



Royal Commission
into Institutional Responses
to Child Sexual Abuse

REPORT OF CASE STUDY NO. 45

Problematic and harmful sexual
behaviours of children in schools

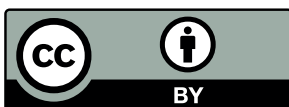
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Royal Commission into Institutional Responses to Child Sexual Abuse
GPO Box 5283
Sydney, NSW, 2001

Email: contact@childabuseroyalcommission.gov.au

Report of Case Study No. 45

Problematic and harmful sexual behaviours of children in schools.

October 2017

CHAIR

The Hon. Justice Peter McClellan AM

COMMISSIONERS

Mr Robert Fitzgerald AM

Professor Helen Milroy

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Preface

The Royal Commission

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

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

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

Public hearings

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

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

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

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

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

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

www.childabuseroyalcommission.gov.au

Public hearings are streamed live over the internet.

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

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

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

Private sessions

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

A private session is conducted by one or two Commissioners and is an opportunity for a person to tell their story of abuse in a protected and supportive environment. As at 1 September 2017, the Royal Commission has held 7,509 private sessions and more than 644 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

The public hearing for the Royal Commission's *Case Study 45: Problematic and harmful sexual behaviours of children in schools* was held in Sydney from 20 October 2016 to 4 November 2016.

The scope and purpose of this public hearing was to examine:

- a. the response of three public primary schools in New South Wales and an independent boarding school in New South Wales to allegations of problematic or harmful sexual behaviours by students at those schools
- b. the response of The King's School, Parramatta, in New South Wales to allegations of problematic or harmful sexual behaviours by students at those schools
- c. the response of Trinity Grammar School, Summer Hill in New South Wales to allegations of problematic or harmful sexual behaviours by students at those schools
- d. the response of Shalom Christian College in Queensland to allegations of problematic or harmful sexual behaviours by students at those schools
- e. the response of St Ignatius' College, Riverview in New South Wales to a student who is alleged to have been sexually abused at another school
- f. the systems, policies, procedures and practices for responding to allegations of problematic or harmful sexual behaviours of children within educational institutions promoted and implemented by:
 - i. Department of Education NSW
 - ii. Association of Independent Schools NSW
 - iii. Department of Family and Community Services NSW
 - iv. The King's School, Parramatta, NSW
 - v. Trinity Grammar School, Summer Hill, NSW
 - vi. Shalom Christian College, Condon, Qld
 - vii. St Ignatius' College, Riverview, NSW.

Approximately 4,000 of the contacts to the Royal Commission within our Terms of Reference relate to educational facilities, which is just under 25 per cent of all contacts. Three of the schools the subject of this case study are primary schools operated by the New South Wales Government. The other three schools are faith-based private schools. Almost one-quarter of contacts to the Royal Commission about educational institutions refer to government-based institutions. The vast majority of the remaining contacts relate to faith-based institutions.

The institutions publicly examined in this case were Trinity Grammar School, The King's School and Shalom Christian College.

Because of the ages of the children concerned, the hearing with respect to the three primary schools and an independent boarding school were conducted in private. For the same reason, we recommend that those reports not be made publicly available. However, this report contains a summary of those hearings, appropriately de-identified.

During the public hearing, Dr Wendy O'Brien gave unchallenged expert evidence about children with harmful or sexual behaviours in schools.¹

Also during the public hearing, the Royal Commission heard evidence from two panels. The first panel comprised experts who gave evidence about policy issues in relation to children with harmful or problematic sexual behaviours in schools. The panel members were:

- Mr Dale Tolliday, Clinical Advisor, New Street Adolescent Service
- Ms Tracy Beaton, Chief Practitioner and Director of the Office of Professional Practice, Department of Health and Human Services
- Ms Robyn Bale, Director, Student Engagement and Interagency Partnerships, New South Wales Department of Education and Communities
- Dr Marshall Watson, Child and Adolescent Forensic Psychiatrist, SA Health Women's and Children's Health Network
- Acting Detective Superintendent George Marchesini, Queensland Police Service.

The second panel gave evidence addressing harmful or problematic sexual behaviours in Aboriginal and Torres Strait Islander boarding schools. The panel members were:

- Mr Richard Stewart, Head of Boarding, Aboriginal Hostels Ltd
- Ms Sharmaine Williams, former counsellor, Mary Street Adolescent Sexual Abuse Program
- Mr Lindsay Luck, Principal, St John's Catholic College Darwin, Northern Territory
- Ms Lorraine Bennet, Remote Indigenous Parents Association
- Mr John Morgan, Remote Indigenous Parents Association
- Mr Steve Florisson, Coordinator, Boarding Training Australia
- Mr Dan Cox, Chief Executive Officer, Boarding Australia

- Mr Tony Considine, General Manager, Indigenous Education Review Implementation, Northern Territory Department of Education
- Mr Selwyn Button, Assistant Director-General, Indigenous Education, Queensland Department of Education and Training
- Ms Nicole Thompson, Former deputy regional manager, Aboriginal Hostels Ltd, Darwin, Northern Territory
- Ms Valerie Cooms, President, School Council, Murri School, Victoria (also known as the Aboriginal and Islander Independent Community School)
- Ms Lois Peeler, Executive Director, Worawa Aboriginal College, Victoria.

1 Trinity Grammar School

1.1 Summary

Trinity Grammar School (Trinity) is an independent Anglican day and boarding school for boys in Summer Hill, New South Wales. The focus of the Royal Commission's examination of Trinity was on the way in which former and current staff members at Trinity received, responded to and reported complaints of problematic or harmful sexual behaviour by students in the boarding house in 2000.

We heard evidence of the experience of CLA, a former student of Trinity, in 2000 and that of his father, EAA. CLA was a boarder at Trinity in 2000. We heard evidence that some students were using wooden implements or 'wooden dildos' to sexually abuse other boarders, including CLA.

We examined Trinity's response to allegations made by another student, CLB, who was also a boarder at Trinity in 2000. CLB did not give evidence to the Royal Commission. However, we considered documents and records produced to the Royal Commission by Trinity and the Department of Family and Community Services (Community Services) and the evidence of key former and current staff members.

Trinity's response to learning of the problematic behaviour in the boarding house in 2000 was first prompted by staff members becoming aware of an incident involving CLB in the boarding house on 11 August 2000. As we address below, the senior school psychologist, Ms Katherine (Kate) Lumsdaine (nee Pearce), told the Royal Commission that she was told on 11 August 2000 by CLB (and another boy) that CLA was the main victim of this type of behaviour in the boarding house.

Criminal proceedings were ultimately commenced against four boys in relation to assaults which occurred in the boarding house in 2000. In February 2001 two of those boys, DFA and DFB, entered guilty pleas in relation to charges of indecent assault against CLA. DFA and DFB were sentenced in March 2001 in Lidcombe Children's Court. The sentences were non-custodial and they were released on conditions.

Governance

Trinity is governed by a school council. The day-to-day administration of the school is performed by the headmaster. Since 1996, the headmaster of Trinity has been Mr Milton Cujes.

The experiences of former students of Trinity Grammar School

CLA told us in a written statement that, from the time he started boarding at Trinity in 1997, he witnessed bullying and a 'hierarchical' structure in the boarding house in which boys in years 7 and 8 were down at the bottom and the year 12 boys were at the top.

CLA said that in 2000, when he was in year 10, he was sexually assaulted on numerous occasions by boys in the boarding house. He said that every incident would 'mirror itself' in that one of the boys would start to wrestle him then the other would jump in and pin him down. These boys would then sexually assault CLA using a wooden dildo. On his birthday, CLA was tied up and assaulted and then left to untie himself, recompose himself and turn up to class 20 minutes late.

Trinity's response to problematic or harmful sexual behaviour by students

On 11 August 2000, an incident occurred in the boarding house at Trinity where CLB, a year 9 boarding student, was 'rumbled' by three boarding students, including DFA and DFB. Mr Robert Scott, the boarding house master, was notified of the incident. When he arrived at the boarding house, he found CLB on the floor, crying, his face covered in black boot polish and his trousers down.

Mr Scott then took CLB (and another boy) to office of the senior master, Mr Peter Green. CLB completed an incident report in Mr Green's office.

As at 11 August 2000, Mr Green and the boarding house master, Mr Scott, knew of allegations by CLB that other boys in the boarding house had attempted to sexually assault him that day. Mr Green and Mr Scott also knew that CLB had alleged that other boys in the boarding house had sexually assaulted boys and used wooden dildos on boys in the boarding house on multiple occasions before 11 August 2000.

It is likely that Mr Green made a report to Mr Cujes on 11 August 2000, which included giving Mr Cujes CLB's incident report to read and informing Mr Cujes that CLB was alleging that there had been simulated rape or that a dildo had been shoved up boys' bottoms on multiple occasions.

After Mr Green had spoken with Mr Cujes, he contacted CLB's grandfather (who was CLB's primary carer). On the afternoon of 11 August 2000, CLB's grandfather attended a meeting with Mr Scott, Mr Green and Ms Lumsdaine, the senior psychologist at Trinity.

Mr Green and Mr Scott did not inform CLB's grandfather about CLB's allegations that he had been sexually assaulted, and they should have done so.

During August 2000 and September 2000, on her own initiative, Ms Lumsdaine commenced her own investigation of what CLB had told her on 11 August 2000. She heard numerous accounts of students being sexually assaulted in the boarding house throughout 2000.

We are satisfied that, if Ms Lumsdaine had not interviewed the boys and reported her conclusion, there would have been no investigation of the sexual assaults that were occurring in the boarding house at Trinity in 2000.

We are also satisfied that, save for Ms Lumsdaine's investigation, Trinity did not seek out other boys who may have been sexually assaulted in the boarding house. It follows that support was not given to the boys affected.

No report was made by any staff member at the school to the New South Wales Department of Community Services (now known as the Department of Family and Community Services) until 7 September 2000. This was the case despite there being information available as at 11 August 2000 about allegations that students may have behaved in a sexually harmful way towards other students.

Mr Cujes was given CLB's incident report on 11 August 2000 and knew of CLB's allegation by that day. He did not initiate an investigation of the allegations at any time before 7 September 2000. It is clear from his evidence that Mr Cujes did not inform the school council at any time on or before 13 February 2001 that he had been given CLB's incident report on 11 August 2000 and that Mr Green had told him of the details of CLB's allegations.

Mr Cujes was present at the school council meeting on 13 February 2001 and did not inform the council that he, Mr Green and Mr Scott were aware of CLB's allegations from 11 August 2000. The effect of Mr Cujes not disclosing that he, Mr Green and Mr Scott had been aware of the allegations made by CLB on 11 August 2000 to the council was that the council was misled as to the adequacy of the response of Mr Cujes, Mr Green and Mr Scott to the incident in the boarding house on 11 August 2000.

The effect of Mr Cujes misleading the school council was that the school council passed a resolution stating that it believed that 'existing procedures were properly followed' and expressed 'full confidence in the Head Master and Staff in this regard'. We are satisfied that this would have had the effect of misinforming the school community about the adequacy of the response by Mr Cujes, Mr Green and Mr Scott to the incident in the boarding house on 11 August 2000. We accept the evidence of Mr James Mills, the chairman of the school council in 2000, that the school council would not have passed the resolution if it had not been misled.

1.2 History and background

Establishment and history

Trinity was established in 1913. At that time, Trinity was attached to the Anglican Parish of Holy Trinity, Dulwich Hill.

In 1928, Trinity was formally placed under the auspices of the Synod of the Anglican Diocese of Sydney with the enactment of the Trinity Grammar School Constitution Ordinance 1928.

Trinity's main campus is in Summer Hill. It also has a preparatory school at Strathfield. The school had a rural outdoor education campus in Pine Bluff, New South Wales, until the campus was sold in 2014.

Over 2,000 boys, from pre-kindergarten to year 12, attend Trinity at the two campuses in Summer Hill and Strathfield. The school accommodates a mixture of day boys and boarders, with boarding commencing from year 7 at the Summer Hill campus.

Governance

Trinity is governed by a school council appointed under the Trinity Grammar School Constitution Ordinance 1928. The council has 18 members. At the time of the hearing, the members of the school council included the Archbishop of Sydney, the Right Reverend Glenn Davies, as ex-officio president; three members appointed by the Synod of the Anglican Diocese of Sydney; and two persons appointed by the council itself.

The headmaster performs the day-to-day administration of the school.

Mr Mills was the chairman of the school council in 2000, when the events examined in this case study occurred.²

Trinity Grammar School boarding house in 2000

In 2000, the year the incidents examined in this public hearing occurred, there was one boarding house at Trinity. It housed 60 boys from years 7 to 12.³ The boys were divided into dormitories according to year group. There were no physical restrictions on boys moving between dormitories.⁴ The boys were allowed access to the boarding house during recess and lunch, after physical education classes and during study periods for seniors.⁵

Since 1996, Mr Cujes has served continuously as the headmaster of Trinity. As a boy, Mr Cujes was educated at Trinity for 12 years. He later taught there from 1972 to 1979. After working elsewhere, he returned to Trinity in 1996 to take up the position of headmaster.⁶

In 2000, Mr Scott was the boarding house master.⁷ He commenced teaching at Trinity in 1980 and was appointed boarding house master in 1998.⁸

Mr Green commenced employment at the school in 1989 as a teacher.⁹ He was appointed senior master at Trinity in 1998.¹⁰ In that position, he was responsible for the discipline of the students, the allocation of teaching resources and pastoral care.¹¹ Before becoming the senior master,

Mr Green held the position of boarding house master for nearly three years.¹² In his view, the boarding house at Trinity in 2000 was ‘very warm and supportive ... for many of the boys’.¹³ At the time of the hearing, Mr Green was the deputy headmaster at Trinity.¹⁴

In 2000, Trinity employed three psychologists – two in the senior school and one in the prep school. Ms Lumsdaine was the most senior psychologist employed at Trinity in 2000.¹⁵ She had been employed at the school since 1997.

1.3 The experiences of former Trinity student, CLA, and his father, EAA

CLA

CLA had been a student at Trinity since 1997, when he began year 7. Although he did not give oral evidence, CLA made a statement to the Royal Commission, which was tendered without objection. In his statement, CLA said that when he began at Trinity he thought it was an ‘amazing’ school for boys with a great reputation and great facilities. CLA says that he still holds this view today.¹⁶

CLA said that, when Mr Cujes offered him a boarding scholarship in 1997, he was proud to accept the offer. However, he was also aware that ‘the boarding house had a reputation for being a rough and tough environment for boys’.¹⁷ He said that his first few weeks in the boarding house showed him that the rumours were true.¹⁸ He said that he witnessed many incidents of racial bullying and that violence between boys was ‘endemic’ and part of the ‘boarding house culture’. There was a ‘clear hierarchy’ in which students in years 7 and 8 were at the bottom and students in year 12 were at the top.¹⁹ CLA said, ‘What amplified this situation was an unspoken culture of silence, as “dobbing” on fellow boarders was a sign of betrayal and ultimately, weakness’.²⁰

During his time at Trinity, CLA was subjected to problematic or harmful sexual behaviours by some fellow students. This behaviour involved some students using wooden implements or ‘dildos’ to sexually abuse other boarders. Trinity’s response to learning of this behaviour in the boarding house in 2000 was first prompted by staff members becoming aware of an incident involving CLB in the boarding house on 11 August 2000. As we address below, the senior school psychologist, Ms Lumsdaine, told the Royal Commission that she was told on 11 August 2000 by CLB (and another boy) that CLA was the main victim of this type of behaviour in the boarding house.²¹

In his statement, CLA said:

I remember the first round of assaults by the two perpetrators as incidents where wrestling got [out] of hand. Every incident mirrored itself in that one of the boys would start to wrestle me, then the other would jump in and pin me down. I believe Mr Green, Mr Scott and Mr Cujes called these 'rumbling'. As these incidents kept reoccurring, the more violent and invasive they became. This went on for many weeks.²²

CLA said that he was 'tied up and assaulted on my birthday' and then 'left to untie myself, recompose myself, and turn up 20 minutes late to class, without a blink of an eye lid from my class teacher'.²³

CLA said in his statement that he thought the abuse would end when, during a morning dorm inspection, a boarding house staff member found one of the wooden implements used in the assaults under another student's mattress.²⁴ CLA said, 'I look back at this moment with anger now, knowing that even after the discovery of this weapon by a member of staff, I was still on the receiving end of this abuse, and I was further abused with that implement until Kate Pierce [sic] called me to her office a number of weeks later'.²⁵ He recalled feeling 'despair' when everyone in the room, including the staff member, dismissed it as a joke.²⁶ CLA said that he finds it 'incomprehensible' that the staff member did not report the discovery of the wooden implement.²⁷

CLA said that he feels offended by the way Trinity has defended its position. He said that he needs 'Milton Cujes and the Trinity community to know that this was not an isolated incident' and that he was 'offended that he described it like this in a school letter to the Trinity community'. He said:

What happened to me was not an isolated incident, but manifested itself from a culture of hierarchical bullying, where young vulnerable middle school boys (years 7–9) were subject to assaults and bullying from senior boys (years 11–12) in the boarding school. A culture that was entrenched before I arrived.²⁸

CLA said in his statement that there was a lack of supervision in the boarding house in 2000 and that most of the assaults occurred during periods when no staff members supervised the boys. He said that, as a result, 'toxic behaviours manifested themselves into serious criminal acts'.²⁹ CLA stated that he believes supervision of students should be the primary objective over the privacy of boys in the school's care.³⁰ CLA also stated that he was not offered any support when he returned to the boarding house at Trinity after the assaults were made public. The school conducted no formal investigations of the incidents.³¹ CLA said he was left unsupervised to fend for himself and 'this resulted in a number of senior boarders seeking retribution'.³² CLA said he was bullied, and he removed himself from Trinity a few days later. CLA said that Mr Cujes and Mr Scott, the person his parents put their trust in to be his guardian at school, failed to protect him at Trinity.³³

EAA

CLA's father, EAA, gave evidence at the hearing. His evidence was largely unchallenged, save for one matter which is discussed further below.

