
- 213 Exhibit 34-0027, Case Study 34, ASQ.218.005.0011\_R at 0011\_R–0013\_R;  
Exhibit 34-0027, Case Study 34, ASQ.002.002.0179\_R.
- 214 Transcript of G Case, Case Study 34 at 12926:18–27;  
Exhibit 34-0048, 'Statement of G Case', Case Study 34, STAT.0746.001.0001\_R at [111].
- 215 Exhibit 34-0027, Case Study 34, ASQ.218.005.0011\_R at 0014\_R.
- 216 Exhibit 34-0027, Case Study 34, ASQ.0001.001.0001 at 0032.
- 217 Exhibit 34-0036, 'Statement of BSB', Case Study 34, STAT.0745.001.0001\_R at [51].
- 218 Exhibit 34-0036, 'Statement of BSB', Case Study 34, STAT.0745.001.0001\_R at [7].
- 219 Exhibit 34-0036, 'Statement of BSB', Case Study 34, STAT.0745.001.0001\_R at [7];  
Exhibit 34-0027, Case Study 34, ASQ.005.014.0024.
- 220 Exhibit 34-0037, 'Statement of BRC', Case Study 34, STAT.0754.001.0001\_R at [15].
- 221 Exhibit 34-0038, 'Statement of BRN', Case Study 34, STAT.0721.001.0001\_R at [17].
- 222 Exhibit 34-0045, 'Statement of M Goddard', Case Study 34, STAT.0693.001.0001\_R at [41].
- 223 Transcript of M Goddard, Case Study 34, 12 November 2015 at 12812:44–12813:1.
- 224 Exhibit 34-0045, 'Statement of M Goddard', Case Study 34, STAT.0693.001.0001\_R at [42].
- 225 Exhibit 34-0038, 'Statement of BRN', Case Study 34, STAT.0721.001.0001\_R.
- 226 Exhibit 34-0038, 'Statement of BRN', Case Study 34, STAT.0721.001.0001\_R at [6].
- 227 Exhibit 34-0038, 'Statement of BRN', Case Study 34, STAT.0721.001.0001\_R at [12].
- 228 Exhibit 34-0038, 'Statement of BRN', Case Study 34, STAT.0721.001.0001\_R at [14].
- 229 Exhibit 34-0038, 'Statement of BRN', Case Study 34, STAT.0721.001.0001\_R at [18]–[29].

- 230 Exhibit 34-0038, 'Statement of BRN', Case Study 34, STAT.0721.001.0001\_R at [31].
- 231 Exhibit 34-0038, 'Statement of BRN', Case Study 34, STAT.0721.001.0001\_R at [33].
- 232 Exhibit 34-0038, 'Statement of BRN', Case Study 34, STAT.0721.001.0001\_R at [51]–[58].
- 233 Exhibit 34-0040, 'Statement of BSE', Case Study 34, STAT.0720.001.0001\_R.
- 234 Exhibit 34-0040, 'Statement of BSE', Case Study 34, STAT.0720.001.0001\_R at [10]–[19].
- 235 Exhibit 34-0040, 'Statement of BSE', Case Study 34, STAT.0720.001.0001\_R at [20].
- 236 Exhibit 34-0040, 'Statement of BSE', Case Study 34, STAT.0720.001.0001\_R at [20];  
Exhibit 34-0027, Case Study 34, ASQ.218.005.0011\_R at 0014\_R.
- 237 Exhibit 34-0040, 'Statement of BSE', Case Study 34, STAT.0720.001.0001\_R at [20].
- 238 Exhibit 34-0040, 'Statement of BSE', Case Study 34, STAT.0720.001.0001\_R at [27]–[42];  
Exhibit 34-0027, Case Study 34, ASQ.218.005.0011\_R at 0014\_R.
- 239 Exhibit 34-0040, 'Statement of BSE', Case Study 34, STAT.0720.001.0001\_R at [62]–[72].
- 240 Exhibit 34-0036, 'Statement of BSB', Case Study 34, STAT.0745.001.0001\_R at [3], [6].
- 241 Exhibit 34-0036, 'Statement of BSB', Case Study 34, STAT.0745.001.0001\_R at [8]–[16].
- 242 Exhibit 34-0036, 'Statement of BSB', Case Study 34, STAT.0745.001.0001\_R at [20]–[24], [26].
- 243 Exhibit 34-0036, 'Statement of BSB', Case Study 34, STAT.0745.001.0001\_R at [25].
