



Royal Commission
into Institutional Responses
to Child Sexual Abuse

REPORT OF CASE STUDY NO. 34

Supplementary report to
the response of Brisbane
Grammar School and
St Paul's School to allegations
of child sexual abuse

AUGUST 2017

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Supplementary report to the response of Brisbane Grammar School
and St Paul's School to allegations of child sexual abuse

August 2017

COMMISSIONERS

Justice Jennifer Coate
Mr Andrew Murray

Table of contents

Preface	4
The Royal Commission	4
Scope and purpose of Case Study 34	7
Executive Summary	8
Case Study 34 and Mr Kevin John Lynch	9
1 New information received in relation to Mr Lynch	9
2 Evidence concerning Mr Lynch’s employment	11
3 Conclusion	15
APPENDIX A: Terms of Reference	18
APPENDIX B: Public Hearing	25
Endnotes	31

Preface

The Royal Commission

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

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

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

Public hearings

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

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

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

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

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

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

www.childabuseroyalcommission.gov.au

Public hearings are streamed live over the internet.

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

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

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

Private sessions

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

A private session is conducted by one or two Commissioners and is an opportunity for a person to tell their story of abuse in a protected and supportive environment. As at 7 July 2017, the Royal Commission has held 7,110 private sessions and more than 1,189 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.

Scope and purpose of Case Study 34

In *Case Study 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse*, we 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 response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse (Brisbane Grammar School and St Paul's School)*, we examined the responses of two schools in Brisbane, Queensland, to allegations of child sexual abuse. The two schools were:

- Brisbane Grammar School (Brisbane Grammar)
- St Paul's School (St Paul's)

The *Report of Case Study No 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse* was tabled in the Australian Parliament and published on 15 February 2017.

In May 2017, significant new information came to our attention concerning Mr Kevin Lynch. That new information is that Mr Lynch had been sentenced for two counts of indecent assault against a male person in 1957 and was subsequently summarily dismissed from a position with the New South Wales Department of Education in March 1958.

We address the new information received in May 2017 in this supplementary report to the *Brisbane Grammar School and St Paul's School* report.

We conclude that it is unlikely that any further reasonable inquiry on the part of either Brisbane Grammar or St Paul's would have revealed Mr Lynch's 1957 New South Wales offences and subsequent 1958 dismissal before he was employed by each of those schools.

Case Study 34 and Mr Kevin John Lynch

In *Case Study 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse (Brisbane Grammar School and St Paul's School)*, the Royal Commission into Institutional Responses to Child Sexual Abuse examined the response of two non-government schools in Brisbane, Queensland, to complaints of child sexual abuse. The schools examined were:

- Brisbane Grammar School (Brisbane Grammar)
- St Paul's School (St Paul's).

The complaints related to Mr Kevin John Lynch and Mr Gregory Robert Knight.

The public hearing of the *Brisbane Grammar School and St Paul's School* case study was held in Brisbane in November 2015. During the public hearing, the Royal Commission heard evidence from former students of Brisbane Grammar and St Paul's that Mr Lynch had sexually abused them when he worked as a school counsellor at each of those schools.

Mr Lynch was employed at Brisbane Grammar from 1973 to 1988 and at St Paul's from 1989 until 1997. Mr Lynch committed suicide on 23 January 1997, the day after he was charged with child sex offences relating to a former St Paul's student, BSE.

Following a written submissions process, the Royal Commission prepared the *Report of Case Study No 34: The response of Brisbane Grammar School and St Paul's School to allegations of child sexual abuse*, which was tabled in the Australian Parliament and published on the Royal Commission's website on 15 February 2017.