EAA said that in August 2000 CLA was suspended from school for a weekend. EAA understood that the suspension arose from CLA's participation in a 'rumbling incident' in the boarding house: CLA was part of a group of boys that had put boot polish on another boy (CLB).³⁴ EAA and his wife, EAB, requested an interview with the boarding house master, Mr Scott. EAA said that Mr Scott described the incident as 'minor' and just 'boys being boys'.³⁵ EAA gave evidence that it was 'horrifying' to look back and realise that, at that time, CLA was being abused and had been for months.³⁶ In response to questioning by counsel acting for the deputy headmaster, Mr Green, EAA confirmed that the only details he and EAB were given about the incident that resulted in CLA being suspended were that it involved a 'rumbling' incident, where boot polish was put on CLB.³⁷

During the school holidays in September 2000 EAA sensed that CLA wanted to bring something up with him, but CLA did not.³⁸ EAA said that the first time he became aware that CLA had been sexually assaulted was when he got a phone call from his wife, EAB. EAB was in an extremely distressed state. She told EAA that she had been called by an investigator from the Community Services child protection investigation team, who had told her that they believed CLA had been sexually assaulted by other boarders at the school.³⁹ EAA called Trinity immediately afterwards and spoke with the acting headmaster at the time, Mr Green. He said that he cannot remember the detail of that conversation because he was in shock.⁴⁰

The following Monday, EAA and EAB collected CLA from Trinity and took him to Ashfield police station for an interview with the police. EAA said that while CLA was being interviewed investigators told him and EAB that the school counsellor at Trinity, Ms Pearce (now Ms Lumsdaine), had provided information and documents to Community Services about an issue of child safety involving CLA.⁴¹ EAA and EAB first became aware of the details and nature of the assaults on CLA when they read the transcript of his police interview at home.⁴²

EAA said that CLA returned to Trinity because he and EAB were told it was safe. EAA said he did not know that the boys who had demonstrated the behaviour towards CLA had only been removed to another part of the school, and he could not believe that they had not been immediately suspended.⁴³ EAA said that he was very concerned that it was not safe for CLA if those two boys were at the school.⁴⁴ EAA did not feel that the school was proactive in any way. He said that no one ever arranged for EAA or EAB to sit down with Mr Cujes, Mr Green or Mr Scott.⁴⁵ EAA felt that he and EAB were 'constantly fobbed off' and did not know what was happening'.⁴⁶

In November 2000, Mr Cujes asked EAA and EAB to consider a process of 'transformative justice'.⁴⁷ EAA said that, when he communicated to Mr Cujes that they felt that transformative justice 'was not the way to go',⁴⁸ he and EAB felt pressured by Mr Scott and the transformative justice consultant to engage in the process.⁴⁹ EAA said that 'it felt like the school leadership was only interested in protecting the school'.⁵⁰

Eventually, in November 2000, EAA said that CLA phoned home from the boarding house and told him that he was being bullied. EAA removed CLA from the school.⁵¹ EAA said that in February 2001 he and EAB received a letter requesting a meeting with the Anglican Diocese in Sydney. Mr Cujes and Bishop Robert Forsythe, the Anglican Bishop of South Sydney, were at that meeting, but EAA did not understand the purpose of the meeting. EAA said there was no apology.⁵²

CLA finally received a written apology from Mr Cujes in February 2001.⁵³

EAA gave evidence about the civil action that he and his wife commenced against the school.⁵⁴ He also described the impact of the events on CLA, who, he said, 'had a lot of inner turmoil'.⁵⁵ EAA had been worried that CLA would take his own life or turn to drugs. He said that the events also impacted on their daughter, who harboured a lot of anger about what had happened to CLA.⁵⁶

1.4 The incident in the boarding house on 11 August 2000

Mr Scott, Mr Green and Mr Cujes each accepted that they were informed of an incident in the boarding house at Trinity on 11 August 2000. There are some differences between what each individual says they were told, which we address below.

CLB

Mr Scott, who was the boarding house master at the time, told the Royal Commission that on Friday 11 August 2000 three students came to see him. They told him that there had been an incident in the boarding house during recess and that he needed to attend the boarding house.⁵⁷ Mr Scott said that, as he went towards the boarding house with the three students, they told him that the incident involved CLB and that CLB was in distress.⁵⁸ CLB was a year 9 boarding student. Mr Scott said that when he got to the boarding house he found CLB on the floor, crying,⁵⁹ his face covered in black boot polish and his trousers down.⁶⁰

Mr Scott said that CLB told him that he had been ‘rumbled’ by three boys in the boarding house.⁶¹ CLB named the boys who had ‘rumbled’ him as CLA, DFD and DFC.⁶² Mr Green told us that:

[‘Rumbling’ in the boarding house was when] a boy might decide to grab another one, have a bit of a wrestle around the place. It could be where you’ve got a situation where a number of the boys start playing a game of football and they will develop into a rumble, where they’re tackling each other and whatever.⁶³

He said that rumbling ‘would be a very physical interaction between the boys and both boys come out of it at the end of it laughing and having a good time’.⁶⁴

Mr Green acknowledged that some of the rumbles would involve violence, but he said that this was not allowed by the school.⁶⁵

After finding CLB in the boarding house on 11 August 2000, Mr Scott took him (and another boy who had complained about his treatment by other boys in the boarding house that day) to Mr Green’s office.⁶⁶ At the time, Mr Green was the ‘senior master’ of Trinity.

The incident reports

Mr Green and Mr Scott asked CLB and the other boy to complete incident reports.⁶⁷ CLB completed an incident report in Mr Green’s office.⁶⁸

CLB recorded in his incident report that he had had boot polish smeared over his face. He also said:

At the time of this they one [sic] was trying to rape me by lifting my legs in the air and was pumping at my butt with is [sic] front area he still had his pants on and I had my pants on. then [sic] he stoped [sic] and then they took my pants and shoes off and let me go by this time I was pretty angry and ran into the year 9 dorm and grabbed a plankle [sic] of wood and was swinging it around at them I told them to stop rapeing [sic] people and me and I said this because this wasn’t the first time that they and more have tried to rape me or anyone else.

The people involved in the incident were DFC, CLA, DFD.

One of them made a dildo in wood tech and they use that to stick up peoples [sic] butts but I heven’t [sic] seen them do that for a while and they didn’t use it on me today.⁶⁹

The last paragraph of this extract from the incident report was added by CLB later that day.⁷⁰ Mr Green had no doubt that he saw those words on that day.⁷¹

1.5 Trinity's response to the boarding house incident

Responses of Ms Lumsdaine, Mr Green and Mr Scott

Ms Lumsdaine

Ms Lumsdaine was the senior school psychologist at the time. She was called in to Mr Green's office to talk to CLB and the other student.⁷²

Ms Lumsdaine said that she spent two hours with CLB and the other student in Mr Green's office – between about 11 am and 1 pm on 11 August 2000. During that time, CLB and the other boy told her more about the events in the boarding house on 11 August 2000 and on other days. Although CLB's account was that CLA was one of the boys about whom CLB complained in relation to the 11 August 2000 incident, CLB and the other boy revealed to Ms Lumsdaine that on many other occasions CLA had been the main victim of behaviour similar to that described by CLB.⁷³ CLB and the other boy told her that DFA and DFB often simulated sex with younger boys in the boarding house,⁷⁴ that there were particular boys who had had wooden dildos shoved up their bottoms,⁷⁵ that the boys were clothed when this occurred⁷⁶ and that CLB said that he had been raped 'probably 50 times'.⁷⁷

Ms Lumsdaine then told Mr Green what the boys had told her.⁷⁸ She said that he responded by saying, 'if CLB said that something happened 50 times, it was probably only 25. He always exaggerates'.⁷⁹ Ms Lumsdaine said that Mr Green asked CLB whether he had been 'face up or face down' when these events had occurred. CLB responded that he had been 'face up'.⁸⁰

Mr Green

Mr Green accepted that he was given a copy of CLB's incident report on 11 August 2000.⁸¹ He said that when he read CLB's incident report he did not understand that there had been an attempted rape.⁸² He said that he later spoke to CLB and to other boys, but he did not understand that there had been an attempted rape.⁸³ Mr Green accepted that, when he was discussing the matter with Ms Lumsdaine that day, she drew his attention to the final paragraph of the incident report (set out above). He said that he asked CLB some questions about that issue.⁸⁴

Mr Green could not recall Ms Lumsdaine telling him that DFA and DFB often simulated sex with younger boys. He did not think she said this.⁸⁵ However, Mr Green accepted that during his discussion with Ms Lumsdaine he understood that CLB was alleging that there had been simulated rape or that a dildo had been inserted in boys' bottoms on multiple occasions.⁸⁶

Mr Green said that he understood that Ms Lumsdaine's reference to '50 times' was to there being 50 different situations in the boarding house, only some of which may have been similar to what had occurred that day.⁸⁷

There is little material difference in the accounts and there is no need to resolve what Mr Green understood in relation to the reference to 50 times.

We are satisfied that, as at 11 August 2000, the senior master at Trinity, Mr Green, knew of CLB's allegation that other boys in the boarding house had attempted to sexually assault him that day. He also knew that CLB had alleged that other boys in the boarding house had sexually assaulted boys and used wooden dildos on boys in the boarding house on multiple occasions before 11 August 2000.

Mr Scott

Mr Scott, the then boarding house master, initially gave evidence that he could not recall seeing CLB's incident report at the time it was made.⁸⁸ However, Mr Scott had made a written statement to police on 18 October 2000 in which he referred to CLB's incident report and its contents.⁸⁹ In that police statement, Mr Scott said that he saw CLB's incident report but could not recall seeing the lines at the bottom of the form on 11 August 2000. He did not say at what time he read the incident report on 11 August 2000.⁹⁰

Mr Scott accepted that his contemporaneous statement to the police was accurate⁹¹ and that his memory of the incident in October 2000 was likely to be better than his memory by the time he gave evidence at the public hearing.⁹² He accepted that on 11 August 2000 he was aware of CLB's allegation of attempted rape and his allegations about previous incidents of attempted rape and also that a student had made a wooden dildo and was using it to insert into other students' bottoms.

Around lunchtime on 11 August 2000, Mr Scott gathered the boarders together and 'spoke to them quite severely'.⁹³ Ms Lumsdaine said that CLA told her that Mr Scott had gone to search for the dildos at that time.⁹⁴

We are satisfied that, as at 11 August 2000, the boarding house master at Trinity, Mr Scott, knew of allegations by CLB that other boys in the boarding house had attempted to sexually assault him that day and that CLB had alleged that other boys in the boarding house had sexually assaulted boys and used wooden dildos on boys in the boarding house on multiple occasions before 11 August 2000.

Mr Green's report to Mr Cujes

Mr Green's evidence was that he regarded what he was being told as 'inappropriate rumbling, sexualised behaviour'.⁹⁵ Despite this, he believed the incident was sufficiently serious to require reporting to the headmaster, Mr Cujes.⁹⁶

There is no dispute that Mr Green and Mr Cujes met on the day of the incident. However, there is a dispute as to what Mr Green told Mr Cujes.

Mr Green's account of the report

Mr Green went to see Mr Cujes after he had spoken to Ms Lumsdaine.⁹⁷ Mr Green said that he took five completed incident reports with him: the reports by CLB, the other boy who had been present in Mr Green's office and the three boys who were accused by CLB of being involved in the incident.⁹⁸ He gave the reports to Mr Cujes.⁹⁹ Mr Green said that Mr Cujes appeared to read them quickly.¹⁰⁰ Mr Green said that this was consistent with the practice that he and Mr Cujes had developed over the years at Trinity, whereby Mr Green would take incident reports to Mr Cujes and they would talk about them. He said that 'Mr Cujes will at times focus, read as he listens to me as I give an account'.¹⁰¹

Mr Green said that Mr Cujes appeared to be 'very much taken aback by the whole incident'.¹⁰² He said that they discussed the dildo and that they were both horrified and shocked.¹⁰³ Mr Green could not recall whether he told Mr Cujes that CLB was alleging that there had been simulated rape or that a dildo had been shoved up boys' bottoms on multiple occasions,¹⁰⁴ although he believed that it was likely that he did so.¹⁰⁵ He said that Mr Cujes decided during the meeting that the boys involved in that event were to be suspended for the weekend.¹⁰⁶

Mr Cujes' account of the report

Mr Cujes had a different recollection. Mr Cujes did not recall seeing the incident reports¹⁰⁷ and said that 'Mr Green reported to me about an incident which had been investigated by three senior staff'.¹⁰⁸ He did not believe that he read CLB's incident report on that day.¹⁰⁹ He was told that Mr Green, Mr Scott and Ms Lumsdaine had investigated the incident and he believed that he was then asked to rule on the suggested punishment.¹¹⁰ His impression was that 'the behaviour was a dorm rumble that got out of hand'.¹¹¹ He said that he did not ask for the details, because three trusted members of staff were already involved.¹¹² He also said that Mr Green did not tell him about the details of the incident and that, in those circumstances, Mr Green did not perform his job appropriately.¹¹³

Conclusions about Mr Green's report to Mr Cujes on 11 August 2000

For the following reasons, we prefer Mr Green's evidence on what occurred at the meeting with Mr Cujes:

- Mr Green's statement to the police on 18 October 2000, in which he described the meeting with Mr Cujes,¹¹⁴ was consistent with his evidence to the Royal Commission. Relevantly, Mr Green's police statement said that he showed the incident reports to Mr Cujes and told him about the incident.¹¹⁵
- Mr Cujes told the police in 2000 that he had no recollection of being told of these details or of reading any incident reports at the meeting.¹¹⁶ He told us he was not given the details of the incident.¹¹⁷ The earlier account is likely to be more reliable.
- Mr Green gave evidence about his usual practice of reporting matters to Mr Cujes as at 2000. That included showing Mr Cujes incident reports.¹¹⁸ There was no evidence to the contrary. Further, it makes no sense for Mr Green to attend Mr Cujes' office and not bring the incident reports that had been completed earlier in the day – or, at the very least, CLB's account. The incidents complained of were serious, and it is most unlikely that Mr Green would not have passed this information on to Mr Cujes.¹¹⁹
- Further, Mr Green's account is consistent with his roles and responsibilities and those of Mr Cujes as at August 2000. At that time, Mr Cujes was responsible for child protection within Trinity.¹²⁰

We accept that there is no direct evidence that Mr Cujes actually read CLB's incident report. Mr Green could not give this evidence and Mr Cujes did not say that he did so. However, we prefer Mr Green's evidence that he gave Mr Cujes at least CLB's incident report. We also accept Mr Green's evidence that it is likely that he verbally informed Mr Cujes of CLB's allegations, including of simulated rape and a dildo being shoved up boys' bottoms on multiple occasions. This is consistent with his evidence of the usual practice, the logical probable course of events and Mr Green's evidence that he and Mr Cujes actually discussed the dildo incident and that they were horrified and shocked.

We are satisfied that it is likely that Mr Green made a report to Mr Cujes on 11 August 2000 which included giving to Mr Cujes CLB's incident report to read and informing Mr Cujes that CLB was alleging that there had been simulated rape or that a dildo had been shoved up boys' bottoms on multiple occasions.

Informing CLB's grandfather about the incident

Ms Lumsdaine said that on 11 August 2000 she and Mr Green decided that someone should call CLB's grandfather (who was CLB's primary carer) to come to the school to talk about the incident.¹²¹ Mr Green said that after he had spoken with Mr Cujes he contacted CLB's grandfather.¹²²

Ms Lumsdaine said that she attended the meeting with CLB's grandfather, Mr Scott and Mr Green at about 2.30 pm on 11 August 2000.¹²³ Mr Green said that, when he met with CLB's grandfather, the grandfather told him that CLB had been unhappy for some time and that he had been particularly worried about CLB because he had come home with carpet burns on him.¹²⁴ Mr Green said that CLB's grandfather also told him that he was worried that CLB might have been sexually interfered with at school.¹²⁵

Mr Green said that he briefly explained the incident of 11 August 2000 to CLB's grandfather.¹²⁶ He said that this included the details about the boot polish that had been put onto CLB's face. Mr Green accepted that he did not tell CLB's grandfather about any of the other details in CLB's incident report or the incident reports of the other boys. CLB's grandfather was not given a copy of CLB's incident report.¹²⁷ Mr Green said that he did not give CLB's grandfather any other details in the incident report at the time because they were allegations, and Mr Green did not believe that there had been dildos inserted into boys' bottoms.¹²⁸ Mr Green said that he did not think that there had been attempted rape. He believed that, if he had told CLB's grandfather about all of the allegations, it would have added to the grandfather's stress and this would have made the situation worse.¹²⁹

Mr Green said that, if more information became available, he intended to give that information to CLB's grandfather.¹³⁰

Counsel Assisting submitted that Mr Green and Mr Scott should have told CLB's grandfather that CLB had alleged he had been sexually assaulted.¹³¹ Mr Green submitted that this finding ought not to be made because at the time of the incident he did not know about the harm that is caused by sexual assaults and their non-disclosure.¹³² He also submitted that he did not believe that there had been an attempted sexual assault, so he felt that, if he told CLB's grandfather, it would have made the situation worse. He submitted that he is genuine in his regret that he did not tell CLB's grandfather.¹³³

In his submissions, Mr Scott accepted that the school had a positive obligation to inform CLB's grandfather of what had happened to CLB. He also accepted that he bore some responsibility for this, as he was present at the meeting with CLB's grandfather.¹³⁴ He submitted that, in light of the evidence, a finding should be made as follows:

The School did not inform CLB's grandfather about his allegations that he had been sexually assaulted, and they should have done so.

Mr Scott submitted that there was no evidence to support the conclusion that his failure to disclose information to CLB's grandfather is evidence of an 'attitude of concealment'.¹³⁵

We reject Mr Green's and Mr Scott's submissions. At the time of this meeting, they both knew of CLB's allegations that he had been sexually assaulted, and they should have told CLB's grandfather what they knew. This was especially so once CLB's grandfather raised his own concerns that CLB may have been sexually interfered with at school.

We are satisfied that Mr Green and Mr Scott did not inform CLB's grandfather about CLB's allegations that he had been sexually assaulted, and they should have done so.