- 244 Exhibit 34-0036, 'Statement of BSB', Case Study 34, STAT.0745.001.0001\_R at [61].
- 245 Exhibit 34-0036, 'Statement of BSB', Case Study 34, STAT.0745.001.0001\_R at [33].
- 246 Exhibit 34-0036, 'Statement of BSB', Case Study 34, STAT.0745.001.0001\_R at [34].
- 247 Exhibit 34-0036, 'Statement of BSB', Case Study 34, STAT.0745.001.0001\_R at [34].
- 248 Exhibit 34-0036, 'Statement of BSB', Case Study 34, STAT.0745.001.0001\_R at [45].
- 249 Exhibit 34-0037, 'Statement of BRC', Case Study 34, STAT.0754.001.0001\_R at [4].
- 250 Exhibit 34-0037, 'Statement of BRC', Case Study 34, STAT.0754.001.0001\_R at [9]–[10].
- 251 Exhibit 34-0036, 'Statement of BSB', Case Study 34, STAT.0745.001.0001\_R at [3], [6].
- 252 Exhibit 34-0037, 'Statement of BRC', Case Study 34, STAT.0754.001.0001\_R at [13].
- 253 Exhibit 34-0037, 'Statement of BRC', Case Study 34, STAT.0754.001.0001\_R at [23]–[47].
- 254 Exhibit 34-0037, 'Statement of BRC', Case Study 34, STAT.0754.001.0001\_R at [61]–[62].
- 255 Exhibit 34-0037, 'Statement of BRC', Case Study 34, STAT.0754.001.0001\_R at [14]–[16].
- 256 Exhibit 34-0037, 'Statement of BRC', Case Study 34, STAT.0754.001.0001\_R at [16].
- 257 Exhibit 34-0037, 'Statement of BRC', Case Study 34, STAT.0754.001.0001\_R at [16].
- 258 Exhibit 34-0037, 'Statement of BRC', Case Study 34, STAT.0754.001.0001\_R at [47].
- 259 Exhibit 34-0037, 'Statement of BRC', Case Study 34, STAT.0754.001.0001\_R at [47].
- 260 Exhibit 34-0036, 'Statement of BSB', Case Study 34, STAT.0745.001.0001\_R at [29]–[35].
- 261 Transcript of BSB, Case Study 34, 11 November 2015 at 12698:3–10.
- 262 Transcript of BSB, Case Study 34, 11 November 2015 at 12704:4–13.
- 263 Exhibit 34-0036, 'Statement of BSB', Case Study 34, STAT.0745.001.0001\_R at [37].
- 264 Exhibit 34-0036, 'Statement of BSB', Case Study 34, STAT.0745.001.0001\_R at [38]–[39].
- 265 Exhibit 34-0036, 'Statement of BRC', Case Study 34, STAT.0754.001.0001\_R at [14]–[16].
- 266 Transcript of BRC, Case Study 34, 11 November 2015 at 12722:33–44.
- 267 Transcript of BRC, Case Study 34, 11 November 2015 at 12724:7–16.
- 268 Transcript of G Case, Case Study 34, 12 November 2015 at 12920:21–26.
- 269 Exhibit 34-0027, Case Study 34, ASQ.418.013.0156\_R.
- 270 Transcript of G Case, Case Study 34, 12 November 2015 at 12921:11–21.
- 271 Transcript of G Case, Case Study 34, 12 November 2015 at 12921:26–29.
- 272 Transcript of G Case, Case Study 34, 13 November 2015 at 12935:28–31.
- 273 Transcript of G Case, Case Study 34, 13 November 2015 at 12942:13–17.
- 274 Exhibit 34-0027, Case Study 34, ASQ.002.003.0214 at 0215.
- 275 Exhibit 34-0027, Case Study 34, ASQ.002.003.0205\_R.
- 276 Transcript of G Case, Case Study 34, 13 November 2015 at 12943:24–26.
- 277 Transcript of G Case, Case Study 34, 13 November 2015 at 12943:19–22.
- 278 Transcript of G Case, Case Study 34, 13 November 2015 at 12943:24–26.
- 279 Transcript of G Case, Case Study 34, 13 November 2015 at 12943:28–41.