1 New information received in relation to Mr Lynch

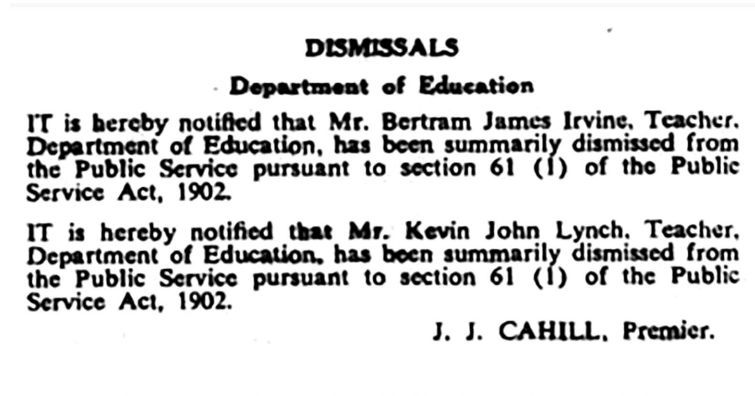
1.1 Correspondence received by the Royal Commission

On 2 May 2017, the Royal Commission received anonymous correspondence dated 1 May 2017. This correspondence provided information about Mr Lynch's employment history before he was employed at Brisbane Grammar and St Paul's. Specifically, this information related to Mr Lynch's employment with the New South Wales Department of Education in the 1950s and the circumstances in which he came to leave that employment.

The anonymous correspondence referred to a New South Wales Government Gazette dated 14 March 1958. It was suggested that Mr Lynch had been summarily dismissed by the New South Wales Department of Education because he had been convicted of a felony.

1.2 Conviction recorded against Mr Lynch in 1958

Following receipt of this information, the Royal Commission conducted searches of the New South Wales Government Gazette. These searches located the *New South Wales Government Gazette*, No 30, 14 March 1958 (the Gazette). The Gazette contains an entry on page 73 as follows:¹



Section 61(1) of the *Public Service Act 1902* (NSW) as at 14 March 1958 stated:

If an officer is convicted of any felony or other infamous offence he shall be summarily dismissed.²

The Royal Commission requested information from the New South Wales Police Force as to whether Mr Lynch had been convicted of a felony or 'other infamous offence' prior to 14 March 1958 as suggested by the entry in the Gazette.

The New South Wales Police Force produced to the Royal Commission a microfilm record relating to Mr Lynch.³

The microfilm record contains two entries that are dated 8 June 1957 and 2 August 1957.

SURNAME		Christian Names		FPC	17 W	IMO	15
LYNCH		Kevin John		4	C	001	17-
No.	Court	Date	Offence	Sentence	Police Gazette Reference		
1.	Redfern Sp. Ct.	18.6.57	Indecent assault on male person. (2 Charges.)	Committed for sentence present sittings Sydney Quarter Sessions on ea. charge.			
	MA/RMcc						
2.	Sydney Q.S.	2.8.57	Indecent assault on a male person. (2 counts.)	Bound over to be G.B. and app. for sent. if called within 5 years. further that he place himself under the supervision and guidance of Adult Probation Service Officers. continue treatment by Dr. Nolan until such time as treatment is no longer required. refrain from taking part in any organization where he will come into contact with children.	1957/531		
	D.Mc.						

The first entry on the microfilm records that on 8 June 1957 Mr Lynch was committed for sentence in relation to two charges of ‘Indecent assault on male person’. The entry records that he was committed for sentence and was to appear before the Sydney Quarter Sessions on each charge.

The second entry on the microfilm records that on 2 August 1957 Mr Lynch appeared before the Sydney Court of Quarter Sessions in relation to two counts of ‘Indecent assault on a male person’. Recorded against that entry is a notation that states:

Bound over to be G.B and app. for sent. if called within 5 years. further that he place himself under the supervision and guidance of Adult Probation Service Officers. continue treatment By Dr. Nolan until such time as treatment is no longer required. refrain from taking part in any organization where he will come into contact with children.

Although the charges and convictions against Mr Lynch do not specify whether the offences were committed against adults or children, we are satisfied by the accompanying note – that he is to refrain from contact with children – that the offences probably involved a child or children.