1.6 Investigation of incidents in the boarding house

Mr Cujes' recollection of the investigation

Mr Cujes said that there was no formal process of investigation of the behaviour of the boys generally in the boarding house.¹³⁶ He said that, if he had known of the contents of the incident report of CLB on 11 August 2000, he 'would have taken further action and I would then have concluded whether or not reasonable grounds existed'.¹³⁷

Mr Cujes told us:

The outcome of my meeting with Mr Green was there would be ongoing investigation, if you like, or looking into that issue at recess. The counsellor would continue to work with the boys, and in my mind, it was a joint effort, which is mostly – which is the way in which we look at things. You need the support of the counselling team so the boys develop confidence in being able to tell the truth and to come forward. You need the assurance of the staff who know the boys so that they can relate to the boys and can put into context the circumstances to determine whether there were reasonable grounds to follow up this, that or whatever.¹³⁸

Mr Cujes said that the two weeks after 11 August 2000 were taken up with exams but that he knew 'that there were some reflections and contemplations and changes in the routine. I knew that the boarding house took ... the rumble seriously'.¹³⁹ When asked by Counsel Assisting what he knew about the rumbling, Mr Cujes said he 'had no idea that there was a sexual element, other than boys, how can I say – when you mention sexual element, do you regard that as being – well, I had no idea of the content that has become available'.¹⁴⁰ He also said that he had 'delegated responsibility and I knew that there were three people involved'.¹⁴¹

Mr Cujes said:

The fact that the matter wasn't just put to one side, that it was investigated by the senior master, that the counsellor was called in to interview the boys, that Mr Scott was also involved, that there were numerous differing accounts of what did and didn't take place, and that, in the end, it seemed to be, according to the three staff who had first-hand knowledge and interview[ed] the boys for an extended period of time – it was presented to me that this matter was a dormitory, to use the expression that we've been using, a dormitory rumble that had gone too far ... I recall that we spent more time talking about what sort of punishment could be envisaged ...¹⁴²

Mr Cujes did not provide any detail about the ‘numerous differing accounts’.

Mr Cujes told us that he did not instigate a further investigation ‘because I didn’t believe it was necessary’.¹⁴³ He said:

I knew that Mr Scott would work in concert with Ms Pearce [Ms Lumsdaine] following up matters. Mr Scott provided discussion with the boys, trying to encourage them to, as he was commenting the other day – that there would be, if you like, an ability for the boys to go beyond this ‘don’t do’ attitude.¹⁴⁴

Mr Cujes told us that:

the problem of investigating the matter further, which is what – the point of my discussion, how my discussion, in a sense, ended with Mr Green was that this matter needed to continue to be looked in to, so to continue to look in to it required further consultation with the boys and further punishment, as appropriate, as deemed by the boarding house master.¹⁴⁵

He also said:

I heard Mr Green say that he didn’t take any formal investigation. That’s my belief – my recollection of what he was saying. But I do know that there were steps taken to adjust routines. I’m not aware of the exact procedures that all three of them took or didn’t take in following this matter up.¹⁴⁶

Mr Cujes disagreed with the proposition that Ms Lumsdaine conducted interviews ‘off her own bat, not at the request of Mr Green’ or himself.¹⁴⁷ He maintained that it was a ‘joint effort’¹⁴⁸ by all staff involved to investigate the incident.

Mr Green’s investigation

Mr Green also gave evidence about the efforts to investigate after 11 August 2000. He said that two students, DFA and DFB, were interviewed on 12 August 2000¹⁴⁹ and that they had confirmed a lot of what CLB had been saying.¹⁵⁰

Mr Green said that, after he received these accounts from DFA and DFB, he did not investigate the matter further.¹⁵¹ In his mind, having obtained those accounts, the investigation was at an end.¹⁵² He said that things were being put into place in the boarding house to ensure that these types of events would not take place again. He said that making sure the boarding house was safe was a priority.¹⁵³

Mr Scott's investigation

Mr Scott said that it was partly his responsibility and partly Mr Green's responsibility to conduct any investigation.¹⁵⁴ Mr Scott could not recall any specific investigation that was conducted after 11 August 2000, but he said that he had numerous meetings and casual conversations¹⁵⁵ with the boys, during which a number of things were discussed. As to what was discussed, he said, 'the substance of that is lost in the mists of time'.¹⁵⁶

Ms Lumsdaine's investigation

Ms Lumsdaine said that she was concerned about whether Mr Green or Mr Scott would do anything about the events that had occurred.¹⁵⁷ She spoke to another psychologist employed by the school, Mr Paull Mayne, about what CLB had told her on 11 August 2000. She said that Mr Mayne suggested that she gather all the information she had obtained during her own investigations and give it to Mr Cujes. Ms Lumsdaine then commenced her own investigation, on her own initiative. She was clear in her evidence that her investigation was not at the request of Mr Green or Mr Cujes.¹⁵⁸

Ms Lumsdaine commenced her investigations on 14 August 2000 by speaking to CLB. She said that CLB told her that CLA had been the main victim of DFA and DFB.¹⁵⁹

Ms Lumsdaine said that, between 14 August and 24 August 2000, the boys were sitting exams. She decided that she would not continue interviewing the boys until after that time.¹⁶⁰

Ms Lumsdaine interviewed CLB again on 29 August 2000. CLB made a written account of what happened to him.¹⁶¹ Ms Lumsdaine then had to fly to Queensland because her mother had died. She returned to Trinity on 4 September 2000. On 5 and 6 September 2000, Ms Lumsdaine spoke with CLA.¹⁶² She said that CLA wrote six pages of notes¹⁶³ recounting his experiences of being assaulted in the boarding house.¹⁶⁴

Ms Lumsdaine's investigation involved her conducting multiple interviews with a number of boys. She obtained written accounts. Her investigations revealed allegations of sexual assaults in the boarding house by boys on other boys.

Conclusions about the investigation that Trinity staff conducted

It is clear that neither Mr Green nor Mr Scott conducted an investigation of the incidents. Mr Cujes did not instigate an investigation, and he knew that Mr Green did not conduct a formal investigation. Mr Cujes expected that the investigation which was conducted was a joint effort. However, this is not supported by the evidence of Mr Green and Mr Scott. There is no evidence that Mr Cujes requested Ms Lumsdaine to investigate or that any other person did so.

Trinity and Mr Cujes submitted that it was clear that Ms Lumsdaine was carrying out a detailed, sensitive and appropriate investigation, during which she found out a great deal of important information. She then prepared that information and gave it to Mr Cujes four weeks later. It was then forwarded to Community Services. We agree.

The only investigation that occurred was undertaken by Ms Lumsdaine. We accept her evidence that it was at her own initiative.

Mr Green accepted that, if Ms Lumsdaine had not carried out her own investigations, it is unlikely that the allegations would have come to light.¹⁶⁵

Ms Lumsdaine gave a clear account that she conducted her investigation on her own initiative and without the knowledge or support of Mr Green, Mr Scott and Mr Cujes. She had a compelling reason in her mind for doing so – she was concerned that Mr Green and Mr Scott would not investigate and she was concerned about the culture in the boarding house.¹⁶⁶ Her letter dated 7 September 2000, referred to below, supports her claim that the investigation was on her own initiative.

We are satisfied that, if Ms Lumsdaine had not interviewed the boys and reported her conclusion, there would have been no investigation.

Identifying other boarders who may have been sexually assaulted

During her investigation, Ms Lumsdaine sought out other victims of the sexual assaults in the boarding house. She spoke to several other boarders who made statements that were similar to those of CLA and CLB but who did not put them in writing.¹⁶⁷ If Ms Lumsdaine had not interviewed these boys, their experiences would have gone untold.

Five boys were spoken to on 11 August 2000. In a boarding house of 60 boys, that left 55 boys who, as at 11 August 2000, had not yet been spoken to.¹⁶⁸ CLB alleged that it was likely that more than one of them had been ‘on the receiving end of either being raped or having had a wooden dildo shoved up their bottom’.¹⁶⁹

Mr Scott said he had ‘casual conversations’ with the boys in the boarding house.¹⁷⁰ However, he said that he did not have conversations with all of the remaining 55 boys.¹⁷¹ In these ‘casual conversations’, Mr Scott said the boys did not reveal any information about the sexual assaults which were occurring in the boarding house.¹⁷² Mr Scott could not recall who these boys were and the conversations ‘didn’t take place in a formal setting’.¹⁷³

Mr Green was asked what he did about inquiring into CLB’s allegation that sexual assaults were happening to other boys and being committed by other boys. Mr Green said, ‘this is where I could have done better’.¹⁷⁴ He said, ‘I could have been more vigilant to try to find out who those other boys were’.¹⁷⁵

Mr Cujes said he had 'no idea' how many other boys were sexually assaulted 'because we weren't able to investigate'.¹⁷⁶

We are satisfied that, save for Ms Lumsdaine's investigation, Trinity did not seek out other boys who may have been sexually assaulted in the boarding house. It follows that support was not given to the boys who may have been affected.

Ms Lumsdaine reports to Mr Cujes on 7 September 2000

After Ms Lumsdaine had interviewed a number of the boys, on 7 September 2000 she wrote a letter to Mr Cujes and enclosed a number of the written accounts she had obtained from the boys.¹⁷⁷ The letter said:

Dear Mr Cujes,

I am sorry to have not been able to bring this matter to your attention until this morning. The boys' examinations, my absence last week where my mother was ill and because of her death last Friday have prevented me from doing so.

It was not my wish to investigate a matter which had been brought to the attention of Mr Green, Dr Stiles, Mr Scott and possibly yourself prior to the examinations. However, several boys have suffered both physically and emotionally and I cannot let the matter lie. It is my professional duty to protect these boys as best I can and also to help them cope with the legacy of the abuse they have suffered.

I am very concerned about the emotional state of CLA and feel that we need to discuss the entire situation with his parents as soon as possible.

Enclosed are photocopies of statements made by four boys and a diary entry of CLA as well as a drawing by CLA of DFA. I have spoken to several other boarders who have made similar statements but who have not written them.

There is much to be done to change the culture of the Boarding House so that all the students can live together happily without tension or fear.

There will be long term repercussions for some students who have been abused and in the future actions taken by them may affect the good name of this School.

Kate Pearce¹⁷⁸

She put the letter and the written accounts in a packet marked 'Urgent' and gave the packet to Mr Cujes' secretary, who took it straight to him.¹⁷⁹ Later that day Ms Lumsdaine attended a meeting with Mr Cujes, Mr Scott, Mr Green and Mr Mayne.¹⁸⁰ She said that Mr Cujes was 'shocked and distressed'.¹⁸¹

Mr Cujes said that, when he read the information that Ms Lumsdaine had given him, he was shaken 'to discover the anguish expressed in [CLA's] diary'.¹⁸²

Notification to the Department of Community Services

Shortly after reading Ms Lumsdaine's letter and enclosures, Mr Cujes arranged to notify Community Services (as it was known in 2000). He did this on 7 September 2000 orally and then in writing on 8 September 2000.¹⁸³

Mr Cujes said that, when he notified Community Services in September 2000, a representative informed him that 'we needed to wait and that we shouldn't take further investigation'.¹⁸⁴ Mr Cujes said that he then was absent from the country around that time,¹⁸⁵ and Mr Green was the acting headmaster while he was away.¹⁸⁶

The Royal Commission heard evidence about the issue of whether Trinity ought to have notified Community Services before 7 September 2000.

Trinity and Mr Cujes submitted that there was no failure to report the matter to Community Services before 7 September 2000, because no mandatory reporting obligation was activated by the material available on 11 August 2000. They submitted that section 22(3) of the *Children (Care and Protection) Act 1987* (NSW) required all relevant persons to report and that at the time there was insufficient clarity about what had happened to activate the reporting requirement. It was submitted that it was reasonable for Ms Lumsdaine not to report any of the behaviours until she had completed her investigations and knew more about the facts.¹⁸⁷

As is clear from the discussion above about the evidence relating to the reporting of CLB's allegations to bodies external to the school, there appears to have been confusion about the procedure or protocol in place for doing so. Mr Cujes acknowledged as much in his evidence.

Mr Scott believed the protocol for reporting incidents in 2000 was that it was the counselling team who made the decision about reporting. Mr Green submitted that there was no direct protocol for these types of situations.

Mr Cujes gave evidence that the situation is ‘now significantly different’ in that:

we now follow, thankfully, a much more streamlined approach through the mandatory reporting guidelines. The mandatory reporting guidelines have gone a significant way in overcoming some of the difficulties we faced in the situation that we have been referring to. They provide a pro forma which leads people to a conclusion rather than an indecision, and as a school we report.¹⁸⁸

We are satisfied that no staff member at the school made a report to Community Services until 7 September 2000. This was the case despite there being information available as at 11 August 2000 about allegations that students may have behaved in a sexually harmful way towards other students.

Ms Lumsdaine’s role

It is apparent that Ms Lumsdaine played a significant role in the response to the sexual assaults. Her investigation of the incident involving CLB, which she herself initiated, was the reason that the matter was ultimately reported to Community Services. This was acknowledged by Mr Green.¹⁸⁹

In written submissions, Trinity acknowledged that ‘Ms Lumsdaine carried out her job as senior psychologist in a caring and diligent manner as was expected of her in that situation and in her professional role’.¹⁹⁰ Ms Lumsdaine’s investigations were not undertaken at the direction of Mr Cujes, Mr Green or Mr Scott. She decided that the situation was sufficiently serious to justify pursuing a thorough investigation.

Her judgment was undoubtedly correct.

1.7 Response of the Department of Community Services

Ms Mulkerin’s evidence

The Royal Commission heard evidence from Ms Deirdre Mulkerin, a deputy secretary of the New South Wales Department of Family and Community Services.¹⁹¹ Ms Mulkerin said that she is responsible for the delivery of child protection and out-of-home care across New South Wales. She also is responsible for some specialist units within the department, such as the Helpline and the Joint Investigation Response Teams. She also gives strategic policy and practice advice to the Minister for Family and Community Services.¹⁹²

Ms Mulkerin said that, almost a month after receiving written notification from Trinity about the boarding house assaults, the department referred the matter to the Joint Investigation Team (JIT) for investigation on 5 October 2000. JIT commenced an investigation the next day.¹⁹³

Ms Mulkerin said that she reviewed the documents and heard the evidence. She could not explain why there was a delay between receiving the notification and JIT commencing its investigation.¹⁹⁴ She said that she would expect the response in current times to be 'more timely'.¹⁹⁵

1.8 Events after September 2000

On 10 November 2000, members of Trinity, Community Services and the New South Wales Department of Health held a protection planning meeting. One issue discussed at this meeting was ensuring services were in place to address the personal and psychological safety of the victims and witnesses.¹⁹⁶ A report summarising the outcomes from this meeting was prepared by Ms Cheryl McDuff from JIT, Ashfield. The report noted that:

It would appear that appropriate services have been put in place for the victims, witnesses and their families to assist them both in the interim and in the future. The school has taken the appropriate measures to ensure the students safety and wellbeing.¹⁹⁷

Criminal proceedings

Criminal proceedings were commenced against four boys in relation to assaults that occurred in the boarding house in 2000. Both DFA and DFB entered guilty pleas in relation to charges of indecent assault against CLA. DFA and DFB were sentenced in March 2001 in Lidcombe Children's Court. The sentences were non-custodial and they were released on conditions.

Culture of the boarding house and changes after the incident

In her letter to Mr Cujes dated 7 September 2000, Ms Lumsdaine expressed her views about the culture of the boarding house at Trinity.¹⁹⁸ She wrote that 'there is much to be done to change the culture of the Boarding House so that all the students can live together happily without tension or fear'.¹⁹⁹

In contrast, Mr Scott described the culture of the boarding house in 2000 as 'generally a very happy place. It was generally a place where boys I think enjoyed being'. He gave evidence that there were some elements of that culture that needed adjusting and that the adjustment was happening at that time.²⁰⁰

He said that one of the elements that needed adjusting was the ‘code of silence’ in the boarding house, which he described as boys never dobbing on their mates even where dangerous or threatening behaviour was taking place.²⁰¹ He described instances of bullying that had occurred without his knowledge.²⁰² He also said that before 2000 the staff had been working on the issues ‘of servant leadership’ and ‘on the principles of social responsibility for one another and the welfare, particularly, of those that were weak and vulnerable’.²⁰³

Mr Scott gave evidence that the changes that were being put in place were aimed at eradicating the idea that you could never ‘dob on your mates’.²⁰⁴ Mr Scott also said that by 2000 there had been ‘a gradual, in some cases reluctant, willingness to report things’ but that this cultural change was still in ‘the formative stages’.²⁰⁵ He gave evidence that there was no formal system in place other than his own encouragement for students to come forward within the boarding house to identify when boys were being bullied or assaulted.²⁰⁶

Despite these changes, Mr Scott said that he did not know that boys in his boarding house were committing sexual assaults.²⁰⁷

CLA said in his statement to the Royal Commission that he witnessed many incidents of racial bullying. He said that violence between boys was ‘endemic’ and part of the ‘boarding house culture’. He said that the culture imposed a ‘clear hierarchy’ in which students in years 7 and 8 were at the bottom and students in year 12 were at the top.²⁰⁸ CLA said, ‘What amplified this situation was an unspoken culture of silence, as “dobbing” on fellow boarders was a sign of betrayal and ultimately, weakness’.²⁰⁹

The incident reports prepared by CLB and another boy on 11 August 2000 described acts of extensive and systemic violence. For example, CLB’s incident report included the words that ‘this wasn’t the first time that they and more have tried to rape me or anyone else ... One of them made a dildo in wood tech and they use that to stick up people’s butts, but I haven’t seen them do that for a while and they didn’t use it on me today’.²¹⁰

DFB did not give evidence at the public hearing. His incident report included the following:

In the boarding house when people came into the dorm instead of giving them Boarding house punishments people (including myself) would pretend to have sex with them as a joke and some fun. But bullying has been apart [sic] of boarding house life even before I came to this school.

There has been organised rumbles there is almost a verbal fight every night but that is part of being in the boarding house.