280 Transcript of G Case, Case Study 34, 13 November 2015 at 12944:11–16.  
 281 Transcript of G Case, Case Study 34, 13 November 2015 at 12943:43–12944:9.  
 282 Transcript of G Case, Case Study 34, 13 November 2015 at 12939:9–20.  
 283 Transcript of G Case, Case Study 34, 13 November 2015 at 12940:9–14.  
 284 Transcript of G Case, Case Study 34, 13 November 2015 at 12940:16–19.  
 285 Transcript of G Case, Case Study 34, 13 November 2015 at 12940:32–37.  
 286 Transcript of G Case, Case Study 34, 13 November 2015 at 12941:14–30.  
 287 Exhibit 34-0037, ‘Statement of BRC’, Case Study 34, STAT.0754.001.0001\_R at [47];  
 Exhibit 34-0036, ‘Statement of BSB’, Case Study 34, STAT.0745.001.0001\_R at [45].  
 288 Transcript of G Case, Case Study 34, 12 November 2015 at 12922:38–12923:2.  
 289 Exhibit 34-0037, ‘Statement of BRC’, Case Study 34, STAT.0754.001.0001\_R at [54]–[55].  
 290 Exhibit 34-0027, Case Study 34, ASQ.003.001.0152\_R.  
 291 Exhibit 34-0037, ‘Statement of BRC’, Case Study 34, STAT.0754.001.0001\_R at [56].  
 292 Exhibit 34-0037, ‘Statement of BRC’, Case Study 34, STAT.0754.001.0001\_R at [59].  
 293 Exhibit 34-0036, ‘Statement of BSB’, Case Study 34, STAT.0745.001.0001\_R at [52], [54].  
 294 Exhibit 34-0036, ‘Statement of BSB’, Case Study 34, STAT.0745.001.0001\_R at [54].  
 295 Transcript of G Henry, Case Study 34, 11 November 2015 at 12767:9–12.  
 296 Exhibit 34-0036, ‘Statement of BSB’, Case Study 34, STAT.0745.001.0001\_R at [55].  
 297 Exhibit 34-0036, ‘Statement of BSB’, Case Study 34, STAT.0745.001.0001\_R at [55].  
 298 Exhibit 34-0027, Case Study 34, ASQ.215.009.0093\_R.  
 299 Exhibit 34-0036, ‘Statement of BSB’, Case Study 34, STAT.0745.001.0001\_R at [56].  
 300 Exhibit 34-0036, ‘Statement of BSB’, Case Study 34, STAT.0745.001.0001\_R at [57].  
 301 Exhibit 34-0027, Case Study 34, ASQ.232.006.0041\_R.  
 302 Transcript of G Henry, Case Study 34, 11 November 2015 at 12769:18–33.  
 303 Transcript of G Henry, Case Study 34, 11 November 2015 at 12769:15–21.  
 304 Exhibit 34-0041, ‘Statement of G Henry’, Case Study 34, STAT.0708.002.0001\_R at [49];  
 Transcript of G Henry, Case Study 34, 11 November 2015 at 12770:21–23.  
 305 Exhibit 34-0041, ‘Statement of G Henry’, STAT.0708.002.0001\_R at [50];  
 Transcript of G Henry, Case Study 34, 11 November 2015 at 12770:32–41.  
 306 Exhibit 34-0027, Case Study 34, ASQ.234.004.0030\_R.  
 307 Transcript of P Hollingworth, Case Study 34, 13 November 2015 at 13051:34–39.  
 308 Exhibit 34-0036, ‘Statement of BSB’, Case Study 34, STAT.0745.001.0001\_R at [59];  
 Exhibit 34-0027, Case Study 34, ASQ.004.002.0092\_R.  
 309 Exhibit 34-0027, Case Study 34, ASQ.004.002.0092\_R at 0092\_R–0093\_R.  
 310 Transcript of BSB, Case Study 34, 11 November 2015 at 12700:5–13.  
 311 Transcript of BSB, Case Study 34, 11 November 2015 at 12700:5–13.  
 312 Transcript of BSB, Case Study 34, 11 November 2015 at 12700:37–43.  
 313 Exhibit 34-0027, Case Study 34, ASQ.004.002.0092\_R at 0093\_R.  
 314 Exhibit 34-0037, ‘Statement of BRC’, Case Study 34, STAT.0754.001.0001\_R at [47].  
 315 Transcript of G Case, Case Study 34, 12 November 2015 at 12922:38–12923:2.  
 316 Exhibit 34-0027, Case Study 34, ASQ.215.009.0075\_R; Exhibit 34-0027,  
 Case Study 34, ASQ.004.002.0092\_R at 0093\_R.  