2 Evidence concerning Mr Lynch’s employment

Mr Lynch’s employment at Brisbane Grammar and St Paul’s was addressed in the *Brisbane Grammar School and St Paul’s School* report.⁴ Where relevant, we have also referred below to additional items of evidence that were not referred to specifically in that report but were otherwise part of the evidence before the Royal Commission at the time of the public hearing in November 2015.

During its investigations, the Royal Commission sought production of records from Brisbane Grammar and St Paul’s relevant to those schools’ responses to allegations of child sexual abuse. The records sought included documents relating to Mr Lynch’s employment at Brisbane Grammar and St Paul’s. The material was sought in accordance with the scope and purpose of the hearing that is set out above.

The Royal Commission also sought production of documents from the Department of Education and Training and the Queensland College of Teachers. The documents sought related to Mr Lynch’s registration as a teacher in Queensland. No records were produced by the Department of Education and Training or the Queensland College of Teachers in relation to his registration as a teacher in Queensland in the 1960s and 1970s.

2.1 Mr Lynch’s employment history

One of the documents in evidence before the Royal Commission was a copy of Mr Lynch’s curriculum vitae, which was produced by the Anglican Diocese of Brisbane.⁵ The Anglican Diocese

of Brisbane owns St Paul's school.⁶ Although we are unable to confirm the provenance of this document, it appears that it was probably prepared by Mr Lynch and that he may have prepared it either during or after his employment at Brisbane Grammar and before he was employed at St Paul's.

According to Mr Lynch's curriculum vitae, his employment history was as follows.⁷

Year(s)	Occupation and employer
1946–1950	Secondary Education
1951–1952	Customs Clerk – Yellow Express Carriers Pty Ltd Sydney
1953–1954	Teachers' College – Sydney
1955–1956	Teaching – New South Wales State Department
1957–1960	'Customs & Transport Management', JJ Woods & Sons Pty Ltd – Sydney
1961–1965	Teaching – Edmund Rice College, Wollongong, New South Wales
1966–1972	Teaching – St Joseph's College, Gregory Terrace, Queensland
1973–1976	Teaching – Brisbane Grammar School
1977–1988	Student Counsellor – Brisbane Grammar School

Mr Lynch's curriculum vitae states that between 1961 and 1965 he was a teacher at Edmund Rice College at Wollongong in New South Wales. In 1961 Mr Lynch remained on probation for the offences outlined above, for which he was convicted on 2 August 1957. The notation on Mr Lynch's record stated he was 'to refrain from taking part in any organization where he will come into contact with children'. It is unclear how he came to be a teacher while subject to this condition.

2.2 Mr Lynch's employment at Brisbane Grammar

At the time of the public hearing in November 2015, the Royal Commission accepted the tender of evidence relating to the circumstances in which Mr Lynch came to be employed at Brisbane Grammar.

On 12 July 1972, Mr Lynch wrote to Dr Maxwell Howell (deceased) applying 'for the position of English and History Master as advertised in the Courier Mail on Saturday July 8th 1972'.⁸ At that time, Dr Howell was the headmaster of Brisbane Grammar, having been appointed to that position in 1965.⁹

Mr Lynch stated in his letter to Dr Howell that he had graduated from Sydney Teachers College in 1954 and that he had been teaching at St Joseph's College, Gregory Terrace, 'for the past seven years'.¹⁰ Mr Lynch described his professional experience.¹¹ Mr Lynch nominated two referees:

- Mr WS Davy (deceased), Brisbane Grammar School
- Mr Norman J Holland, Department of Education, University of Queensland.¹²

Mr Lynch was interviewed by Dr Howell.¹³ However, he was not immediately successful.¹⁴

On 8 August 1972, Dr Howell wrote to Mr Lynch and said that he 'should be very happy indeed ... to consider you for a position on the staff of this school should one become vacant next year'.¹⁵ Dr Howell wrote that he 'enjoyed our discussion and [I] have had a very good recommendation from Mr. Bill Davy, and I have no doubt that you would fit in well at this school'.¹⁶ There is no reference to any comments by Mr Holland.