It has happened to almost every person in the boarding house at one stage but mostly when they were in there [sic] younger years. It just happens when you live with sixty other boys.²¹¹

Mr Green gave evidence that, at some time after the 11 August 2000 incident, changes were made to the system of supervision within the boarding house. He said that there was an increase in supervision so that it would be less likely that such incidents would happen again.²¹² He said that, as at August 2000, the situation was that senior students in the dormitories did not report what was happening in the boarding house. Mr Green said that Mr Scott had discussions with senior students after 11 August 2000 to ensure they were around more regularly.²¹³

Mr Scott said that, at some stage after the incident, the school arranged for an expert to review the practices and systems within the boarding house and that the expert had made suggestions on those practices.²¹⁴ Mr Cujes also said that experts were subsequently called in to conduct an audit of the standards within the boarding house.²¹⁵

Information provided to the school council in 2000–2001

The chairman of the school council in 2000, Mr Mills, gave evidence at the public hearing. Mr Mills was first elected to the school council at Trinity in June 1976.²¹⁶ He served continuously on the school council until 2014, including as chairman from 1982 until 2011.²¹⁷

Mr Mills said that there was a meeting of the executive committee of the school council on 15 August 2000 and a council meeting on 24 August 2000.²¹⁸ He said that Mr Cujes normally attended executive meetings of the school council (although he was not a member of the executive itself)²¹⁹ as well as council meetings.²²⁰ Mr Green would only attend the executive meetings of the school council if he was acting headmaster.²²¹

At a meeting on 19 February 2001, around the time guilty pleas were entered by the boys charged with offences against CLA, the school council discussed the ‘Boarding House allegations’ and passed the following resolution:

Following considerable deliberation on this matter it was unanimously resolved that School Council, based on all the information available to it, including interviewing the Head Master and above staff, believes existing procedures were properly followed. The Council expresses its full confidence in the Head Master and Staff in this regard.²²²

Mr Cujes said that it was ‘more than likely’ that he attended this meeting.²²³ Staff members, including Mr Scott, were present to answer questions and clarify points of concern.²²⁴

Mr Mills said that he could not recall being told at the time that the council made that resolution that Mr Green and Mr Scott were aware of the allegations that CLB made in his incident report from 11 August 2000.²²⁵ He also could not recall the council being told that Mr Cujes was aware of the allegations in that incident report from that time. The effect of Mr Mills’ evidence was that it is unlikely that the school council would have passed the resolution above if it had been disclosed at the meeting that Mr Green, Mr Scott and/or Mr Cujes were aware from 11 August 2000 of the contents of CLB’s incident report.²²⁶

Mr Mills said that, if Mr Cujes had been aware of the contents of CLB's incident report from 11 August 2000, he should have revealed that to the council. He said that, if Mr Cujes had that knowledge and did not disclose it, the effect of that was that the school council had been misled. He also said that, if the school council was not told of the knowledge of Mr Scott and Mr Green of the contents of CLB's incident report, the effect of that was that the school council had been misled.²²⁷

Both Trinity and Mr Cujes submitted that a proposed finding that the school council was misled about the adequacy of the school's response to the incident in the boarding house on 11 August 2000 should not be made because it is not available on the evidence.

First, Mr Cujes submitted that such a matter was not put to him and therefore the proposed finding, if made, would be unfair. Second, it was submitted that there is no evidence on which a finding could be made that Mr Cujes was aware of the allegations made by CLB on 11 August 2000. Third, there were at least 10 school council meetings between 8 September 2000 and 19 February 2001, and Mr Mills' evidence about what took place during these meetings is not clear. Mr Cujes clarified in his submissions that a resolution thought to have been passed at a meeting on 19 February 2001 was in fact passed on 13 February 2001. Fourth, it was submitted that the questioning of Mr Mills was made up of unclear propositions not supported by the evidence and that there were insufficient documents and a lack of context to permit such a finding to be made.²²⁸

We accept that the relevant school council meeting took place on 13 February 2001 as submitted by Trinity and Mr Cujes. Mr Cujes agreed that he would have attended the relevant council meeting.²²⁹ He denied that he was aware of CLB's allegations of 11 August 2000. When asked whether he said anything to the school council during the meeting in February 2001 about Mr Green not mentioning CLB's allegations, his response was 'I don't recall specifically drawing their attention to that'.²³⁰

For the reasons discussed earlier in this report, we are satisfied that Mr Cujes was given CLB's incident report on 11 August 2000, that he knew of CLB's allegation by that day, and that he did not initiate an investigation of the allegations at any time before 7 September 2000. It is clear from Mr Cujes' evidence that he did not inform the school council at any time on or before 13 February 2001 that Mr Green had given him CLB's incident report on 11 August 2000 and told him of the details of CLB's allegations.

We are satisfied that Mr Cujes was present at the council meeting on 13 February 2001 and did not inform the school council that he, Mr Green and Mr Scott were aware of the allegations made by CLB from 11 August 2000. We are also satisfied that the effect of Mr Cujes not disclosing that he, Mr Green and Mr Scott had been aware of CLB's allegations of 11 August 2000 to the council was that the council was misled as to the adequacy of the response of Mr Cujes, Mr Green and Mr Scott to the incident in the boarding house on 11 August 2000.

The effect of Mr Cujes misleading the school council was that the school council passed a resolution stating that it believed that 'existing procedures were properly followed' and expressed 'full confidence in the Head Master and Staff in this regard'. We are satisfied that this would have had the effect of misinforming the school community about the adequacy of the response by Mr Cujes, Mr Green and Mr Scott to the incident in the boarding house on 11 August 2000. We accept Mr Mills' evidence that the school council would not have passed the resolution if it had not been misled.

2 The King's School

2.1 Summary

The King's School, Parramatta (King's), is an independent Anglican boys' school located in Parramatta in New South Wales. The focus of the Royal Commission's examination of King's was on complaints of harmful or problematic sexual behaviour by children at a cadet camp and the school's response to that incident, along with the events which followed it.

We heard evidence from CLC, who was a boarder at King's. He alleged that he was sexually assaulted and, as a result of the sexual assault, he was bullied by other King's students. We also heard evidence from CLC's father, EAE, on the response of King's to CLC's allegations.

In this part of the case study we also heard evidence of the experiences of two other former students at King's in relation to problematic or harmful sexual behaviour by other King's students during their time at the school.

Governance

King's is governed by a school council. The majority of the council members are appointed by the Anglican Diocese of Sydney.

The headmaster is responsible to the council for the management of the school. At the time of the public hearing, the headmaster of King's was Dr Timothy Hawkes. He was appointed headmaster of King's in 1998. He remained in that role until his retirement on 30 June 2017.

The experiences of former students of The King's School

In April 2013, CLC, a year 10 boarding student, attended a cadet camp at Singleton attended by approximately 500 cadets (who were students at King's), officers and 40 staff members from King's. The cadets slept in makeshift tents called 'hootchies'. CLC shared a hootchie with DFE (a year 10 day student) and another student (a year 10 boarding student).

On the second night of camp, CLC told us that he woke to find DFE had ejaculated onto his sleeping bag. He told a few friends the next day what had happened but did not report the incident to staff or his parents. By the end of the day, other boys were making fun of CLC about what had happened. On the bus ride back to school he was called names like 'cum rag' and 'cum dumpster'. CLC continued to experience bullying and name calling during the following school holidays and when school reconvened in term 2. CLC's father, EAE, told us that he noticed CLC 'withdrawing' after he returned to school.

The King's School's response to problematic or harmful sexual behaviour by students

On 13 August 2013, CLC disclosed to his boarding house master, Mr Andrew Mansfield, the events which occurred at the cadet camp and the bullying he was experiencing. Mr Mansfield then informed the deputy headmaster, Dr Andrew Parry, and the school counsellor, Mr Greg James, about CLC's disclosure. Within days, Dr Parry notified the headmaster, Dr Hawkes.

No one at King's reported the CLC camp incident to police, contrary to written advice from the police that the matter should be reported. This was a failure in the senior management of the school.

CLC continued to experience episodes of bullying throughout August 2013 and September 2013. On 19 September 2013, students renamed the King's wi-fi networks 'CLC's a cum rag' and 'come wrack'.

We are satisfied that as of 2013 a bullying culture existed at King's, both inside the boarding houses and in the school more generally.

CLC was withdrawn from King's on 16 October 2013. In 2014, CLC commenced at St Ignatius' College, Riverview (Riverview), for year 11.

The measures that Riverview implemented in 2014 and 2015 in relation to CLC were more appropriate and successful at preventing bullying of CLC than the measures that King's took between 13 August 2013 and 16 October 2013.

Systems, policies and procedures

Dr Hawkes accepted that, despite the steps that King's had taken, a not insignificant number of boys continued to bully CLC. Dr Hawkes 'candidly' accepted that the steps that King's took were not effective in dealing with the problem in this case.

We are satisfied that the measures that King's took to address the bullying of CLC between 13 August 2013 and 16 October 2013 were ineffective.

We are also satisfied that King's did not adequately address CLC's parents' concerns about the school's response to the bullying of CLC.

Evidence of Detective Sergeant Matthew Munro

Detective Sergeant Matthew Munro, an officer of NSW Police and presently with the Child Abuse Squad, was critical of the King's investigation of the incident involving CLC. Detective Sergeant Munro told us that the police and the Child Abuse Squad do not approve of schools conducting investigations where there might be criminal activity. He said that police are trained to conduct criminal investigations and that this is not the job of teachers.

2.2 History and background

Establishment and history

King's was founded in 1831. It is Australia's oldest independent school. Except for a period between 1864 and 1868, when it was closed, it has operated since 1831.

In 2015, King's had 1,592 students from kindergarten to year 12. There were 360 boarders, starting from year 5. The school is divided into a preparatory school from kindergarten to year 6 and a senior school from years 7 to 12.

Governance

The council of King's is responsible for governance of the school. The majority of council members are appointed by the Anglican Diocese of Sydney. The president of the school council is the Archbishop of Sydney, presently the Right Reverend Glenn Davies. Other council members are appointed by the Old Boys' Union of King's.

The headmaster is responsible to the council for the management of the school. Dr Hawkes has been the headmaster since 1998. Dr Hawkes retired as headmaster of King's on 30 June 2017.

2.3 The experience of CLC

CLC is a former student of King's. CLC gave evidence at the public hearing. CLC's father is EAE, who also gave evidence at the public hearing. EAE is an old boy of King's. EAE enjoyed his time at King's. EAE considered that sending CLC to King's was a 'logical decision'.²³¹

CLC started at King's as a boarder in 2010, in year 7. CLC said that he found the system in the boarding houses to be very hierarchical – it was called a 'frat' system.²³²

Incident at cadet camp in April 2013

From 5 to 11 April 2013, CLC attended a King's cadet camp at Singleton, which was attended by other boys from years 9 to 12.²³³ There were approximately 500 cadets, officers and staff from King's.²³⁴ CLC was in year 10 at the time. The cadets slept in makeshift tents referred to as 'hootchies'.

Mr Mansfield, CLC's house master, gave evidence at the public hearing. Mr Mansfield attended the cadet camp in April 2013. He said that approximately 40 members of staff were responsible for the supervision of the boys at all times and that these teachers stayed within a few hundred metres of the boys at night.²³⁵

CLC said that, on the second night of the camp, he shared a hootchie with DFE (a year 10 day student) and a third boy (a year 10 boarding student).²³⁶ DFE was sleeping on a hammock above CLC. During the night, CLC woke up to hear one of the other boys saying, 'Did you really do that? That's disgusting'. CLC heard DFE laughing. CLC told us that, while initially he did not know what had happened, he then rolled over in his sleeping bag and saw that DFE had ejaculated on his sleeping bag. CLC said he immediately grabbed something to try and wipe off the ejaculate.²³⁷ The following day, CLC told a few of his friends what had happened. By the end of the day, boys at the camp were making fun of CLC about what had happened.²³⁸ CLC said that he did not report the incident to any teacher at that time because he felt that reporting the incident would make the situation worse.²³⁹ On the bus ride back to the school after the camp, other boys were calling CLC 'cum rag' and 'cum dumpster'.²⁴⁰ CLC said that he did not tell his parents about what had happened at the camp because he was worried that they would think the incident was weird or that they would tell the school.²⁴¹

CLC said that he hoped that, after the school holidays which followed the camp, the other students would forget about what had happened. However, during those holidays CLC started receiving Facebook and text messages from other students which contained comments like 'cum rag' and 'cum dumpster'.²⁴²

EAE said that in April 2013 CLC returned home for the school holidays after the cadet camp and did not appear different, except that he did not see any of his friends from school.²⁴³ CLC returned to school in term 2, and EAE noticed that CLC was withdrawing.²⁴⁴

Discussion between CLC and Mr Mansfield on 14 May 2013

CLC was a resident in a boarding house at King's, of which Mr Mansfield was the house master.²⁴⁵ In 2013, CLC's boarding house accommodated 82 boys from year 8 to year 12.²⁴⁶

In May 2013, CLC returned to school following the school holidays. On 14 May 2013, CLC emailed Mr Mansfield and informed him that a stink bomb had been thrown into his room in the boarding house and that he had been bullied.²⁴⁷ While Mr Mansfield was investigating the matter, CLC showed Mr Mansfield some text messages which had been exchanged between CLC and another boy.

CLC said that during this conversation he told Mr Mansfield about the incident at cadet camp.²⁴⁸ CLC said that Mr Mansfield pointed out the term 'cum rag' in the text messages and asked CLC why that phrase appeared. CLC said that he told Mr Mansfield what had happened at camp and that boys were now calling CLC by that name. CLC said that Mr Mansfield said that the event was disgusting. CLC said that Mr Mansfield did not ask him any other questions, conduct any investigation or take any other action.²⁴⁹

Mr Mansfield denied CLC's evidence that he was told about the incident at cadet camp.²⁵⁰ Mr Mansfield said his recollection is 'firm' that there was no mention of the cadet camp incident when he spoke to CLC in May 2013.²⁵¹ Mr Mansfield agreed that he reviewed the text message exchange and he could recall discussing some of the text messages with CLC.²⁵² Mr Mansfield said that, while he could not recall whether some messages contained the phrase 'cum rag', he accepted it was possible that it was mentioned amongst the messages.²⁵³ Mr Mansfield could not recall discussing that phrase with CLC, although he accepted that it was possible that he did.²⁵⁴ Mr Mansfield said that 'CLC did not tell me what had occurred on the camp that year' and he was 'sure about that'.²⁵⁵

King's submitted that we should make a finding that CLC did not notify the school or report the incident in May 2013.²⁵⁶ King's submitted that 'Mr Mansfield's evidence was that he was confident that had there been a disclosure in May 2013, he would have acted on the matter immediately and undoubtedly in a similar way to the way he responded in August 2013' (the response in August 2013 is addressed below).²⁵⁷ King's also submitted that there was no mention of the alleged disclosure in May 2013 by CLC or his parents, EAG and EAE, at any meetings or in any correspondence with King's between 15 August 2013 and 11 October 2013.²⁵⁸ King's also submitted that there was no mention of the alleged disclosure when Dr Hawkes raised his concern about CLC's failure to raise these matters at any earlier stage than 13 August 2013 or in any ensuing correspondence between Dr Hawkes and CLC's parents, EAG and EAE.²⁵⁹

On the other hand, CLC said that his recollection of Mr Mansfield pointing out those terms on his phone was 'crystal clear'.²⁶⁰ When examined by senior counsel representing Mr Mansfield and King's, CLC said he was sure that Mr Mansfield raised references to 'cum rag' and 'cum dumpster' in their conversation in May 2013.²⁶¹

CLC was an impressive witness with a good recollection of these events. The events had a significant impact on him. We are satisfied that in some form the offensive labels in the text messages were discussed. It would be surprising if it were otherwise given the reason for the conversation. Although we believe it to be unlikely, it is possible that there was a misunderstanding between CLC and Mr Mansfield about the background to these text messages.

CLC's disclosure on 13 August 2013

CLC's boarding house met for a house meeting on the evening of 13 August 2013. At that meeting, a year 9 student stood up in front of all of the boys and teachers in the house and said, 'CLC is a cum rag'. The other students started laughing. The student who made the announcement told Mr Mansfield that he was 'put up to do it by some of the year 12 boys'.²⁶²

Mr Mansfield accepted that the year 12 boys organised for the year 9 student to make the comment to humiliate CLC.²⁶³ He also accepted that the fact that year 12 boys had asked the year 9 boy to say something designed to humiliate CLC at the meeting could have been indicative of a cultural problem with bullying within the boarding house.²⁶⁴ Mr Mansfield said that, while he did not appreciate at the time that there was a cultural problem with bullying, he now accepts that there was such a problem.²⁶⁵

EAE recalled that, on 13 August 2013, he received a text message from CLC saying that he was on his way home. EAE rang CLC and found him to be 'absolutely inconsolable'.²⁶⁶ EAE rang Mr Mansfield and left a message.