 317 Exhibit 34-0037, ‘Statement of BRC’, Case Study 34, STAT.0754.001.0001\_R at [18]–[22].  
 318 Exhibit 34-0037, ‘Statement of BRC’, Case Study 34, STAT.0754.001.0001\_R at [26]–[47].  
 319 Exhibit 34-0037, ‘Statement of BRC’, Case Study 34, STAT.0754.001.0001\_R at [47].  
 320 Exhibit 34-0036, ‘Statement of BSB’, Case Study 34, STAT.0745.001.0001\_R at [44].  
 321 Exhibit 34-0036, ‘Statement of BSB’, Case Study 34, STAT.0745.001.0001\_R at [45];  
 Transcript of BSB, Case Study 34, 11 November 2015 at 12692:29–45.  
 322 Exhibit 34-0048, ‘Statement of G Case’, Case Study 34, STAT.0746.001.0001\_R at [128].  
 323 Transcript of G Case, Case Study 34, 12 November 2015 at 12922:38–12923:38.  
 324 Transcript of BSB, Case Study 34, 11 November 2015 at 12701:11–33.  
 325 Submissions on behalf of G Case, Case Study 34, SUBM.1034.012.0001 at 0004.



326 Submissions on behalf of G Case, Case Study 34, SUBM.1034.012.0001 at 0004.  
327 Exhibit 34-0027, Case Study 34, ASQ.234.004.0030\_R.  
328 Exhibit 34-0027, Case Study 34, ASQ.234.004.0030\_R AT 0031\_R.  
329 Exhibit 34-0036, 'Statement of BSB', Case Study 34, STAT.0745.001.0001\_R at [54]–[55].  
330 Exhibit 34-0027, Case Study 34, ASQ.234.004.0030\_R.  
331 Exhibit 34-0027, Case Study 34, ASQ.234.004.0030\_R.  
332 Exhibit 34-0027, Case Study 34, ASQ.234.004.0030\_R at 0031\_R.  
333 Exhibit 34-0059, 'Statement of B Yorke', Case Study 34, STAT.0711.001.0001\_R at [3].  
334 Transcript of B Yorke, Case Study 34, 30 November 2015 at 13703:44–13704:7.  
335 Exhibit 34-0027, Case Study 34, ASQ.234.004.0030\_R at 0031\_R.  
336 Transcript of P Hollingworth, Case Study 34, 13 November 2015 at 13046:30–33.  
337 Transcript of P Hollingworth, Case Study 34, 13 November 2015 at 13048:16–20.  
338 Transcript of P Hollingworth, Case Study 34, 13 November 2015 at 13048:22–45.  
339 Transcript of B Yorke, Case Study 34, 30 November 2015 at 13705:24–34.  
340 Exhibit 34-0027, Case Study 34, ASQ.218.005.0134\_R; Exhibit 34-0027,  
Case Study 34, ASQ.215.009.0075\_R; Exhibit 34-0027, Case Study 34, ASQ.004.002.0092\_R.  
341 Exhibit 34-0027, Case Study 34, ASQ.218.001.0073\_R; Exhibit 34-0027, Case Study 34, ASQ.248.008.0049\_R.  
342 Transcript of B Yorke, Case Study 34, 30 November 2015 at 13711:31–42.  
343 Transcript of B Yorke, Case Study 34, 30 November 2015 at 13722:2–3.  
344 Transcript of P Hollingworth, Case Study 34, 13 November 2015 at 13049:44–45.  
345 Transcript of P Hollingworth, Case Study 34, 13 November 2015 at 13050:5–19.  
346 Submissions on behalf of P Hollingworth, Case Study 34, SUBM.1034.001.0001 at 0004.  
347 Transcript of P Hollingworth, Case Study 34, 13 November 2015 at 13050:5–19.  
348 Transcript of B Yorke, Case Study 34, 30 November 2015 at 13722:2–3.  
349 Exhibit 34-0048, 'Statement of G Case', Case Study 34, STAT.0746.001.0001\_R at [171].  
350 Exhibit 34-0048, 'Statement of G Case', Case Study 34, STAT.0746.001.0001\_R at [171];  
Exhibit 34-0027, Case Study 34, ASQ.002.004.0198.  
351 Exhibit 34-0027, Case Study 34, ASQ.002.004.0198.  
352 Transcript of G Case, Case Study 34, 30 November 2015 at 12945:47–12946:30.  
353 Exhibit 34-0048, 'Statement of G Case', Case Study 34, STAT.0746.001.0001\_R at [168].  
354 Transcript of P Hollingworth, Case Study 34, 13 November 2015 at 13062:13–13063:21;  
Transcript of B Yorke, Case Study 34, 30 November 2015 at 13703:7–13.  