On 1 November 1972, Mr Trevor Baker-Finch (deceased), the deputy headmaster, offered Mr Lynch a position on the school staff from 1 January 1973.¹⁷ Mr Baker-Finch wrote:

Further to our recent conversation and your previous application, I am happy to inform you that I am prepared to offer you a position on the staff of this school to take effect from 1st January, 1973.

The position involves the teaching of History and Economics and possibly some English. I should be grateful if you could assist also in some extra-curricular activities in which you have a special interest.

...

I have not spoken to Bro. Hodda concerning this appointment but I shall do so shortly, and I hope there will be no problems involved in your release from your present position.¹⁸

'Bro. Hodda' is probably a reference to Brother James Gerald Hodda (deceased), who was the headmaster of St Joseph's College, Gregory Terrace, in 1972.

On 3 November 1972, Mr Lynch wrote to Mr Baker-Finch accepting the position at Brisbane Grammar.¹⁹

During the public hearing of our *Brisbane Grammar School and St Paul's School* case study, Counsel Assisting tendered a number of statements made by Dr Howell before he died.²⁰ These statements address Mr Lynch's appointment as counsellor and his move to St Paul's. They briefly address his appointment as a teacher at Brisbane Grammar and otherwise do not specify what, if any, checks were done before Mr Lynch was offered employment.

Mr Howard Stack, chairman of the board of trustees of Brisbane Grammar, provided a statement to the Royal Commission and gave evidence at the public hearing. Mr Stack made the following comments about his inquiries into the school's employment of Mr Lynch in 1972:

[29] I do not have personal knowledge of Kevin Lynch's (Lynch) employment by the School, or his role and conduct while so employed. I have reviewed the BGS employment file relating to Lynch and, as Chairman, I oversaw the investigations and responses which took place when his misconduct emerged.

[30] BGS advertised a position as English and History master in the Courier Mail on 8 July 1972. On 12 July 1972, Lynch wrote to the then Headmaster, Dr Max Howell, applying for the position. At that time, he was employed as a subject master at St Joseph's Gregory Terrace (Gregory Terrace). By letter dated 8 August 1972, Dr Howell responded to Lynch. In Dr Howell's response to Lynch's application, he referred to an interview which he had with Lynch and a very good recommendation from Mr Bill Davy (who I am informed was then Head of the Boarding House at BGS but who had previously been a master at Gregory Terrace). Lynch was subsequently appointed and commenced as a subject master at BGS in January 1973. He was appointed as the School's first full-time counsellor at the end of 1976 when it was known that he would obtain a counselling qualification in mid-1977. I am informed by Mr Brian Short (former teacher and Headmaster) that at about the same time Lynch's wife, a qualified psychologist, had commenced as a part-time school counsellor at (the adjacent) Brisbane Girls Grammar School, moving to a full-time counselling position at that School in about 1976.

[31] I have made a number of inquiries of former students of Gregory Terrace who were students there when Lynch was a subject master. They all informed me that he was well-regarded as a subject master at Gregory Terrace, and that they were surprised when evidence of abuse of students emerged at both BGS and St Paul's School (St Paul's).²¹

Mr Stack gave evidence that, upon reviewing Mr Lynch's employment file, he could not find anything adverse to Mr Lynch.²² Mr Stack was unable to shed any further light on the circumstances surrounding Mr Lynch's employment at Brisbane Grammar.

2.3 Mr Lynch's employment at St Paul's School

In 1989, Mr Gilbert Case, the then headmaster of St Paul's, appointed Mr Lynch to be a school counsellor.²³ Mr Case was a teacher at Brisbane Grammar between 1971 and 1978. In 1979 he left Brisbane Grammar and accepted the role of headmaster at St Paul's, where he remained until 2000.²⁴ Mr Case was called as a witness in the public hearing.