Sometime after the house meeting a teacher at King's, Mr Michael Kavanagh, saw CLC at a bus stop outside the school. Mr Kavanagh notified Mr Mansfield. At approximately the same time, Mr Mansfield received a message to call EAG (CLC's mother), as she had been told that CLC was apparently on a bus heading home. Mr Mansfield then drove to the bus stop and found CLC. Mr Mansfield sat talking with CLC for approximately five minutes before returning with him to the health centre at King's.²⁶⁷

During this conversation, CLC discussed with Mr Mansfield the events at the cadet camp. Mr Mansfield sent an email to Dr Parry, the deputy headmaster, and Mr James, the school counsellor, later that night. Mr Mansfield said:

On the Corps Camp CLC shared a hootchie with 2 other boys – [DFE] and [NAME REDACTED]. CLC has indicated that one night, DFE masturbated and some of his ejaculate ended up on CLC's sleeping bag. Stories then spread around the Platoon and as a result CLC is called names such as Cum Rag and Cum Dumpster ...²⁶⁸

CLC also told Mr Mansfield that bullying was occurring at the boarding house and at school. CLC identified the main perpetrators of the bullying.²⁶⁹

Mr Mansfield telephoned EAG and EAE to discuss the events with them. Shortly afterwards, EAG and EAE came to the school to pick up CLC.²⁷⁰

In his statement to the Royal Commission, EAE said:

When we arrived at the school we spoke with MANSFIELD who told us that when CLC was on cadet camp, another student at the school had masturbated and ejaculated on CLC and on his sleeping bag whilst he was in his 'hoochie' [sic]. MANSFIELD told us that the behaviour was disgusting and this was the first he had heard of the incident. My understanding was that CLC had disclosed this information to MANSFIELD that evening prior to my wife and I attending the school.²⁷¹

After his meeting with EAG and EAE, Mr Mansfield emailed Dr Parry about CLC's disclosure.²⁷²

2.4 Response of King's to CLC's allegations

Investigations

On 14 August 2013, Dr Parry started conducting interviews and making inquiries about both the camp incident and the bullying.²⁷³ Dr Parry, Mr Mansfield and Mr James, the school counsellor, interviewed the third student who had shared the hootchie with CLC and DFE.²⁷⁴ Dr Parry prepared a file note at the conclusion of this meeting.²⁷⁵ The note recorded that the third student said that he and DFE were lying in hammocks inside the hootchie, while CLC was in a sleeping bag on the ground below. The third student said that DFE was masturbating and that DFE positioned himself on the hammock so that his ejaculate would land on CLC below.²⁷⁶

In his oral evidence, Dr Parry said that the interview with the third student on 14 August 2013 broadly confirmed CLC's account.²⁷⁷ Dr Parry said that, based on the accounts of this student and CLC, he knew that what had occurred was very serious.²⁷⁸ Dr Parry said that, in his mind at that time, he knew that this could be a matter for the police.²⁷⁹

On 15 August 2013, a meeting was held involving Dr Parry, Mr Mansfield, Mr James and CLC's parents, EAG and EAE. Dr Parry made a file note of this meeting.²⁸⁰ EAG advised the attendees at the meeting that on 14 August 2013 CLC had been told that what had landed on his sleeping bag was condensed milk rather than ejaculate.²⁸¹ The note also records that DFE had apologised to CLC.²⁸²

In relation to the condensed milk issue, Dr Parry said he understood that DFE had said to CLC that what had landed on CLC's sleeping bag was condensed milk rather than ejaculate. CLC then shared DFE's version with his mother, who raised the issue during this meeting with Dr Parry, Mr Mansfield and Mr James.²⁸³

At a later date, Dr Parry spoke with DFE about the condensed milk story. While that story seemed unlikely to Dr Parry, he wanted to be fair to DFE and hear his story.²⁸⁴ Dr Parry considered that what had occurred was extremely serious and was going to have extremely serious ramifications for DFE and his position at King's.²⁸⁵

On 16 August 2013, Dr Parry and Mr James interviewed two students. The first student interviewed was a boy with whom Dr Parry had not previously spoken.²⁸⁶ Dr Parry prepared a file note after this interview.²⁸⁷ Dr Parry said that the account this student gave broadly confirmed CLC's version.²⁸⁸

The second student interviewed on that day was the same student who had been interviewed on 14 August 2013²⁸⁹ – the third student in the hootchie with CLC and DFE.²⁹⁰ Dr Parry prepared a file note of this interview.²⁹¹ The note recorded that the third student was 'sure, positive that [DFE] was masturbating' for reasons including that he could hear the 'slapping sounds' of DFE masturbating and that it was very clear from CLC's reaction that it did happen.²⁹²

Dr Parry said that the third student slightly changed his account from the one given two days earlier, in that the student now said that, because it was dark, he could not see whether DFE was masturbating or not.²⁹³ However, Dr Parry said that the third student was very clear that something happened, and the third student certainly thought it did happen given CLC's reaction and because the third student could hear DFE masturbating.²⁹⁴

Dr Parry said that by this time he had some doubt that the incident happened as CLC had said. Dr Parry said that he thought it quite possibly could have happened, but he found it hard to believe because it was so disgusting.²⁹⁵ Dr Parry also said that it was important to have a clear understanding of what happened before King's took any action.²⁹⁶

Steps taken to protect CLC

On 16 August 2013, Mr Mansfield sent an email to Mr James, the school counsellor, in which he recorded some of the steps he had taken to protect CLC in the boarding house.²⁹⁷ At that time, CLC was taking some leave from the school to be at home with his parents. The steps that Mr Mansfield took included speaking to two boys, including CLC's roommate, and asking them to look out for CLC when he returned to the boarding house; speaking to the four boys who Mr Mansfield understood had been responsible for the bullying and telling them they needed to stop bullying CLC; and speaking to the two house captains and asking them to keep an eye out for CLC.²⁹⁸

On 18 August 2013, CLC returned to the boarding house.²⁹⁹ Mr Mansfield spoke with CLC.³⁰⁰ He said that he was intent on keeping an eye on CLC and making sure that he was not being bullied.³⁰¹ EAE recalled that Mr Mansfield told CLC that he had a good roommate who could help support him and that Mr James, the counsellor, was available to CLC.³⁰²

On 22 August 2013, CLC's mother, EAG, telephoned Mr Mansfield.³⁰³ EAG informed Mr Mansfield that CLC was still being bullied in the boarding house.³⁰⁴ EAG said that she could actually hear boys heckling CLC while she was on the phone to CLC earlier that night.³⁰⁵ Mr Mansfield accepted that the steps that he had taken to try and control the boys in the boarding house did not appear to have been very successful.³⁰⁶ Mr Mansfield also accepted that there was a culture where some boys in the boarding house would not do what he told them to do.³⁰⁷ Mr Mansfield said that is not the culture today.³⁰⁸

On 23 August 2013, CLC sent Mr Mansfield an email informing him that boys in the house were 'still trying to get a reaction by doing different things' and one of these students had been insulting another boy for being CLC's roommate.³⁰⁹ Mr Mansfield said that he understood from this email that not only was the bullying of CLC continuing but also CLC's roommate was being bullied for his association with CLC, and this indicated that there were issues with a group of boys in the boarding house.³¹⁰

Later on 23 August 2013, CLC sent Mr Mansfield another email which stated that money had been stolen from CLC's room.³¹¹ Mr Mansfield said that he would not have necessarily seen this as an instance of bullying, although he agreed that it was a bit of a coincidence if it was not bullying.³¹² Mr Mansfield said that he could not recall investigating these matters, but he said that he would have investigated them.³¹³

On 26 August 2013, EAE sent an email to Mr James.³¹⁴ EAE wrote that 'CLC is feeling under siege at the moment and has expressed a wish not to speak to a school counsellor. We support him at this time'.³¹⁵ EAE said he emailed the school telling them to give CLC 'some breathing space'.³¹⁶

EAE said that he sent this email because, following a couple of counselling sessions, CLC felt harassed by Mr James sending him text messages and emails and calling CLC out to see him during class. CLC told EAE that the entire school knew about the camp incident and he was being continuously bullied.³¹⁷ EAE told us that he believed that in 'CLC's mind seeing the school counsellor was an admission that something was wrong and every time he had to stand up and leave the class he felt like he had a big red beacon above his head'.³¹⁸

Notification to the police

Protocols in place at King's for reporting to the police

Dr Parry told us that, from the time he became aware of the cadet camp incident in mid-August 2013, he would have spoken to Dr Hawkes on most days about the matter.³¹⁹ One issue which was discussed was whether the matter needed to be reported to police or Community Services.³²⁰

Dr Hawkes said that he had a discussion with Dr Parry within days of becoming aware of the cadet camp incident, during which he told Dr Parry that it was a matter for the police.³²¹

Dr Parry said that there were protocols in place at King's in August 2013 about how and by whom reports to the police would be made. Reports were normally made by a senior member of the school.³²² Dr Parry said that it was normal for the headmaster to be consulted before making a report,³²³ but, if the headmaster was unavailable, staff could speak with Dr Parry.³²⁴

Dr Hawkes said that there was not necessarily a protocol in place which required or encouraged consultation with him before reports were made to the police, although he said it would be expected that he should be informed.³²⁵ Dr Hawkes said that there were occasions when the assistant bursar, Mr Kevin Lee, or the school counsellor, Mr James, would make a report directly and then inform him they had done so.³²⁶

Dr Parry gave evidence that he informed Dr Hawkes that he would be reporting the incident at the cadet camp to the youth liaison officer at Castle Hill police station, Senior Constable Robert Paterson.³²⁷ The youth liaison officer is a point of contact for advice between schools and the police.³²⁸

On 22 August 2013, Dr Parry and Mr Rob Chandler, the director of staff, telephoned Senior Constable Paterson.³²⁹ Dr Parry informed Senior Constable Paterson about the incident at cadet camp, which he explained involved an allegation that a boy had ejaculated on another boy's sleeping bag. Dr Parry said to Senior Constable Paterson that, while the school thought this was what had happened, there was some doubt the incident had happened that way, because the other boy was saying that the substance was actually condensed milk.³³⁰ Dr Parry said that Senior Constable Paterson told him that, on either version of events, it was his view that a criminal act had been committed.³³¹

The following exchange took place between Counsel Assisting and Dr Parry:

Q: Was there discussion that [Senior Constable Paterson] was going to send you an email confirming some of the things that he had told you in the course of the telephone conversation?

A: That is correct. I may well have asked him to do that.³³²

Unfortunately, Senior Constable Paterson was ill and not available to give evidence during the public hearing.

Dr Parry said that in his mind the purpose of his call to the police was to report the incident.³³³ Dr Parry said that he had never reported such a matter to police before.³³⁴ Dr Parry explained in his evidence that he wanted to inform Senior Constable Paterson about the incident because he was relatively new to the role of deputy headmaster and he was concerned about what had occurred.³³⁵

Dr Parry was asked whether he considered that a report of a criminal act might involve giving the name of the person, even the complainant.³³⁶ In response, Dr Parry said ‘yes’ and that he ‘thought that it would be followed up on and then things would go from there’.³³⁷ Dr Parry accepted that when he spoke to Senior Constable Paterson he did not give him CLC’s name.³³⁸

After his telephone conversation with Senior Constable Paterson, Dr Parry said that he spoke with Dr Hawkes and told him about the conversation.³³⁹ Dr Parry passed on to Dr Hawkes Senior Constable Paterson’s views about the incident.³⁴⁰

Dr Hawkes said that Dr Parry advised him that he had spoken to Senior Constable Paterson. Dr Hawkes said that, at this point, it was his understanding that, whether or not there had been pretend or actual masturbation, an ‘act of indecency’ had been committed.³⁴¹

Email from Senior Constable Paterson

On 22 August 2013 at 4.28 pm, Senior Constable Paterson sent an email to Dr Parry, copying in Mr Chandler.³⁴² In the email, Senior Constable Paterson wrote:

Dr Parry

In relation to the actual offence, there is little doubt that there has been an offence from the information that you have supplied. The offence would most likely fall under an Assault with Act of Indecency. Proof of indecent intent is not required, however some form of physical evidence or witness statement would be necessary. In terms of the Young Person ‘pretending’ that the act took place and using condensed milk to substitute for the perception that semen was ejaculate, it is irrelevant, as the victims believed that the act took place. Acts of indecency are acts which a ‘right minded person would consider to be contrary to community standards of decency’. If the act has clear sexual connotations, the police do not have to prove the purpose of providing sexual gratification or the purpose of the indecent act. Indecency is that which offends against currently accepted standards of decency.

The elements of the offence are as follows:

The basic offence is created by s61L of the Crimes Act 1900, which provides:

‘Any person who assaults another person and, at the time of, or immediately before or after, the assault, commits an act of indecency on or in the presence of the other person, is liable to imprisonment for 5 years.’

The essential ingredients or facts that the Crown has to prove are:

1. That [the accused] assaulted [the complainant]
2. that the assault was indecent, [if applicable or that immediately before or immediately after that assault [the accused] committed an act of indecency or/in the presence of [the complainant]]
3. that the assault was without the consent of [the complainant],
4. that [the accused] knew that [the complainant] was not consenting,

[if recklessness as to consent is an issue omit 4 above and substitute with:

that [the accused] knew that [the complainant] was not consenting, or [he/she] realized that there was a possibility that [the complainant] was not consenting but [he/she] went ahead anyway, or [he/she] did not even think about whether [the complainant] was consenting or not – in other words, [he/she] did not care whether [the complainant] was consenting].

The incident/s should be reported to police so that the exact offence can be determined, and the victim(s) can be contacted for statements if willing. I assume that the victims have been counselled in relation to this matter. If you would like police to attend, I can speak with the Supervisor on duty so that it is followed up as discussed. A minor assault should be reported to police, so this should be reported (to avoid any possible action under S316 of the Crimes Act under Conceal Serious Indictable Offence, and potentially avoid civil action. The Young Person may be eligible to be dealt with under the Young Offenders' Act (1997) and if this is the case, a Youth Justice Conference may be the result. Please call my mobile if required on [REDACTED]. I hope this assists.

Rob Paterson

Senior Constable

Youth Liaison Officer

The Hills Local Area Command³⁴³

At 5.44 pm on 22 August 2013, Dr Parry replied to Senior Constable Paterson's email sent at 4.28pm, copying in Mr James, Mr Chandler and Dr Hawkes.³⁴⁴ Dr Parry wrote:

Dear Rob,

Thank you very much for this. I shall be I [sic] touch and this information is very helpful for us to arrive at an appropriate judgement on the boys [sic] actions.

I greatly appreciate your ongoing support.

Best wishes

Andrew³⁴⁵

Contrary to Senior Constable Paterson's advice, no one at King's made a report to the police. King's made no request for the police to attend.

Dr Parry said that he understood from the email that Senior Constable Paterson's view was that on either version of events a criminal act had been committed. This confirmed what Senior Constable Paterson told Dr Parry on the telephone.³⁴⁶

Dr Parry accepted that the email made it clear the matter needed to be reported to the police.³⁴⁷ He accepted that he did not read the email carefully enough in that he did not finish reading the last part of the email, which referred to the need to report the incident to avoid any possible action against him or other staff at King's under section 316 of the Crimes Act 1900 (NSW).³⁴⁸ We accept Dr Parry's evidence about these matters. It is clear that he did not, but should have, reported the incident to police.

Senior Constable Paterson's email clearly requested that Dr Parry report the matter to police, which he did not do. Regardless of the email, it must have been clear to Dr Parry that he had information which he had not relayed to police but which they would need before they could investigate the matter.

Dr Parry was not the only senior member of staff at King's who saw Senior Constable Paterson's email. Dr Hawkes accepted that he also saw the email. However, he said he had no recollection of reading the email.³⁴⁹ Dr Hawkes accepted that it was absolutely essential for the matter to be reported to the police.³⁵⁰ Dr Hawkes also accepted that there might be serious consequences for CLC and people at King's if a report was not made.³⁵¹ Dr Hawkes said that he was not aware that it might be an offence not to report the incident.³⁵² The issue at the forefront of Dr Hawkes' mind was having the matter drawn to the attention of the police.³⁵³

There was a meeting between Mr James, Mr Chandler, Dr Hawkes and Dr Parry the morning after the email was received, on 23 August 2013. In the meeting they discussed the action that needed to be taken against DFE.³⁵⁴ By the time of this meeting, Senior Constable Paterson's email had been sent to Dr Parry, Dr Hawkes, Mr James and Mr Chandler. Dr Parry said there was no discussion at this meeting about whether the police needed to be notified.³⁵⁵ Dr Parry said that all four people present at the meeting had missed Senior Constable Paterson's advice that it might be a criminal offence not to report the matter.³⁵⁶ Dr Parry accepted that the fact that four senior members of staff all had access to the email and that they all missed the fact that the email contained advice from Senior Constable Paterson that the matter needed to be reported to the police was 'an extraordinary state of affairs'.³⁵⁷

Dr Hawkes said that he could not recall a copy of the email being brought to any meeting he had with any recipients of the email.³⁵⁸ Dr Hawkes also said that in August 2013 it was his habit to read important emails.³⁵⁹ Dr Hawkes said that, if he had followed his usual practice, he would have read the email.³⁶⁰ After all, it was an email from police.

Dr Hawkes also accepted that the question of people at King's potentially committing a criminal offence by not reporting a matter to the police was an important matter.³⁶¹ Dr Hawkes accepted that Senior Constable Paterson's email made it clear that his advice was that the incident should be reported to the police.³⁶²

Dr Hawkes accepted that King's took no action to make any report in response to this email.³⁶³ Dr Hawkes accepted that he should have read the email.³⁶⁴

Dr Hawkes accepted that the fact that on 22 August 2013 an email containing written advice from the police that the CLC camp incident had to be reported was available to four people in the leadership group of King's and that none of them took any action to report the matter is an extraordinary state of affairs.³⁶⁵ It was a 'catastrophic failure' by King's.³⁶⁶

We are satisfied that Dr Hawkes had access to the email from Senior Constable Paterson dated 22 August 2013.

We are satisfied that no one at King's reported the CLC camp incident to police, contrary to written advice from the police that the matter should be reported. This was a failure in the senior management of King's.

Action taken after receipt of Senior Constable Paterson's email

DFE was given an interim suspension on 23 August 2013.³⁶⁷ Dr Hawkes and Dr Parry met with DFE and his mother on 30 August 2013.³⁶⁸ Following that meeting, DFE was withdrawn from King's.³⁶⁹

Bullying at King's in 2013

Steps taken to address cultural problems

As noted above, CLC experienced episodes of bullying when he returned to the school on 18 August 2013.

Mr Mansfield gave evidence about the systems in place in 2013 to monitor bullying between the students in the boarding house. He said that there were two staff on duty in the evenings.³⁷⁰ He also said he was keeping an eye on the situation through regular contact with CLC and watching the boys identified as bullies.³⁷¹ Mr Mansfield accepted that the school was not receiving information from boys and staff, and he said it was very disappointing that staff and boys were not coming forward to let Mr Mansfield or the school know what had been occurring.³⁷² Mr Mansfield accepted that the fact that no one, aside from CLC and his parents, was coming forward to report the bullying spoke of a serious failure in the systems at King's to identify bullying.³⁷³

Mr Mansfield accepted that, when boys are being bullied, the boy in question cannot be expected or relied on to come forward.³⁷⁴ He agreed that the boy suffering the bullying might show a real reluctance to come forward and make a complaint.³⁷⁵ Mr Mansfield agreed that this means it is critical to have a system that does not rely on the boy himself coming forward to make a complaint.³⁷⁶ Mr Mansfield accepted that the system that King's had in place in relation to CLC failed.³⁷⁷

Mr Mansfield said that the fact that no one apart from CLC came forward to report the bullying of CLC after he returned to the boarding house in August 2013 spoke of a serious failure in the systems at King's to identify bullying.³⁷⁸ Dr Parry said that it was indicative of a serious cultural problem.³⁷⁹ Dr Parry accepted that there was a culture of bullying in the boarding house at that time which was accepted by the boys.³⁸⁰

In his oral evidence, Dr Parry agreed that one of the things that King's tried to achieve within the boarding house was for boys, particularly the older boys, to 'call out' bullying behaviour,³⁸¹ although Dr Parry accepted that no other boys, aside from CLC himself, were coming forward to make written reports about the bullying.³⁸² Dr Parry accepted that this was indicative of a serious cultural problem within the boarding house at the time.³⁸³ Dr Parry accepted that in the boarding house there was a culture of bullying which was accepted by the boys.³⁸⁴

Renaming of the school wi-fi networks

EAE recalled that on 19 September 2013 he received text messages from CLC telling him that students had renamed the school's wi-fi networks 'come wrack' and 'CLC's a cum rag' and that the text 'they come' in Shakespeare's Macbeth had been highlighted on CLC's computer.³⁸⁵

EAE then emailed Dr Parry and informed him that he was 'disgusted that this continues'.³⁸⁶ EAE said he was furious that the bullying had not been stamped out.³⁸⁷

Dr Parry acted immediately in response to this incident by suspending the two boys who were culpable.³⁸⁸

Dr Parry accepted that, aside from the report by CLC's father, he did not receive a report from any other boy in the school about the bullying of CLC.³⁸⁹ He said that, if they had logged on to their computer, every boy in the school would be able to see that the wi-fi networks had been renamed 'CLC's a cum rag' and 'come wrack'.³⁹⁰ Dr Parry accepted that the fact that not a single boy came forward to him to report the conduct spoke of a serious cultural problem at King's at that time.³⁹¹

Dr Hawkes accepted in his evidence that anyone who logged on to their computer might have seen the renamed wi-fi networks and that not one boy came forward to report that bullying.³⁹² However, the evidence of Mr John Taylor, the systems administrator at King's in September 2013, was that the 'ad-hoc wi-fi network' would have been visible to other computers in the vicinity of the broadcasting computer.³⁹³ Mr Taylor estimated this range to be approximately six to eight classrooms, although it was 'possible' that the ad-hoc network was also visible in classrooms on the same building level on the opposite side of the academic precinct.³⁹⁴ A minimum of six to eight classrooms still represents a significant number of students to whom the 'ad-hoc wi-fi network' would have been visible.