355 Exhibit 34-0054, 'Statement of P Aspinall', Case Study 34, STAT.0078.002.0003 at [54]–[55];  
Exhibit 24-0057, 'Supplementary Statement of P Aspinall', Case Study 34, STAT.0078.005.0001 at [3].  
356 Transcript of P Aspinall, Case Study 34, 13 November 2015 at 13080:24–31.  
357 Transcript of P Aspinall, Case Study 34, 13 November 2015 at 13080:32–38.  
358 Transcript of P Aspinall, Case Study 34, 13 November 2015 at 13080:42–13081:15;  
Exhibit 34-0027, Case Study 34, ASQ.205.001.0461\_R.  
359 Exhibit 34-0027, Case Study 34, ASQ.205.001.0461\_R.  
360 Exhibit 34-0027, Case Study 34, ASQ.205.001.0461\_R at 0461\_R–0462\_R.  
361 Exhibit 34-0027, Case Study 34, ASQ.205.001.0461\_R at 0462\_R.  
362 Transcript of P Aspinall, Case Study 34, 13 November 2015 at 13081:43–46.  
363 Transcript of P Aspinall, Case Study 34, 13 November 2015 at 13082:1–9.  
364 Exhibit 34-0027, Case Study 34, ASQ.002.003.0015; Transcript of B Yorke,  
Case Study 34, 30 November 2015 at 13717:5–44.  
365 Transcript of B Yorke, Case Study 34, 30 November 2015 at 13718:17–21.  
366 Exhibit 34-0027, Case Study 34, ASQ.002.004.0245.  
367 Transcript of P Hollingworth, Case Study 34, 13 November 2015 at 13058:43–13059:13.  
368 Exhibit 34-0027, Case Study 34, SA.0058.001.0171.  
369 Exhibit 34-0027, Case Study 34, SA.0058.002.0245.  
370 Exhibit 34-0027, Case Study 34, SA.0058.002.0245.  
371 Exhibit 34-0027, Case Study 34, SA.0058.002.0293\_R.

372 Exhibit 34-0027, Case Study 34, SA.0058.002.0293\_R.  
373 Exhibit 34-0027, Case Study 34, SA.0058.002.0196\_R; Exhibit 34-0027, Case Study 34, SA.0058.002.0195\_R.  
374 Exhibit 34-0027, Case Study 34, ASQ.229.004.0290\_R; Exhibit 34-0027, Case Study 34, ASQ.229.004.0292\_R.  
375 Exhibit 34-0027, Case Study 34, ASQ.229.004.0295\_R.  
376 Exhibit 34-0027, Case Study 34, ASQ.229.004.0295\_R at 0298\_R–0302\_R.  
377 Exhibit 34-0027, Case Study 34, ASQ.229.004.0295\_R at 0297\_R.  
378 Exhibit 34-0027, Case Study 34, ASQ.229.004.0295\_R at 0303\_R.  
379 Exhibit 34-0027, Case Study 34, ASQ.229.004.0295\_R at 0303\_R.  
380 Exhibit 34-0027, Case Study 34, ASQ.229.004.0295\_R at 0303\_R.  
381 Exhibit 34-0029, ‘Statement of D Hopgood’, Case Study 34, STAT.0706.001.0001\_R at [1.3], [1.7].  
382 Exhibit 34-0027, Case Study 34, SA.0058.001.0645.  
383 Exhibit 34-0027, Case Study 34, SA.0058.001.0162\_R.  
384 Exhibit 34-0027, Case Study 34, SA.0058.001.0633.  
385 Exhibit 34-0027, Case Study 34, SA.0058.001.0633.  
386 Exhibit 34-0027, Case Study 34, SA.0058.001.0633.  
387 Exhibit 34-0027, Case Study 34, ASQ.223.002.0259\_R.  
388 Transcript of DJ Hopgood, Case Study 34, 9 November 2015 at 12514:46–12515:33;  
Exhibit 34-0029, ‘Statement of D Hopgood’, Case Study 34, STAT.0706.001.0001\_R at [4.4].  
389 Exhibit 34-0027, Case Study 34, NT.0038.001.0422.  
390 Exhibit 34-0027, Case Study 34, ASQ.229.004.0295\_R at 0303\_R;  
Transcript of DJ Hopgood, Case Study 34, 10 November 2015 at 12538:31–36.  