The circumstances in which Mr Lynch came to be employed at St Paul's was not a significant focus of the public hearing. Accordingly, Mr Case was not questioned about inquiries made in relation to Mr Lynch's employment there. The questioning of Mr Case was directed to what processes existed for monitoring and reviewing Mr Lynch's counselling practices.

In his statement, which was tendered as part of the hearing, Mr Case did provide some evidence about his employment of Mr Lynch.²⁵ That statement says that there was a formal application process, whereby Mr Lynch was interviewed and his two references checked.²⁶ Both referees listed on his curriculum vitae were then members of staff at Brisbane Grammar, including Mr Coote, who had subsequently become the principal at a New South Wales school.²⁷ Mr Case also knew Mr Lynch as a former colleague from Brisbane Grammar.²⁸

3 Conclusion

At the time of the public hearing, there was no evidence available to the Royal Commission about the steps taken, or intended to be taken, by the late Dr Howell and the late Mr Baker-Finch before Mr Lynch was employed at Brisbane Grammar.

As we have set out above, Dr Howell contacted one of Mr Lynch's nominated referees who, by Dr Howell's account, provided 'a very good recommendation'. Mr Baker-Finch wrote that he intended to contact the late Brother Hodda from St Joseph's, Gregory Terrace (Mr Lynch's employer at the time he was applying to Brisbane Grammar), although there was no evidence of whether he did so.

Statements prepared by Dr Howell, and tendered by Counsel Assisting at the public hearing, briefly address Mr Lynch's employment at Brisbane Grammar but otherwise do not specify whether any additional checks were made before Mr Lynch was employed there.

Dr Howell and Mr Baker-Finch are now deceased. The only other potential witnesses, Brother Hodda and Mr Davy (the referee contacted by Dr Howell), are also deceased.

In relation to Mr Lynch's employment at St Paul's in 1989, Mr Case gave evidence that there was a formal application process whereby Mr Lynch was interviewed and his two nominated referees were contacted. Both referees were members of staff at Brisbane Grammar at the time. Mr Case had also known Mr Lynch as a former colleague at Brisbane Grammar.

At the time of Mr Lynch's employment at Brisbane Grammar in 1973 and St Paul's in 1989, there was no Working With Children Check scheme in place in Queensland there was also no requirement that a criminal history check be undertaken at either a state or a national level. Even if a police check had been conducted for Mr Lynch in Queensland, it would not have revealed the New South Wales criminal offences. The evidence revealed in this supplementary report adds further weight to the Royal Commission's recommendations for a nationally consistent scheme contained in our *Working With Children Checks report*, published on 17 August 2015.

In February 1973 Queensland introduced a system of registration for teachers that required a minimum qualification and an assessment of suitability.²⁹ This system became mandatory in 1975.³⁰ Relevantly, section 62H of the *Education Act 1964–1970* (Qld) required that, in order to be registered, a person must satisfy the Board of Teacher Education that they were of 'good character'.³¹ Information available to the Royal Commission suggests that Mr Lynch was registered as a teacher in Queensland on 12 October 1973.³²

At the time Mr Lynch was registered in Queensland, there was no requirement for the Board of Teacher Education in Queensland to inquire of any other state where that teacher had been registered as to whether he or she had been the subject of any disciplinary action or complaint.

These issues will be addressed in our final report.

We are satisfied that it is unlikely that any further reasonable inquiry on the part of either Brisbane Grammar or St Paul's would have revealed Mr Lynch's 1957 New South Wales offences and subsequent 1958 dismissal before he was employed by each of those schools.