Dr Hawkes said that, as at September 2013, there was 'a totally unacceptable state of affairs' in relation to a culture of bullying at King's.³⁹⁵ Both Mr Mansfield and Dr Parry accepted that a bullying culture existed at King's in September 2013 and that culture existed both inside the school and in CLC's boarding house.³⁹⁶

King's made a number of submissions including, first, that the treatment of one student cannot serve as evidence of a 'bullying culture' existing at the school;³⁹⁷ second, the evidence of Mr Taylor, the systems administrator at King's in September 2013, should be preferred to that of Dr Parry and, in his statement to the Royal Commission, Mr Taylor said that the ad hoc network that the two students set up would not have been available to all boys or the whole school;³⁹⁸ and, third, in his submissions Counsel Assisting did not address King's policies and practices to address bullying.³⁹⁹

It is plain from the evidence of Dr Parry and Mr Mansfield that a culture of bullying existed both inside the school and in CLC's boarding house.⁴⁰⁰ The extent to which the network was visible is not of significance. Dr Hawkes 'candidly' admitted that the steps that King's took to deal with the problem of bullying were not effective.⁴⁰¹

We are satisfied that as of 2013 a bullying culture existed at King's both inside the boarding houses and in the school more generally.

Communications with EAG and EAE

On 19 September 2013 at 1.44 pm, Mr Geoff Dornan, the bursar at King's, sent an email to Dr Parry in which he indicated that EAE owed about \$25,000 in school fees for CLC.⁴⁰² He said that EAE would not discuss fees anymore because CLC had been 'bullied, harassed and sexually assaulted'.⁴⁰³ At 2.40 pm that day, Dr Hawkes replied to Mr Dornan's email. In his reply, Dr Hawkes wrote:

Mr EAE should not be allowed to merge the two matters of bullying and non-payment of fees.

He is a bad debtor. Failure to pay his debts should result in the usual sanctions ... including the boy being sent home and him being put into the hands of a collection agent.

...

Furthermore, CLC does not make things easy by behaving in a way that is socially inappropriate and even engaging in bullying himself.⁴⁰⁴

Dr Hawkes accepted that King's owed a duty of care to CLC.⁴⁰⁵ He accepted that parents pay very significant fees in the expectation that King's will exercise that duty.⁴⁰⁶ Dr Hawkes said that he found it difficult to accept EAE's assertion that King's had taken no action.⁴⁰⁷ Dr Hawkes believed that the school had taken strong, principled and immediate action when they heard of the bullying.⁴⁰⁸ When giving evidence Dr Hawkes said that he could now see the connection in EAE's mind between CLC's level of suffering at King's and a concern that the fees were not due, although he did not see that at the time.⁴⁰⁹

Dr Hawkes said that there was nothing which CLC did that could have in any way justified the bullying behaviours he experienced.⁴¹⁰

Meeting on 10 October 2013

On 1 October 2013, EAE sent an email to Dr Hawkes requesting a face-to-face meeting with Dr Hawkes.⁴¹¹ This meeting was scheduled for 10 October 2013.

One of the documents that Dr Hawkes reviewed before the meeting was a letter sent by EAG and EAE to Dr Hawkes.⁴¹² A copy of this document, which was tendered, contained handwritten notes made by Dr Hawkes.⁴¹³ One of those annotations said:

School not informed, therefore it was not able to move on this matter. CLC failed to follow the advice given in the School's anti-bullying policy.⁴¹⁴

Dr Hawkes explained his note by saying that he sensed that EAG and EAE were criticising King's for a failure to respond when, in his mind, the school had not been informed.⁴¹⁵

In his oral evidence, Dr Hawkes was asked to consider whether it was proper to level any blame at CLC for not following the anti-bullying policy. Dr Hawkes responded that the incident occurred in April 2013, but King's did not find out about it until 13 August 2013. He said that the period in between April and August 2013 represented a time of suffering for CLC which could have been avoided if King's had known about the camp incident straight away.⁴¹⁶

Despite his earlier note, Dr Hawkes accepted that boys of CLC's age will often not come forward and volunteer information about events of the kind that occurred at cadet camp.⁴¹⁷ Dr Hawkes accepted that it is not adequate for the school to rely on self-disclosure by boys for events of the kind that occurred at the camp.⁴¹⁸

On 10 October 2013, EAG and EAE met with Dr Hawkes and Mr Chandler. EAE secretly recorded this meeting.⁴¹⁹ A transcript of the recorded meeting was tendered.⁴²⁰ Dr Hawkes did not doubt that the transcript provided an accurate record of the meeting.⁴²¹ At this meeting, EAG and EAE wanted to discuss, among other things, the adequacy of the school's response to the incident at camp and to the bullying which occurred after that incident.⁴²²

At the time of this meeting, Dr Hawkes understood that CLC had experienced 'unconscionable bullying' by boys at King's and that CLC's version of what had occurred at camp was likely to be true.⁴²³ During the meeting on 10 October 2013, Dr Hawkes acknowledged to EAG and EAE the bullying CLC experienced and described the wi-fi incident as 'totally inappropriate'.⁴²⁴

During the meeting, EAE raised with Dr Hawkes a concern that the school counsellor, Mr James, had pulled CLC out of class. EAE said CLC being pulled out of class to see the counsellor made CLC the central focus, which was 'completely the wrong thing to do' and added 'further fuel to the fire'.⁴²⁵

Dr Hawkes accepted that by this time the bullying of CLC had become significant and that a large number of boys would have known why CLC was being pulled out of class.⁴²⁶ Dr Hawkes acknowledged that it would have been far better handled outside of class.⁴²⁷ Dr Hawkes said it was not sensitive of the counsellor to identify CLC in this way.⁴²⁸ Dr Hawkes accepted that, with the benefit of hindsight, this was one aspect in which King's got its response to its knowledge of the bullying wrong, and they could have been far more sensitive.⁴²⁹

Another issue discussed in the meeting was whether the bullying of CLC 'increased' because of the measures taken against DFE and the boys who were responsible for the bullying.⁴³⁰ At one point during the meeting, EAG said to Dr Hawkes:

Ms EAG: And that is the character of CLC, Tim, and this is the boy that walks around the school and has had this going on, and every single time – and thank you for dealing with these boys as you have dealt with them, because they do need to be dealt with. However, you have to understand CLC's reluctance to say anything, because every time someone is disciplined, the bullying increases. He is now getting this wrap sheet: he got DFE expelled; he got [NAME REDACTED] and [NAME REDACTED] suspended; he got the other boys – you know –

...

Ms EAG: – [NAME REDACTED] and whoever to, you know, detention or essays or whatever. He is having all of this piled back on to him from his peers, and this is where it is escalating ...⁴³¹

Dr Hawkes was asked about the strength of the King's response. Dr Hawkes said that the response was not just one of sanctions but also one of increasing the pastoral support given to CLC.⁴³²

In his oral evidence Dr Hawkes accepted that, despite the steps that King's took, a not insignificant number of boys continued to bully CLC.⁴³³ Dr Hawkes accepted that no other students reported that the bullying was happening.⁴³⁴ Dr Hawkes 'candidly' accepted that the steps that King's took were not effective in dealing with the problem in this case.⁴³⁵

Dr Hawkes said that he did not have any contact with CLC throughout the process from when King's became aware of the incident in August 2013 until the time he left the school. Looking back, Dr Hawkes accepted that he should have got involved earlier to speak with CLC and his parents.⁴³⁶

We are satisfied that the measures that King's took to address the bullying of CLC between 13 August 2013 and 16 October 2013 were ineffective.

We are also satisfied that King's did not adequately address EAG and EAE's concerns about the school's response to the bullying of CLC.

CLC was withdrawn from King's on 16 October 2013.⁴³⁷

CLC's experience at St Ignatius' College, Riverview

CLC left King's before the end of the school year in 2013 and he finished year 10 at another school. However, rumours of the incident at camp quickly spread to that school.⁴³⁸ In 2014, he started at Riverview for year 11.⁴³⁹

CLC told us that his experience at Riverview was 'very different' from his experiences at King's.⁴⁴⁰ CLC said that he felt that everyone at Riverview 'was there to help each other'.⁴⁴¹ This was different from CLC's experience at King's, where he felt that 'the focus was on little circles of friends, with no sense of community'.⁴⁴²

On one occasion, a student made fun of CLC and called him 'cum rag', but CLC's friends immediately stood up for him and reported it to staff, who made sure that he was okay. The student later apologised.⁴⁴³

CLC was offered counselling, and he took up that offer and enjoyed his relationship with the school counsellor.⁴⁴⁴ CLC said that, while he was initially hesitant about talking to the school counsellor at Riverview because he did not feel safe talking about what had happened at King's, he eventually opened up to the counsellor and continued to see him throughout his time at Riverview.⁴⁴⁵

EAE said that CLC's experience at Riverview was 'fantastic'.⁴⁴⁶ EAE felt that Riverview put in place strategies to help CLC. EAE felt that he had more contact with Riverview in CLC's two years there than he had with King's during CLC's four years there.⁴⁴⁷ EAE felt that teachers and counsellors at Riverview took a daily interest in CLC and how he was coping.⁴⁴⁸

CLC finished his Higher School Certificate at Riverview, and his last day at the school was in September 2015.⁴⁴⁹

Dr Paul Hine, the principal of Riverview, gave evidence. He commenced as principal at Riverview in 2013. Before this, Dr Hine had taught at a number of different schools since 1979.⁴⁵⁰

Dr Hine said that considerable time was spent selecting the appropriate school house and mentor group within the house for CLC.⁴⁵¹ Dr Hine said that the house system at Riverview has the central responsibility for the day-to-day management of students.⁴⁵² Dr Hine said that some of the support measures Riverview put in place to assist CLC included CLC's house master meeting with CLC and EAE to discuss support strategies and creating safe spots;⁴⁵³ access to the college counsellor, who CLC developed a strong relationship with and who offered appointments during break times, after school or out of class;⁴⁵⁴ notifying CLC's teachers that he may use the services of the counsellor;⁴⁵⁵ developing strategies to manage bullying once the incident at King's became known at Riverview;⁴⁵⁶ and encouraging CLC to speak about the incident at King's with his peers at Riverview to the extent that he felt comfortable.⁴⁵⁷ In addition to his house master and the counsellor, CLC was in regular communication with the director of students.⁴⁵⁸

Dr Hine said that the operational principle at Riverview with CLC, but more generally with bullying, is that everyone who needs to know at a teaching level is made aware of the potential for bullying.⁴⁵⁹ Dr Hine said that the pastoral system at Riverview is built upon the principle of *cura personalis*, developed by the Society of Jesus (the Jesuits, the religious order operating Riverview), and it is a Jesuit way of providing individual care to each student.⁴⁶⁰

Dr Hine was asked whether he believed that the culture and processes at Riverview would effectively manage a problem like the one that CLC experienced at King's.⁴⁶¹ Dr Hine said 'yes', but he could not guarantee it.⁴⁶²

Dr Hine said that acknowledging the issue and being willing to come forward to report it are 'absolutely essential' but in a prosocial living context rather than a responding to bullying context.⁴⁶³ Dr Hine said that Riverview tries to build a sense of community by explaining to students in unambiguous terms what the school stands for and what the student's role is within the community.⁴⁶⁴ Dr Hine said that the culture tries to set up 'living well in community' rather than responding when things go wrong, although he said that you need both.⁴⁶⁵

Dr Hine said that, if something similar to the King's incident happened at Riverview, the role of the counsellor would be as central as the role of disciplinary structures.⁴⁶⁶ Dr Hine said that, if the boy who had been abused continued to suffer in some way despite all of Riverview's best endeavours, it would be 'the clear priority' of the school to implement the processes that were implemented for CLC to protect that child.⁴⁶⁷

We are satisfied that the measures that Riverview implemented in 2014 and 2015 in relation to CLC were more appropriate and successful at preventing bullying of CLC than the measures that King's took between 13 August 2013 and 16 October 2013.

2.5 Systems, policies and procedures at King's

Bullying survey

King's conducts an annual 'bullying survey', where students are invited to provide anonymous accounts which might identify other boys who are involved in bullying behaviour.⁴⁶⁸ Dr Hawkes said that the bullying survey was introduced within approximately five years after his arrival at King's.⁴⁶⁹

Mr Mansfield accepted that the survey itself could be used to bully students.⁴⁷⁰ Mr Mansfield also accepted that measures would need to be put in place to ensure that the survey was not used as a bullying tool.⁴⁷¹

Dr Hawkes said that the bullying survey would be 'sprung upon' a year group so that they would have no chance of collaboration. Dr Hawkes said that in his experience the reliability of the survey in identifying both bullies and victims was 'extraordinarily high'.⁴⁷²

Policies and practices on bullying

In his oral evidence, Dr Parry agreed that one of the things that King's tried to achieve within the boarding house was for boys, particularly the older boys, to 'call out' bullying behaviour.⁴⁷³

In his statement to the Royal Commission, Dr Hawkes outlined King's policies and practices in relation to bullying and child protection.⁴⁷⁴

In his oral evidence, Dr Hawkes identified the steps that King's had taken to deal with the bullying of CLC, including removing the student who caused the harm, suspending students for the wi-fi incident, granting CLC pastoral leave, arranging pastoral care by the school counsellor and putting minders in place at the school, including the school captain, the house captain and the house patron.⁴⁷⁵ Dr Hawkes stated that these measures did not work to stop further bullying, but he said that King's was not idle and took appropriate measures to stop the bullying.⁴⁷⁶

Dr Hawkes also identified the steps that King's took to remedy the cultural problems with bullying between September 2013 and October 2016 (at the time of the public hearing). These included the following:⁴⁷⁷

- Addresses are made to the school assemblies and fortnightly newsletters are distributed.
- King's has introduced a personal development program called the Learning Leadership Series.
- An eSmart Policy has been introduced to encourage the appropriate use of the internet and behaviour in the cyber world.
- Dr Hawkes said that more students have been expelled for bullying than for any other cause.
- Dr Hawkes has been assisted by the school council, which supports his initiatives to grow a new culture.
- The bullying survey had been expanded to cover a broader element of student wellbeing, reflected in its new title, 'the Wellbeing Survey'.
- A student support committee has been established, which is chaired by the school chaplain. It provides extra care for students who are experiencing difficulties.

Dr Hawkes said that a large number of initiatives in relation to bullying were undertaken between 1998 and 2013.⁴⁷⁸ Dr Hawkes did not give details of those initiatives; however, in his statement to the Royal Commission, Dr Hawkes says that King's implemented a bullying policy in 1999.⁴⁷⁹ Dr Hawkes accepted that those initiatives had not worked in CLC's case.⁴⁸⁰

Detective Sergeant Munro's evidence in relation to King's conducting its own investigations

Detective Sergeant Munro, an officer of NSW Police and presently with the Child Abuse Squad, gave evidence at the public hearing. Between August 2013 and November 2014, Detective Sergeant Munro was a team leader at the Parramatta office of the Child Abuse Squad.

In his statement to the Royal Commission, Detective Sergeant Munro was critical of the investigation of the incident involving CLC that King's carried out.⁴⁸¹ He said that, during his conversations with Dr Hawkes and Dr Parry in 2014, he reminded them that:

we as Police have the responsibility to investigate criminal offences and that they should not take it upon themselves to conduct such investigations. I further reminded them that they should report matters at the first available opportunity to avoid any similar situation in the future. Since my dealings with the school, I have been called by the King's School for advice on a number of other matters.⁴⁸²

Detective Sergeant Munro gave evidence that the police and the Child Abuse Squad do not approve of schools conducting investigations where there might be criminal activity.⁴⁸³ Detective Sergeant Munro said that in the mid-1990s police created a model which reflects the necessity of trying to interview children and young persons on one occasion only to minimise the harm and to improve the accuracy of the evidence that they give.⁴⁸⁴

Detective Sergeant Munro said that one of the witnesses at the cadet camp was interviewed on two occasions by three senior members of staff at King's, which he considered 'completely inappropriate'.⁴⁸⁵ He said that the police are there to conduct criminal investigations and that this is not the job of teachers.⁴⁸⁶ Detective Sergeant Munro said that officers in his squad receive training about how to interview witnesses and young people who make complaints about harmful or problematic sexual behaviours or child sexual abuse.⁴⁸⁷ He said that this training equips the police to conduct interviews in a potentially better way than they might be conducted if schools conduct the investigations.⁴⁸⁸

2.6 The experiences of other former King's students

As part of our case study, we also heard evidence from two former King's students, Mr John Williams and CLG. These men provided historical accounts of problematic or harmful sexual behaviour which they experienced during their time at King's in the 1960s and the 1970s.