391 Transcript of DJ Hopgood, Case Study 34, 10 November 2015 at 12538:38–44.  
392 Transcript of DJ Hopgood, Case Study 34, 10 November 2015 at 12540:26–30.  
393 Transcript of DJ Hopgood, Case Study 34, 10 November 2015 at 12538:46–12539:13, 12539:35–42.  
394 Submissions on behalf of D Hopgood, Case Study 34, SUBM.1034.005.0001 at 0004.  
395 Transcript of DJ Hopgood, Case Study 34, 10 November 2015 at 12539:26–33.  
396 Transcript of DJ Hopgood, Case Study 34, 10 November 2015 at 12539:44–12540:11.  
397 Exhibit 34-0027, Case Study 34, NT.0038.001.0422.  
398 Transcript of DJ Hopgood, Case Study 34, 10 November 2015 at 12546:47–12547:1.  
399 Transcript of DJ Hopgood, Case Study 34, 10 November 2015 at 12547:39–40.  
400 Exhibit 34-0034, ‘Statement of G Thomson’, Case Study 34, STAT.0697.001.0001\_R.  
401 Exhibit 34-0027, Case Study 34, QLD.0106.001.0020\_R.  
402 Exhibit 34-0027, Case Study 34, QLD.0106.001.0024; Exhibit 34-0027, Case Study 34, QLD.0106.001.0026.  
403 Exhibit 34-0027, Case Study 34, QLD.0065.001.0148.  
404 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12616:6–13.  
405 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12616:20–25.  
406 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12616:47–12617:3.  
407 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12617:32–36.  
408 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12616:27–38.  
409 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12617:42–45.  
410 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12618:6–13.  
411 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12617:45–12618:1.  
412 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12637:34–39.  
413 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12618:31–39.  
414 Transcript of G Knight, Case Study 34, 10 November 2015 at 12586:11–44.  
415 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12618:31–45, 12653:20–26, 12654:11–13.  
416 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12619:12–17.  
417 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12619:1–10, 12619:19–24.  
418 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12619:32–44.  
419 Exhibit 34-0027, Case Study 34, NT.0038.001.0325.  
420 Exhibit 34-0027, Case Study 34, ASQ.001.007.0108\_R.  
421 Exhibit 34-0027, Case Study 34, QLD.0065.001.0148; Exhibit 34-0048, ‘Statement of G Case’,  
Case Study 34, STAT.0746.001.0001\_R at [63]–[65].

422 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12620:46–12621:23.  
423 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12651:10–22.  
424 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12646:17–19. See also Transcript of G Thomson, Case Study 34, 10 November 2015 at 12658:26–12659:8.  
425 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12646:21–27, 12628:15–29.  
426 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12646:29–42.  
427 Transcript of G Thomson, Case Study 34, 10 November 2015 at 12622:38–12623:2.  
428 Transcript of G Case, Case Study 34, 10 November 2015 at 12866:33–45.  
429 Transcript of G Case, Case Study 34, 10 November 2015 at 12869:4–6.  
430 Exhibit 34-0027, Case Study 34, QLD.0065.001.0334\_R.  
431 Exhibit 34-0027, Case Study 34, ASQ.221.001.0082.  
432 Exhibit 34-0025, ‘Statement of BSG’, Case Study 34, STAT.0726.001.0001\_R;  
Transcript of BSG, Case Study 34, 9 November 2015 at 12402.  