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

The Royal Commission	Justice Peter McClellan AM (Chair) Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray
Commissioners who presided	Justice Jennifer Coate Mr Andrew Murray
Date of hearing	3–13 November 2015 20 November 2015 30 November 2015
Legislation	<i>Royal Commissions Act 1902</i> (Cth) <i>Commissions of Inquiry Act 1950</i> (Qld)
Leave to appear	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

Leave to appear

Donald Hopgood
 BRN
 BRW
 Dr Peter Hollingworth
 Presbyterian and Methodist Schools Association
 BSE
 BQS
 BQA
 Gregory Knight
 BQR
 Gregory Day
 Fredrick Danielsen
 BSB
 BRC
 BQF

Legal representation

D Lloyd, Counsel Assisting the Royal Commission
 D Kent QC and B McMillan, instructed by G Cooper of Crown Law Queensland, appearing for the State of Queensland
 J L Lee, instructed by G Holland of Holland & Holland Solicitors, appearing for Graham Thomson
 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
 D Atkinson, instructed by S Winn of Paxton-Hall Lawyers, appearing for Brisbane Boys College
 R Singh of Shine Lawyers, appearing for BSG
 P Skinner, instructed by M Slattery of Carroll & O'Dea Lawyers, appearing for BQK
 J Ellis of Ellis Legal, Lawyers & Advocates, appearing for BQG
 C Gnech of Robert & Faith Legal Practice, appearing for Father Thomas Treherne

Legal representation

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 of Camatta Lempens Lawyers, appearing for Donald Hopgood

T Boal of Murphy Schmidt Solicitors, appearing for BRN

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

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

P Murphy of Patrick Murphy Solicitor, appearing for BQR and Gregory Day

B Coyne of Anderson Fredericks Turner, Lawyers & Advocates, appearing for Fredrick Danielsen

D Brown of Dale Brown Solicitor, appearing for BSB and BRC

Pages of transcript	1,211
Notice to Produce issued under <i>Royal Commissions Act 1902</i> (Cth) and documents produced	67 notices to produce, producing approximately 86,067 documents
Summons to Produce issued under <i>Commissions of Inquiry Act 1950</i> (Qld) and documents produced	Six summons to produce, producing approximately 964 documents
Summons to Attend issued under <i>Royal Commissions Act 1902</i> (Cth)	34
Number of exhibits	87 exhibits consisting of a total of 1,337 documents tendered at the hearing
Witnesses	<p>BQK Former student, Brisbane Grammar School</p> <p>BQG Former student, Brisbane Grammar School</p> <p>BQS Former student, Brisbane Grammar School</p> <p>BQR Mother of former student, Brisbane Grammar School</p> <p>BQH Father of former student, Brisbane Grammar School</p> <p>BQI Mother of former student, Brisbane Grammar School</p> <p>BQA Former student, Brisbane Grammar School</p> <p>Raymond Cross Former teacher, Brisbane Grammar School</p>