Mr John Williams

Mr Williams gave evidence at the public hearing. Mr Williams said he was excited to go to King's, as his father and brother had both attended the school. Mr Williams said that he wanted to make his father proud.⁴⁸⁹

Mr Williams started as a year 7 boarder in 1965. He said that he was surprised by how hierarchical King's was, with boys in year 12 being called 'sir'⁴⁹⁰ and with younger students being punished and ordered around.⁴⁹¹ Mr Williams was subjected to rituals performed by older boys, including 'socking', or being tied to a tree, and having your 'balls' blackened with raven oil.⁴⁹² 'Socking' involved the year 12 boys getting 'a tennis shoe and stuff[ing] it with socks and belt[ing] you 6 times across the ass'.⁴⁹³

In March 1965, Mr Williams' brother passed away in a motor vehicle accident. Mr Williams returned to school after the funeral.⁴⁹⁴ He said that no one talked to him about it.⁴⁹⁵ In April 1965, CLI, a year 12 student, approached Mr Williams and told him that he had known his brother.⁴⁹⁶ CLI told Mr Williams to follow him to his room. Inside CLI's room, CLI started masturbating.⁴⁹⁷ CLI then masturbated Mr Williams. CLI instructed Mr Williams to masturbate CLI. CLI told Mr Williams his brother had done this too.⁴⁹⁸

Mr Williams said that the sexual abuse by CLI continued until September 1965.⁴⁹⁹ Mr Williams said that CLI did things which suggested he wanted to have sex, but Mr Williams avoided doing so.⁵⁰⁰ Mr Williams became increasingly scared of CLI. CLI told Mr Williams that he could not tell anyone about the abuse. Mr Williams felt he 'owed' CLI because he thought CLI was his friend and because CLI was telling him about his brother.⁵⁰¹ Mr Williams said he was aware that CLI abused other boys who left King's.⁵⁰²

Mr Williams said that, in August or September 1965, Mr Tommy Cuff, a house master at King's, announced that no one was to go near CLI.⁵⁰³ The abuse stopped. CLI left the school at the end of the year.⁵⁰⁴

Mr Williams recalled that when he went home over summer he was unable to discuss the abuse with his parents because he thought that he had done something bad and felt guilty.⁵⁰⁵ When he returned to King's in 1966, he felt like everyone knew what had happened to him.⁵⁰⁶ Mr Williams said he became uncomfortable in closed rooms, his grades fell and he lost interest in team sport.⁵⁰⁷

In 1968, Mr Williams started to have suicidal thoughts, and his father noticed that something was wrong.⁵⁰⁸ His father approached the headmaster, Mr Stanley Kurrle, but Mr Kurrle said he did not have time to speak with him.⁵⁰⁹ Mr Williams' father pulled him out of King's and he went to another school.

In 1974, at the age of 22, Mr Williams told his father about what had happened with CLI. Mr Williams said that his father told him that he suspected so and that he suspected that was why Mr Kurrle had not spoken with him in 1968.⁵¹⁰ His father pulled a handgun out of the drawer and said that he would 'shoot them all'. Mr William's mother ran in and made Mr Williams tell his father that he had not been abused. Mr Williams said that, once his father had calmed down, he reassured his parents that he had not been abused but, rather, it was something that happened at King's.⁵¹¹ Mr Williams and his father did not speak about it again.⁵¹²

In around 1987, Mr Williams said that his mother showed him a letter from a house master at King's, written in 1956. Mr Williams said that the letter disclosed the house master's view that Mr Williams' older brother, who would have been nine years old in 1956, had 'homosexual tendencies'.⁵¹³ Mr Williams responded by saying that he thought that the house master was making excuses for having sexually abused his brother. Mr Williams said that his mother replied that she thought the same thing when she received the letter.⁵¹⁴ Mr Williams said that his mother, who was sick at the time, asked him whether anything had happened to him at King's. Mr Williams said that he 'didn't want to make her die sooner by telling her the truth'.⁵¹⁵

In 2002, Mr Williams disclosed the abuse to King's in a meeting with Dr Hawkes, who was then the headmaster of King's.⁵¹⁶ Mr Williams said that Dr Hawkes said he understood what had happened to him when he was at school. Mr Williams said that Dr Hawkes was concerned about the story being made public and negatively impacting on the school's image.⁵¹⁷ Mr Williams gave evidence that Dr Hawkes also talked about the school not having any money to help Mr Williams. In his oral evidence, Dr Hawkes denied these allegations.⁵¹⁸

In November 2002, Mr Williams engaged a lawyer and met with the King's bursar, Mr Lee, and Dr Hawkes for a second time. Mr Williams said that he was told that they would do everything to help him and put things in place so it would never happen again.⁵¹⁹

Although Mr Williams was initially optimistic that he would be able to run a civil case against the school, he was later informed by his lawyer that it would not be possible.⁵²⁰ In 2003, Mr Williams reported the abuse at Waverley police station. Seven years later, Mr Williams attended Waverley police station again.⁵²¹ In late 2015, Mr Williams engaged a solicitor and is considering commencing civil proceedings.

Mr Williams explained the impact the abuse has had on his life, including years of consultations with psychiatrists, using a range of medications, a sleeping pill overdose in 1971 and not being able to sit in a closed room until 1999. Mr Williams said that he was traumatised by sex and, while he is heterosexual, he said that his 'sexual contact with women has been splintered by the abuse'. Mr Williams has used writing, poetry, painting and music to express some of the things which he had experienced.⁵²²

CLG

CLG, a former student at King's, gave evidence at the public hearing.⁵²³ Prior to his enrolment, he believed that going to King's was a privilege. He saw himself as continuing the family legacy, as both his father and grandfather attended King's.⁵²⁴

CLG commenced at King's in January 1972 as a year 7 boarder.⁵²⁵ On his first weekend at the school, CLG was pushed off a wooden bench and then punched in the face by an older boy.⁵²⁶

'A week or two later', CLG was sexually abused by this same boy. The older boy was naked on his dorm bed reading a pornography magazine and masturbating.⁵²⁷ CLG said, 'I will never forget how shocked I was. I had never seen a man's erection before and I froze'. CLG said that the older boy would not let him leave until he had finished masturbating.⁵²⁸ The older boy told CLG that CLG was 'gay, a poofter' and that if he told anyone the older boy would 'beat the shit out of [CLG]'.⁵²⁹ CLG then 'made [the older boy's] bed, cleaned his and other senior boys [sic] shoes, cleaned their military brass, spit and polished their parade boots, vacuumed their rooms, and ran their errands. I was a frat, I was his frat'.⁵³⁰

CLG said that the older boy found him '[o]nly hours after [the older boy] had wiped his semen off his [own] chest' and punched CLG to ensure he did not say anything to anyone.⁵³¹ CLG described this incident as 'a warning and a gay bashing'. CLG said that this was the first of a number of cruel acts of physical abuse, such as ear slapping, nipple twisting, ball grabbing and blackballing. The latter involved having black boot polish applied to the testicles.⁵³²

On another occasion during first term in 1972, CLG said he was walking along the Bishop Barker track when he was ambushed by the same older boy as well as three or four other boys.⁵³³ CLG was pushed into the bush and covered in mud. CLG was held down and mud and sticks were pushed into his shorts and underwear. CLG was then rolled over and the older boy inserted his 'muddy thumb' into CLG's anus. Throughout this incident the older boys called CLG a 'faggot'.⁵³⁴

CLG described other assaults. He said he had been left in the drying room while tied naked to a chain wire cage⁵³⁵ and tied naked to a tree during a water fight.⁵³⁶ CLG said that he developed priapism – 'spontaneous erections'. He described an occasion where other students discovered this. They stripped CLG naked, tied him to a beam in the showers and then made CLG have a cold shower while having an erection.⁵³⁷ Other boys then showed CLG pornography to keep his erection up.⁵³⁸

CLG also described a number of serious incidents of physical assault, committed by other students, that he experienced during his time at King's.⁵³⁹ CLG said that he had experienced so much humiliation by that point that he had a breakdown.⁵⁴⁰ He attempted to commit suicide.⁵⁴¹

CLG said that he did not feel like he could tell any of the teachers or boarding masters about what had happened to him because of repercussions from the other students. He also did not think he could tell the chaplain or his parents because he felt ashamed.⁵⁴² CLG left King's on 17 November 1977.

CLG told the Royal Commission that the impacts of the abuse include post-traumatic stress disorder, nightmares, panic attacks, depression, flashbacks, self-loathing, addiction, and feelings of hopelessness and abandonment. CLG has been on suicide watch several times.⁵⁴³

In or around 2012 or 2013, CLG approached King's for his school records because he wanted information relating to his time at King's – for example, academic or boarding records, or correspondence between the school and his parents.⁵⁴⁴ CLG said that the secretary to the bursar told him that he was not able to have them.⁵⁴⁵ CLG also said that the bursar's office told him that if he wanted to get those records he should bring a very good lawyer.⁵⁴⁶ CLG said that he was not well enough to take on the fight.⁵⁴⁷

Historical incidents of problematic or harmful sexual behaviours at King's

Dr Hawkes gave evidence that the culture within the boarding house at King's used to be very hierarchical.⁵⁴⁸ He said that there was evidence to support the truth of the horrific accounts that CLG and Mr Williams gave.⁵⁴⁹ Dr Hawkes said that he inherited a fairly hierarchical school, but he has made structural changes at King's and created a values system which was more congenial and closer to what he wants.⁵⁵⁰

Mr Mansfield said that the boarding houses at King's in 2016 do not have a hierarchical environment. Year 12 boys do not order boys in earlier years to perform tasks and they are not called 'sir'.⁵⁵¹

During his oral evidence, the following exchange took place between Counsel Assisting and Dr Parry:

Q. Could I just read to you a sentence from [CLG]'s evidence...:

The King's institution was a broken system of tradition and heritage where as in making leaders of tomorrow, they allowed the mob (the senior boys) to rule. The school itself had very little if no power over the boys in the 1970s.

You were probably here when he gave that evidence this morning?

A. I was not. May I explain why I wasn't?

Q. Certainly.

A. I was a boy myself at the school at that time and I would have found that too distressing.

...

Q. Do you think, having regard to your experience and having regard to the evidence that you are aware this Commission has heard about the way the boys in the school managed the bullying of [CLC], that there might be parents who could legitimately think that those observations [CLG] made about the school in the 1970s might still apply?

A. I don't – I don't. There have certainly been some examples here that have been dreadful, but the general tone of the school is a very, very different school to the school that I attended too [sic] in the 1970s.

Q. But this problem that [CLG] identifies of the school itself having very little, if no, power over the boys in the 1970s, that's the very thing that occurred in relation to the attempts to control those who were bullying [CLC], isn't it?

A. In – certainly, that is correct. It was a grand scale, virtually, in certainly the '60s and the '70s.⁵⁵²

In our final report, we discuss 'sexualised bullying', which we define as sexual abuse in the context of bullying, degrading or humiliating treatment.

3 Shalom Christian College

3.1 Summary

Shalom Christian College (Shalom) is a school in Condon, Queensland, operated by the Uniting Church in Australia Property Trust (Q). The school caters for both day students and boarders, from primary school to year 12. Shalom's boarders come from regional and remote Indigenous communities across Queensland, the Torres Strait Islands, the Northern Territory and Western Australia. As at February 2016, there were 346 students at Shalom Christian College, from primary school to year 12, and 136 students were boarders.

The focus of the Royal Commission's examination of Shalom in this case study was on the institutional response to a disclosure in March 2006 by CLF, a 14-year-old female student of the school, that she had been sexually assaulted on school grounds by a group of male students. There was also evidence concerning Shalom's response to an earlier incident involving CLF in February 2006.

CLF did not give evidence. However, we heard from CLF's parents, EAL and EAM, about their experiences of the way that the school had handled CLF's disclosure.

On 13 April 2011, three of the boys involved in the assault of CLF – DFM, DFL and DFK – were acquitted of rape and found guilty of the alternative charge of indecent treatment of a child under 16. They were each released on 18-month good behaviour bonds, with no convictions recorded.

Governance

Shalom was established in 1992. It was acquired by The Uniting Church in Australia Property Trust (Q) in September 2013. The Uniting Church in Australia Property Trust (Q) is recognised by the Queensland Non-State Schools Accreditation Board (NSSAB) as the overarching governance body of Shalom. The Queensland Synod of the Uniting Church instructs the Uniting Church in Australia Property Trust (Q). The Synod Standing Committee approves the constitution by which Shalom is governed and appoints the chairman as well as the board members.

The principal is responsible for the day-to-day management of Shalom. Mr Christopher Shirley was the principal from 2003 to 2008. Mr Christopher England is the current principal.

Shalom's response to problematic or harmful sexual behaviour by students

23 February 2006 sexual assault on CLF

On about 1 March 2006, the principal, Mr Shirley, was given the 'Child Protection Form' and 'Incident Report' containing details of the allegations that a male student at Shalom had sexually assaulted CLF on 23 February 2006.

As a consequence, Mr Shirley knew of CLF's allegation that a male student at the school had sexually assaulted her on 23 February 2006.

We make the following findings on Shalom's response to the incident on 23 February 2006:

- The Queensland Police Service / Juvenile Aid Bureau (JAB) and the Department of Child Safety (Child Safety) have no record of any notification about the incident.
- The copy of the Child Protection Form in evidence does not contain a note of the matters Mr Shirley would usually record when a notification is made.
- The Shalom Child Protection Incident Register recorded the matter as 'inappropriate behaviour' rather than 'sexual abuse' and recorded no notifications to Child Safety Office or JAB.
- CLF's parents, EAM and EAL, gave unchallenged evidence that they were not notified of the incident.
- Mr Shirley did not report CLF's allegations that she had been sexually assaulted on 23 February 2006 to the Child Safety Office or the police/JAB. He should have.
- Shalom did not notify CLF's parents about CLF's allegations of sexual assault on 23 February 2006. They should have been notified as soon as Shalom was aware of the allegation.
- Mr Shirley did not report the 23 February 2006 incident to the school counsellor. He was required to do so in the performance of his duties.
- Shalom did not take any action in response to CLF's allegation that she was sexually assaulted on 23 February 2006. It follows that Shalom's inaction exposed CLF to the risk of further sexual assaults while at school.

23 March 2006 sexual assault on CLF

On the night of 23 March 2006, CLF said that she was sexually assaulted on school grounds by four male students. The boys involved were between 15 and 17 years old.

It is clear from the evidence that, as at 28 March 2006, the following information about CLF was known to various individuals at Shalom:

- Between 15 February 2006 and 24 March 2006, CLF presented to the nurse at the sick bay in the Health and Wellbeing Centre at Shalom on 11 occasions with a range of different complaints.
- By 1 March 2006, the Shalom Child Protection Incident Register recorded an incident of 'inappropriate behaviour concerning CLF'.
- On the night of 23 March 2006, CLF and other various students were absent from the boarding house.
- On 24 March 2006, CLF disclosed to a teacher she did not feel safe at school.
- On 27 March 2006, CLF reported to a teacher that she was being bullied.
- On 28 March 2006, CLF disclosed the sexual assault of 23 March 2006 to the head of boarding and a house parent. CLF told them that on 24 March 2006 she had told a sexual health worker about the sexual assault.
- On 28 March 2006, the school principal, Mr Shirley, and the school counsellor, Ms Amy Bridson (nee Benjamin), were made aware of the contents of a file note by the head of boarding which contained details of CLF's disclosure to him and a house parent of a sexual assault on 23 March 2006.

It is also clear on the evidence that on 24 March 2006 CLF self-referred to the Queensland Sexual Health Clinic, which was visiting Shalom, and complained of abdominal pain. CLF was tested for sexually transmitted infections.

We are satisfied that there was no system in place available to various staff members at Shalom which would ensure a coordinated approach to responding to information relating to CLF. There were no systems in place to communicate to relevant staff members that CLF was a vulnerable student.

Mr Shirley said that he believed he made a notification concerning the 23 March 2006 sexual assault on CLF to the Child Safety Office on 29 March 2006. A record made by the Queensland Police Service dated 29 March 2006 records that the Child Safety Office reported to the Queensland Police Service an incident involving CLF at Shalom on 23 March 2006.

The report from the Child Safety Office to the police, as recorded by police, did not disclose non-consensual or forced sexual activity. Instead, it suggested that the incidents were consensual and that CLF's account may be unreliable.

There are no contemporaneous records which contradict the account recorded in the police note. There is no reason why the Child Safety Office would provide inaccurate information to the police. Mr Shirley denied that he had told the Child Safety Office some but not all of the matters referred to in the note. However, we are not persuaded that the note is inaccurate.

We do not know whether a psychologist with appropriate specialised training was available in Townsville. However, it would reflect a serious lack of necessary resources in that community if an appropriate professional person could not readily be accessed. Whatever the position, in the days following CLF's disclosure and until her parents arrived at the school on 2 April 2006, CLF was in the care of the school. Aside from one day spent at the Health and Wellbeing Centre at Shalom on 29 March 2006, CLF did not receive any counselling from the Health and Wellbeing Centre, any other staff members at Shalom or external service providers on 30 March 2006 or 1 April 2006. Although CLF did have contact with Ms Bridson on 31 March 2006, no counselling was provided at that time. We accept that the effect of the evidence of both Ms Bridson and Mr Shirley is that the school should have done more to secure resources to assist CLF after her disclosure.

We are satisfied that, in the period after they were notified of the sexual assault on CLF, CLF's parents, EAM and EAL, feel that staff at Shalom did not give them sufficient support. Ms Bridson is of the same view.

We are satisfied that Shalom should have sufficient resources and funding to maintain a safe environment for the students.

3.2 History and background

Establishment and history

Shalom was established in 1992 by the Congress Community Development Education Unit Limited (CCDEU) – a company limited by guarantee that was established by the Uniting Aboriginal and Islander Christian Congress (UAICC).

The UAICC is an Indigenous Christian organisation that shares a covenantal relationship with the Uniting Church in Australia (nationally). Its regional council in Queensland is the Calvary Presbytery. The Calvary Presbytery were initially responsible for appointing the board of directors for CCDEU in 1989.

Before September 2013, Shalom was owned and operated by CCDEU. However, in August 2012, CCDEU entered into voluntary administration. During the period of administration the school operated under the instruction of Deloitte Touche Tohmatsu (the Administrators). The Uniting Church in Australia Property Trust (Q) assumed responsibility for the school and its debt in 2013.⁵⁵³

The school caters for both day students and boarders, from primary school to year 12. As at February 2016, there were 346 students at Shalom from primary school to year 12, 136 of whom were boarders.⁵⁵⁴ Shalom's boarders come from regional and remote Indigenous communities across Queensland, the Torres Strait Islands, the Northern Territory and Western Australia.⁵⁵⁵ As a result, the student population encompasses 30 different language groups, and approximately 40 per cent of students require full English as a Second Language support.⁵⁵⁶

Governance

Under the *Uniting Church in Australia Act 1977* (Qld), the Uniting Church in Australia Property Trust (Q) is the legal entity of the Uniting Church in Queensland and is recognised by the Queensland NSSAB as the overarching governing body of Shalom. The Queensland Synod of the Uniting Church in Australia is responsible for decisions concerning schools and instructing the Uniting Church in Australia Property Trust (Q).⁵⁵⁷

The Synod Standing Committee approves the constitution by which Shalom is governed and appoints the chairman as well as the board members. At the time of the public hearing the board comprised eight members, three of whom identify as Aboriginal or Torres Strait Islander.⁵⁵⁸

In 2006, the time of the events examined in this case study, Mr Shayne Francis Blackman was the chairman of the board of Shalom.⁵⁵⁹

The principal is responsible for the day-to-day management of Shalom.⁵⁶⁰ Mr Shirley was the principal from 2003 to 2008.⁵⁶¹ Mr England is the current principal.