433 Exhibit 34-0025, ‘Statement of BSG’, Case Study 34, STAT.0726.001.0001\_R at [6]–[7].  
434 Exhibit 34-0025, ‘Statement of BSG’, Case Study 34, STAT.0726.001.0001\_R at [6].  
435 Exhibit 34-0025, ‘Statement of BSG’, Case Study 34, STAT.0726.001.0001\_R at [10]–[11].  
436 Exhibit 34-0025, ‘Statement of BSG’, Case Study 34, STAT.0726.001.0001\_R at [20]–[21].  
437 Exhibit 34-0025, ‘Statement of BSG’, Case Study 34, STAT.0726.001.0001\_R at [21]–[25].  
438 Transcript of G Case, Case Study 34, 12 November 2015 at 12880:37–12881:45.  
439 Exhibit 34-0033, ‘Statement of G Knight’, Case Study 34, STAT.0747.001.0001\_R at [37], [40].  
440 Transcript of G Knight, Case Study 34, 10 November 2015 at 12580:47–12581:8.  
441 Exhibit 34-0027, Case Study 34, QLD.0065.001.0312\_R at 0312\_R–0318\_R.  
442 Exhibit 34-0027, Case Study 34, QLD.0065.001.0319.  
443 Exhibit 34-0027, Case Study 34, QLD.0105.001.0005.  
444 Exhibit 34-0027, Case Study 34, QLD.0105.001.0005.  
445 Exhibit 34-0025, ‘Statement of BSG’, Case Study 34, STAT.0726.001.0001\_R at [39]–[47].  
446 Exhibit 34-0027, Case Study 34, QLD.0065.001.0098\_R at 0098\_R.  
447 Transcript of BRW, Case Study 34, 9 November 2015 at 12449:15–20.  
448 Exhibit 34-0027, Case Study 34, QLD.0065.001.0098\_R at 0099\_R.  
449 Transcript of BRW, Case Study 34, 9 November 2015 at 12449:15–20;  
Exhibit 34-0027, Case Study 34, QLD.0065.001.0098\_R at 0099\_R.  
450 Exhibit 34-0027, Case Study 34, QLD.0065.001.0098\_R at 0099\_R;  
Exhibit 34-0026, ‘Statement of BRW’, Case Study 34, STAT.0728.001.0001\_R at [8];  
Transcript of BRW, Case Study 34, 9 November 2015 at 12449:43–12450:12.  
451 Exhibit 34-0027, Case Study 34, QLD.0065.001.0098\_R at 0099\_R;  
Exhibit 34-0026, ‘Statement of BRW’, Case Study 34, STAT.0728.001.0001\_R at [10];  
Transcript of BRW, Case Study 34, 9 November 2015 at 12453:23–25.  
452 Exhibit 34-0026, ‘Statement of BRW’, Case Study 34, STAT.0728.001.0001\_R at [9];  
Exhibit 34-0027, Case Study 34, QLD.0065.001.0098\_R at 0100\_R; Transcript of BRW,  
Case Study 34, 9 November 2015 at 12450:36–12452:23.  
453 Exhibit 34-0027, Case Study 34, QLD.0065.001.0098\_R at 0100\_R; Transcript of BRW,  
Case Study 34, 9 November 2015 at 12452:16–20.  
454 Exhibit 34-0027, Case Study 34, QLD.0065.001.0098\_R at 0100\_R; Transcript of BRW,  
Case Study 34, 9 November 2015 at 12452:35–12453:6.  
455 Exhibit 34-0026, ‘Statement of BRW’, Case Study 34, STAT.0728.001.0001\_R at [11];  
Transcript of BRW, Case Study 34, 9 November 2015 at 12453:36–42.  
456 Transcript of BRW, Case Study 34, 9 November 2015 at 12458:42–44, 12459:17–27.  
457 Transcript of BRW, Case Study 34, 9 November 2015 at 12458:44–47, 12459:36–41.  
458 Exhibit 34-0026, ‘Statement of BRW’, Case Study 34, STAT.0728.001.0001\_R at [13].  
459 Transcript of BRW, Case Study 34, 9 November 2015 at 12460:25–37.  
460 Transcript of G Case, Case Study 34, 12 November 2015 at 12875:34–12876:19.  
461 Transcript of G Case, Case Study 34, 12 November 2015 at 12874:40–12875:4.

462 Transcript of BRW, Case Study 34, 9 November 2015 at 12460:25–37.  
 463 Exhibit 34-0048, Case Study 34, STAT.0746.001.0178\_R at 0178\_R.  
 464 Exhibit 34-0048, Case Study 34, STAT.0746.001.0178\_R at 0178\_R.  
 465 Exhibit 34-0048, Case Study 34, STAT.0746.001.0178\_R at 0178\_R–0179\_R.  
 466 Exhibit 34-0048, Case Study 34, STAT.0746.001.0178\_R at 0178\_R.  
 467 Transcript of G Case, Case Study 34, 12 November 2015 at 12899:37–44.  
 468 Exhibit 34-0027, Case Study 34, ASQ.015.025.0003;  
 Transcript of G Case, Case Study 34, 12 November 2015 at 12886:29–46.  