Witnesses**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

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

Endnotes

- 1 Exhibit 34-0088, 'New South Wales Government Gazette, No 30', 14 March 1958, Case Study 34, IND.0737.001.0001.
- 2 The *Public Service Act 1902* (NSW) is no longer in force. It was repealed by the New South Wales Government in 1980.
- 3 Exhibit 34-0089, 'Criminal history (pre 1986/micro film) record for Kevin John Lynch', undated, Case Study 34, NPF.106.001.0001.
- 4 Royal Commission into Institutional Responses to Child Sexual Abuse, *Report of Case Study No 34: The response of Brisbane Grammar and St Paul's School to allegations of child sexual abuse*, Sydney, 2017, pp 15, 34.
- 5 Exhibit 34-0027, 'Curriculum Vitae of Kevin Lynch', 1 January 1988, Case Study 34, ASQ.002.001.0165_R.
- 6 Exhibit 34-0050, 'Statement of P Browning', Case Study 34, STAT.0713.001.0001_R at 0003_R;
Exhibit 34-0052, 'Statement of H Walker', Case Study 34, STAT.0722.001.0001 at 0002.
- 7 Exhibit 34-0027, 'Curriculum Vitae of Kevin Lynch', 1 January 1988, Case Study 34, ASQ.002.001.0165_R at 0169_R.
- 8 Exhibit 34-0003, 'Letter from Kevin Lynch to Headmaster', 12 July 1972, Case Study 34, DOC.800.001.0001_R at 0001_R; Exhibit 34-0015, 'Letter from Kevin Lynch to Headmaster', 12 July 1972, Case Study 34, DOC.800.001.0001_R at 0001_R.
- 9 Exhibit 34-0003, 'Statement of Max Howell', 20 February 2002, Case Study 34, DOC.203.001.0167_R at 0167_R; Exhibit 34-0003, 'Statement of Max Howell', 3 June 2002, Case Study 34, DOC.203.001.0176_R at 0176_R.
- 10 Exhibit 34-0003, 'Letter from Kevin Lynch to Headmaster', 12 July 1972, Case Study 34, DOC.800.001.0001_R at 0001_R; Exhibit 34-0015, 'Letter from Kevin Lynch to Headmaster', 12 July 1972, Case Study 34, DOC.800.001.0001_R at 0001_R.
- 11 Exhibit 34-0003, 'Letter from Kevin Lynch to Headmaster', 12 July 1972, Case Study 34, DOC.800.001.0001_R at 0001_R, 0002_R; Exhibit 34-0015, 'Letter from Kevin Lynch to Headmaster', 12 July 1972, Case Study 34, DOC.800.001.0001_R at 0001_R, 0002_R.
- 12 Exhibit 34-0003, 'Letter from Kevin Lynch to Headmaster', 12 July 1972, Case Study 34, DOC.800.001.0001_R at 0002_R; Exhibit 34-0015, 'Letter from Kevin Lynch to Headmaster', 12 July 1972, Case Study 34, DOC.800.001.0001_R at 0002_R.
- 13 Exhibit 34-0003, 'Letter from Kevin Lynch to Headmaster', 12 July 1972, Case Study 34, DOC.800.001.0001_R; Exhibit 34-0015, 'Letter from Kevin Lynch to Headmaster', 12 July 1972, Case Study 34, DOC.800.001.0001_R; Exhibit 34-0003, 'Letter from Max Howell to Kevin Lynch', 8 August 1972, Case Study 34, DOC.800.001.0003_R; Exhibit 34-0015, 'Letter from Max Howell to Kevin Lynch', 8 August 1972, Case Study 34, DOC.800.001.0003_R.
- 14 Exhibit 34-0003, 'Letter from Max Howell to Kevin Lynch', 8 August 1972, Case Study 34, DOC.800.001.0003_R; Exhibit 34-0015, 'Letter from Max Howell to Kevin Lynch', 8 August 1972, Case Study 34, DOC.800.001.0003_R.
- 15 Exhibit 34-0003, 'Letter from Max Howell to Kevin Lynch', 8 August 1972, Case Study 34, DOC.800.001.0003_R; Exhibit 34-0015, 'Letter from Max Howell to Kevin Lynch', 8 August 1972, Case Study 34, DOC.800.001.0003_R.
- 16 Exhibit 34-0003, 'Letter from Max Howell to Kevin Lynch', 8 August 1972, Case Study 34, DOC.800.001.0003_R; Exhibit 34-0015, 'Letter from Max Howell to Kevin Lynch', 8 August 1972, Case Study 34, DOC.800.001.0003_R.
- 17 Exhibit 34-0003, 'Letter from Mr Baker-Finch to Kevin Lynch', 1 November 1972, Case Study 34, DOC.800.001.0006_R; Exhibit 34-0015, 'Letter from Mr Baker-Finch to Kevin Lynch', 1 November 1972, Case Study 34, DOC.800.001.0006_R.
- 18 Exhibit 34-0003, 'Letter from Mr Baker-Finch to Kevin Lynch', 1 November 1972, Case Study 34, DOC.800.001.0006_R; Exhibit 34-0015, 'Letter from Mr Baker-Finch to Kevin Lynch', 1 November 1972, Case Study 34, DOC.800.001.0006_R.
- 19 Exhibit 34-0003, 'Letter from Kevin Lynch to Mr Baker-Finch', 3 November 1972, Case Study 34, DOC.800.001.0007_R.
- 20 Exhibit 34-0003, 'Statement of Max Howell', 20 February 2002, Case Study 34, DOC.203.001.0167_R; Exhibit 34-0003, 'Affidavit of Maxwell Arthur Howell', 15 April 2002, Case Study 34, DOC.103.002.0156_R; Exhibit 34-0003, 'Statement of Max Howell', 3 June 2002, Case Study 34, DOC.203.001.0176_R; Exhibit 34-0003, 'Affidavit of Maxwell Howell', 27 September 2002, Case Study 34, DOC.370.002.0597_R.

- 21 Exhibit 34-0015, 'Statement of H Stack', Case Study 34, STAT.0380.001.0001_R at 0006_R–0007_R (citations omitted).
- 22 Transcript of H Stack, Case Study 34, 6 November 2015 at 12340:45–12341:4.
- 23 Exhibit 34-0048, 'Statement of G Case', Case Study 34, STAT.0746.001.0001_R at 0019_R, 0020_R; Exhibit 34-0048, 'Extract from Statement of Gilbert Case dated 22 June 1998', Case Study 34, STAT.0746.001.0194.
- 24 Exhibit 34-0048, 'Statement of G Case', Case Study 34, STAT.0746.001.0001_R at 0003_R–0004_R, 0006_R, 0032_R; Transcript of G Case, Case Study 34, 12 November 2015 at 12855:1–41.
- 25 Exhibit 34-0048, 'Statement of G Case', Case Study 34, STAT.0746.001.0001_R at 0004_R–0005_R, 0019_R–0033_R; Exhibit 34-0048, 'Extract from Statement of Gilbert Case dated 22 June 1998', Case Study 34, STAT.0746.001.0194.
- 26 Exhibit 34-0048, 'Extract from Statement of Gilbert Case dated 22 June 1998', Case Study 34, STAT.0746.001.0194.
- 27 Exhibit 34-0027, 'Curriculum Vitae of Kevin Lynch', 1 January 1988, Case Study 34, ASQ.002.001.0165_R at 0170_R; Exhibit 34-0010, 'Statement of D Coote', Case Study 34, STAT.0749.001.0001_R at 0001_R.
- 28 Exhibit 34-0048, 'Statement of G Case', Case Study 34, STAT.0746.001.0001_R at 0004_R; Transcript of G Case, Case Study 34, 12 November 2015 at 12855:18–29.
- 29 Exhibit 34-0083, 'Board of Teacher Education Queensland – Bulletin', Case Study 34, STAT.0724.001.0035; Exhibit 34-0083, 'Bulletin', Case Study 34, STAT.0724.001.0040.
- 30 Exhibit 34-0083, 'Bulletin', Case Study 34, STAT.0724.001.0040; Exhibit 34-0083, 'Queensland – Education Act 1964–1970', Case Study 34, STAT.0724.001.0045 at 0063; Exhibit 34-0083, 'Statement of J Ryan', Case Study 34, STAT.0724.001.0001 at 0001–0002.
- 31 Exhibit 34-0083, 'Queensland – Education Act 1964–1970', Case Study 34, STAT.0724.001.0045 at 0063.
- 32 Exhibit 34-0090, 'Queensland teacher registration record for Kevin John Lynch', undated, Case Study 34, QLD.0106.001.0178_E.



Royal Commission
into Institutional Responses
to Child Sexual Abuse

Commonwealth of Australia

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