 469 Transcript of G Case, Case Study 34, 12 November 2015 at 12887:17–23.  
 470 Transcript of G Case, Case Study 34, 12 November 2015 at 12894:35–12895:35.  
 471 Exhibit 34-0027, Case Study 34, ASQ.015.025.0018\_R at 0018\_R–0019\_R.  
 472 Transcript of G Case, Case Study 34, 12 November 2015 at 12891:23–28.  
 473 Exhibit 34-0027, Case Study 34, ASQ.015.025.0010\_R at 0010\_R–0011\_R.  
 474 Exhibit 34-0048, Case Study 34, STAT.0746.001.0178\_R at 0179\_R.  
 475 Transcript of G Case, Case Study 34, 12 November 2015 at 12874:14–21.  
 476 Exhibit 34-0027, Case Study 34, ASQ.001.001.0005.  
 477 Exhibit 34-0048, Case Study 34, STAT.0746.001.0178\_R at 0179\_R.  
 478 Exhibit 34-0027, Case Study 34, NT.0038.001.0318.  
 479 Transcript of G Case, Case Study 34, 12 November 2015 at 12905:16–36.  
 480 Exhibit 34-0027, Case Study 34, NT.0038.001.0206\_R;  
 Exhibit 34-0027, Case Study 34, NT.0038.001.0206\_R.  
 481 Exhibit 34-0027, Case Study 34, NT.0038.001.0298\_R.  
 482 Exhibit 34-0030, ‘Statement of V Stokes’, Case Study 34, STAT.0729.001.0001\_R at [4].  
 483 Exhibit 34-0027, Case Study 34, NT.0037.001.0111\_R;  
 Exhibit 34-0030, ‘Statement of V Stokes’, Case Study 34, STAT.0729.001.0001\_R at [15].  
 484 Exhibit 34-0027, Case Study 34, NT.0037.001.0111 at 0111\_R, 0112\_R.  
 485 Exhibit 34-0030, ‘Statement of V Stokes’, Case Study 34, STAT.0729.001.0001\_R at [18], [21];  
 Exhibit 34-0027, Case Study 34, NT.0037.001.0106\_R; Exhibit 34-0027, Case Study 34, NT.0038.001.0184.  
 486 Exhibit 34-0030, ‘Statement of V Stokes’, Case Study 34, STAT.0729.001.0001\_R at [24].  
 487 Exhibit 34-0027, Case Study 34, NT.0039.001.0328\_R.  
 488 Exhibit 34-0027, Case Study 34, SA.0058.001.0232.  
 489 Transcript of H Stack, Case Study 34, 6 November at 12335:37–44.  
 490 Transcript of H Stack, Case Study 34, 6 November at 12335:37–44.  
 491 Transcript of H Stack, Case Study 34, 6 November at 12335:46–12336:4.  
 492 Transcript of H Stack, Case Study 34, 6 November at 12336:32–46.  
 493 Submissions of Counsel Assisting the Royal Commission, Case Study 34, SUBM.0034.001.0001 at 0015.  
 494 Submissions on behalf of Brisbane Grammar School, H Stack, R Cochrane, R Cross, D Coote,  
 A Micallef and P Lennox, Case Study 34, SUBM.1034.011.0001 at 0050.  
 495 Transcript of G Case, Case Study 34, 12 November 2015 at 12856:7–14.  
 496 Transcript of G Case, Case Study 34, 12 November 2015 at 12918:35–40.  
 497 Exhibit 34-0036, ‘Statement of BSB’, Case Study 34, STAT.0745.001.0001\_R at [39]; Exhibit 34-0040,  
 ‘Statement of BSE’, Case Study 34, STAT.0720.001.0001\_R at [13].  
 498 Transcript of G Henry, Case Study 34, 11 November 2015 at 12765:39–45;  
 Transcript of M Goddard, Case Study 34, 12 November 2015 at 12815:22–25, 12815:33–12816:2;  
 Transcript of B Yorke, Case Study 34, 30 November 2015 at 13707:32–39.  
 499 Exhibit 34-0048, ‘Statement of G Case’, Case Study 34, STAT.0746.001.0001 at [39];  
 Transcript of G Case, Case Study 34, 12 November 2015 at 12856:16–44, 12857:10–12.  
 500 Transcript of G Case, Case Study 34, 12 November 2015 at 12916:45–12917:5.  
 501 Transcript of G Case, Case Study 34, 13 November 2015 at 13041:9–18.  
 502 Transcript of G Case, Case Study 34, 12 November 2015 at 13041:9–18.  
 503 Transcript of P Browning and H Walker, Case Study 34, 13 November 2015 at 13075:46–13076:2;  
 Exhibit 34-0052, ‘Statement of H Walker’, Case Study 34, STAT.0722.001.0001 at [58]–[59];  
 Exhibit 34-0050, ‘Statement of P Browning’, Case Study 34, STAT.0713.001.0001\_R at [75]–[76].



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