Shalom in 2006

Mr Shirley, the principal from 2003 to 2008, said that students were enrolled at Shalom as day students (all primary students and a minority of secondary students) and as boarders. He said the boarders predominantly came from Palm Island; most Cape York communities, including Yarrabah and Mossman; most islands in Torres Strait; and the Northern Territory, including Bagot community in Darwin and remote communities in Arnhem Land.⁵⁶²

Mr Shirley told the Royal Commission that the student body at Shalom had a range of issues that required management by the staff.⁵⁶³ He said that he had not had to deal with such a 'range, complexity or spread' of issues across a student body in his previous experience.⁵⁶⁴ Mr Shirley believed that a majority of students had suffered sexual abuse before arriving at the school.⁵⁶⁵ He said that the number of child protection reports he made each year at Shalom was equal to the number of reports he made over 20 years elsewhere.⁵⁶⁶ With respect to Mr Shirley's time at Shalom, these reports included incidents that occurred outside of the school.⁵⁶⁷

In 2006 the assistant principal – pastoral care was Ms Cassandra Hindmarsh (nee Oxenburgh). At the time of the public hearing, Ms Hindmarsh had held that position since 2005. In August 2013 her title changed to deputy principal – pastoral care.⁵⁶⁸

Ms Bridson was the sole school counsellor at Shalom from the commencement of her employment in 2003 until she left in 2008.⁵⁶⁹ Ms Bridson returned to Shalom in 2013.⁵⁷⁰ At the time of the public hearing she was employed as one of several school counsellors. As clinical services coordinator, she also has additional responsibilities in overseeing the case management and intake procedures within the Health and Wellbeing Centre.⁵⁷¹

The head of boarding at Shalom in 2006 was Mr Chris Adebahr.⁵⁷²

The Health and Wellbeing Centre

Shalom has a Health and Wellbeing Centre which was established in 2003.⁵⁷³ In 2006 the centre offered culturally informed medical and counselling services and devised health promotion materials for staff and students.⁵⁷⁴ It continues to offer those services. The centre's purpose is to support and address students' physical, social and emotional wellbeing upon enrolment and for the duration of their time at the school.⁵⁷⁵

In 2006, the centre was staffed by a part-time registered nurse, community liaison officers (Aboriginal and Torres Strait Islanders from remote communities) and a chaplain. Ms Bridson was the sole counsellor.⁵⁷⁶

Ms Bridson said that between 2003 and 2008 she utilised the cultural expertise of Shalom's community liaison officers. Ms Bridson was employed full time. When Ms Bridson took periods of leave from Shalom, there was no counsellor on the school grounds.⁵⁷⁷ Mr Shirley's evidence was that students would be referred offsite to agencies outside of the school if a student wanted to see a counsellor or psychologist when Ms Bridson was away or if a student had complex needs.⁵⁷⁸

Mr Shirley agreed that, given the particular needs of the student body at Shalom, it was not sufficient to have just one counsellor.⁵⁷⁹ Mr Shirley said that he 'regularly' raised this problem with the school board who, he said, were concerned but who also gave a 'clear message' that there were no additional resources available. Mr Shirley explained that 'we had to ... use our education dollars to provide for health and wellbeing'.⁵⁸⁰

A variety of clinics from visiting external health services were run from the centre.⁵⁸¹ One such clinic was a Queensland Health Sexual Health Clinic, which came to the centre once a week.⁵⁸²

Ms Bridson said that there was 'limited sharing' of information between staff at the centre and the visiting Queensland Sexual Health Clinic.⁵⁸³ Ms Bridson's evidence was that sharing of information occurred for child protection matters.⁵⁸⁴ In child protection matters, sexual health clinicians had a responsibility to report students' disclosures to appropriate authorities.⁵⁸⁵ Ms Bridson believed there was also a requirement for sexual health clinicians to inform the school principal in those circumstances.⁵⁸⁶

For matters which did not need to be disclosed to authorities but which raised concerns, Ms Bridson was not certain that there was an information-sharing system between the school and the Queensland Sexual Health Clinic beyond the sexual health clinicians referring the student to appropriate services, including to Ms Bridson.⁵⁸⁷

The Shalom Child Protection Policy

Ms Bridson said that in or about 2004 a Child Protection Policy was introduced at Shalom. It related to identifying, responding to and reporting cases involving child physical, sexual, emotional abuse and neglect.⁵⁸⁸

Ms Bridson told the Royal Commission⁵⁸⁹ that the Child Protection Policy was brought about in line with new child protection legislation that had come into effect.⁵⁹⁰

In 2006, the Child Protection Policy was still in effect. The Child Protection Policy appears to contemplate criminal conduct by an adult towards a child but not between children.⁵⁹¹ It provided:

Criminal Law:

Where there are allegations of criminal misconduct, allegations should be referred to the Police. The principal must refer all allegations of paedophilia to the police ...⁵⁹²

The Child Protection Policy set out the reporting requirements by reference to the 'action required' for incidents of harm or inappropriate behaviour or sexual abuse. Each of these categories reflected the requirements of the relevant Queensland legislation in force at the time.⁵⁹³

The Child Protection Policy appears to only contemplate incidents of 'inappropriate behaviour' and 'sexual abuse' as being perpetrated by a staff member. The Child Protection Policy required the principal to report incidents of sexual abuse to the relevant state authorities. In cases of incidents of inappropriate behaviour, the principal was to 'take action on the basis of the report'.⁵⁹⁴ In respect of incidents of 'harm', the Child Protection Policy stipulates that there was an obligation to report to the relevant state authorities if 'harm has been caused by anyone to a student'.⁵⁹⁵

Ms Bridson told the Royal Commission:

whilst the [Shalom] policies do not refer to child to child sexual abuse, if an instance of that occurred I deal with it in the same way as if that abuse was carried out by an adult. The fact that it might have been caused by another student does not lessen the seriousness of it.⁵⁹⁶

Ms Bridson said that it has always been Shalom's practice that if there is any suggestion of sexual abuse or child protection issues then, regardless of the age or identity of the alleged perpetrator, 'the matter would be reported to the principal in writing immediately'. She said:

all reasonable suspicions of harm, physical abuse, emotional abuse, sexual abuse or neglect are documented by the staff member who has become aware of the harm or abuse, on the 'Report of Suspected Harm or Sexual Abuse Form', as prescribed in the Child Protection Policy.⁵⁹⁷

The Report of Suspected Harm or Sexual Abuse Form was then immediately given to the principal or a member of the Shalom board.⁵⁹⁸ Mr Shirley's evidence was that staff reports of sexual assaults or sexualised behaviour would eventually get to him.⁵⁹⁹

Ms Bridson said that the principal 'upon receiving the report refers the matter to the police and/or Child Safety, as determined by the Child Protection Policy', so that those authorities then take such action as they consider appropriate.⁶⁰⁰

Child protection incident reports were kept on a file maintained by the principal.⁶⁰¹ In her statement to the Royal Commission Ms Hindmarsh, deputy principal – pastoral care, said that when she started at Shalom the principal (Mr Shirley at the relevant time) maintained a Child Protection Incident Register and that this still occurs.⁶⁰²

Ms Bridson's evidence was that child protection incident reports were confidential. The person who made the report was not to discuss it with anyone except the principal. If members of staff had other information which might go to the wellbeing of a student, it could be reported to the counsellor through the school's referral system.⁶⁰³

Ms Bridson said that she and Mr Shirley attended training on new child protection legislation in 2004. Mr Shirley trained the other staff.⁶⁰⁴ Ms Bridson said that she also provided training to some staff members during or before 2006 and that she stressed that they should 'over-report' rather than under-report.⁶⁰⁵

Mr Shirley gave evidence that Shalom had a high staff turnover. This meant that training could not be built on over time with the same personnel.⁶⁰⁶ Ms Bridson agreed that there was a problem in 2006 with at least some staff not reporting when required and that staff were often confused as to what conduct was reportable.⁶⁰⁷

3.3 The experience of CLF

CLF started as a student at Shalom at the beginning of the 2006 school year.⁶⁰⁸

On the night of 23 March 2006, CLF said that she was sexually assaulted on school grounds by four male students. The boys involved were between 15 and 17 years old.⁶⁰⁹

The incident was reported to the Queensland Police Service on 29 March 2006 by Child Safety.

CLF's parents withdrew her from Shalom in early April 2006. She had been at Shalom for about eight weeks.⁶¹⁰

On 13 April 2011, three of the boys involved in the assault – DFM, DFL and DFK – were acquitted of rape and found guilty of the alternative charge of indecent treatment of a child under 16.⁶¹¹ They were each released on 18-month good behaviour bonds, with no convictions recorded.⁶¹²

3.4 The experiences of EAL and EAM, CLF's parents

The Royal Commission heard evidence from CLF's parents, EAL (her mother) and EAM (her father), about the school's response to their daughter's sexual assault. CLF did not give evidence.

EAL

EAL told us that her family comes from a small Aboriginal community in Queensland.⁶¹³ When CLF was 14 years old, she said she wanted to go to Shalom.⁶¹⁴ EAL thought that Shalom would provide a good education and, being an Indigenous school, would be more culturally appropriate for her daughter than other boarding schools.⁶¹⁵ CLF was enrolled to start in term 1, 2006, in year 10.⁶¹⁶ The family received financial assistance for CLF to attend Shalom through Abstudy.⁶¹⁷

EAL accompanied CLF to Townsville in late January 2006, just before the school year started.⁶¹⁸ They stayed one night at a hotel in Townsville. The next morning a house parent from Shalom came to pick up CLF. EAL's evidence was that she was getting ready to come along when the house parent said, 'oh, no, we just pick up the student and take them back'. EAL thought it was strange that she was not invited to go along to the school but did not question it, as she thought it was the school's policy. EAL said she did not receive an orientation to the school or meet the principal and teachers.⁶¹⁹

EAL gave evidence that in March 2006 she received a telephone call from the 'head of the dorms' at Shalom, who told her that CLF had been sexually assaulted.⁶²⁰ When EAL queried this, he said, 'CLF has been raped'. EAL's recollection was that this staff member also said that he had heard some of the boys in the dorms talking about what had happened to CLF.⁶²¹

EAL's evidence was that Mr Shirley, who was then the principal of Shalom, called her shortly after and introduced himself.⁶²² EAL's recollection was that Mr Shirley said, 'I have CLF here with me. Are you aware of what has happened to her?', and she replied, 'Yes, I am and I want to speak to my daughter'.⁶²³ Mr Shirley put CLF on the phone and CLF told her, 'Mum, I have been raped'. EAL believed that CLF was not able to speak freely, as Mr Shirley was still in the room.⁶²⁴

EAL's evidence is that, when Mr Shirley came back onto the phone, he 'didn't say too much'.⁶²⁵ He confirmed that CLF had seen a nurse or a guidance counsellor.⁶²⁶ EAL's evidence was that she 'didn't feel comfortable with Mr Shirley'. His 'tone was very short' and he did not give her any specific details around what happened.⁶²⁷

For EAL, it was 'horrible knowing that she [CLF] was alone and in pain and we were so far away'.⁶²⁸ To get to Townsville, EAL gave evidence that they had to drive to Brisbane, where Abstudy organised their flights and accommodation. EAL said when they arrived in Townsville they called Mr Shirley and arranged to have a meeting with him and collect CLF from Shalom.⁶²⁹

EAL's evidence was that:

nothing could have prepared EAM and I for what we saw when we pulled up in a taxi at the gates of Shalom on about 2 April 2006. It was disgusting. The grounds, the buildings and the classrooms were in a shocking state.⁶³⁰

She said that the grass had overgrown to hip height, the drains had rubbish floating in them and the classrooms were run down with graffiti everywhere.⁶³¹ EAL's evidence was that she would never have let CLF stay at the school if she had seen it like that on the first day.⁶³²

EAL and her husband attended a meeting with Mr Shirley in his office. EAL's evidence was that Mr Shirley was 'trying to paint a bad picture of my daughter'.⁶³³ EAL's evidence was that Mr Shirley said, 'There have been stories going around about CLF offering sexual favours to boys' and that CLF was 'trying to get a boyfriend' or 'had a boyfriend'.⁶³⁴ She said that after the meeting it dawned on EAL that she and her husband had never previously received a call from the school about any behaviour of concern, either by CLF or towards her.⁶³⁵ Her evidence was that 'The way that Shirley was talking led us to believe that there had been incidents of concern before she was assaulted. We had the right to know these things'.⁶³⁶

It was EAL's recollection that Mr Shirley confirmed that the police were involved and had been to the school a couple of days after the incident in March 2006. EAL's understanding was that the police had been at Shalom in relation to another matter and then heard about what had happened to CLF.⁶³⁷

EAL felt that Mr Shirley was trying to persuade them to not go through with charges. Mr Shirley said that the boys who had assaulted CLF 'were from very influential indigenous families in Townsville'.⁶³⁸ EAL also gave evidence that Mr Shirley did not offer any assistance in regard to CLF's education and there was no offer of counselling or to see a psychologist.⁶³⁹

After the meeting with Mr Shirley, EAL went to the girls' dormitory to collect CLF. EAL's impression when walking into the girls' dormitory was that it 'was like walking into a prison'.⁶⁴⁰ One thing that really concerned her was the lack of security. The girls' dormitory was on low ground with 'no protection'.⁶⁴¹

When EAL finally saw CLF, she was 'overcome with emotion'⁶⁴² and she could see that CLF was scared.⁶⁴³ CLF told her that she had spoken to the school guidance counsellor and then was taken to Mr Shirley, who said to CLF, 'You shouldn't go forward with this case'.⁶⁴⁴ CLF also told EAL that the alleged offenders were walking around the school like nothing had happened.⁶⁴⁵

EAL and her husband then attended a meeting at their request with the chair of the board of directors of Shalom, Mr Blackman, a representative of the Anglican Diocese and possibly Mr Shirley.⁶⁴⁶ EAL's evidence was that the board was in 'damage control'. The board said they could not do much because there was a police investigation.⁶⁴⁷ They kept saying, 'We want to help you and CLF', but they did not specifically say how they would help.⁶⁴⁸ EAL's evidence was that the family never received any offers of support or assistance from the school in regard to counselling or education for CLF.⁶⁴⁹

After the meeting with board members, EAL said they were not allowed back onto the school premises to see CLF's cousins. EAL was worried about them all, and she ended up calling their parents and telling them what had happened.⁶⁵⁰

EAL and EAM took CLF to the police station to be interviewed. EAL asked for a female officer or a female Indigenous liaison officer to be present.⁶⁵¹ EAL also remembers the police saying that a proper sexual assault examination would not be done on CLF because it had been too long since the assault happened.⁶⁵²

EAL and EAM met with the Shalom school counsellor after the police interview. By this stage, EAL felt 'like we were outsiders', that the school was not being transparent and that the response was culturally insensitive.⁶⁵³ EAL remembers talking to the counsellor about the issues she had with the school.⁶⁵⁴ EAL felt that Shalom offered no appropriate support while they were in Townsville. Instead, she and EAM went and saw some Townsville elders for advice and comfort.⁶⁵⁵

In the days after they collected CLF from Shalom, CLF told EAL some things that had been going on at the school while she was there. CLF told her that she had witnessed one young girl trying to hang herself with a coat hanger, a young boy was raped at the boys' dorm by other male students and there were young Northern Territory girls returning home from Shalom pregnant.⁶⁵⁶

EAL gave evidence on the process of the criminal prosecution of the boys who sexually assaulted CLF. EAL was annoyed by the prosecutors' attempts to do 'deals' with CLF to get her to agree to the boys' charges being downgraded.⁶⁵⁷ None of the boys ended up serving jail time. EAL's evidence was that 'they got to move on with their lives ... CLF is stuck with what happened to her'.⁶⁵⁸

EAL's evidence was that CLF 'changed' after her experience at Shalom, and so did their family.⁶⁵⁹ CLF began 'drinking and drugging'. She has self-harmed, attempted suicide and is well known to the police. She has had drug-induced psychotic episodes and is on antidepressant and antipsychotic medication to this day.⁶⁶⁰

EAL told the Royal Commission that she has also gone through 'bad patches' and 'got on the grog' after Shalom and that she blamed herself for letting CLF go there. EAL often feels helpless and frustrated that she cannot do anything to make CLF better.⁶⁶¹ However, EAL's evidence was that, at the time of the public hearing, things were improving.⁶⁶²

EAM

EAM is CLF's father. He gave evidence that at first he was hesitant to send CLF to Shalom because of her age and his own experience of going to an all-boys boarding school when he was young. EAM said that after 'some serious words' with his wife, EAL, he agreed that CLF could go to Shalom because he thought it would 'give her a better education and, being an Indigenous school it would be good for her culturally'.⁶⁶³

EAM gave evidence that just before the Easter break in 2006 he was away working when he got a call from CLF. He said CLF sounded sad and asked whether she had to go back to Shalom after the break. He said he could tell in CLF's voice that something was really wrong. He said that he told CLF she did not have to go back to Shalom and she could stay home.⁶⁶⁴

EAM said that a couple of days later he received a call from EAL and that it was one of the worst calls of his life. He said that EAL said to him, 'the school has called me and CLF has been raped!'. He said that he went into shock.⁶⁶⁵ EAM gave evidence that, when he got home, he and EAL called Shalom and spoke with the principal, Mr Shirley. He said that he told Mr Shirley that they were coming to get CLF and that Mr Shirley told them that the police were involved and had spoken with CLF.⁶⁶⁶

EAM said that they arrived in Townsville around the end of March 2006. He said that while they were in Townsville they had time to speak with CLF and the police properly. He said he found out that Shalom did not initially report to police that CLF had been sexually assaulted and that 'Queensland Child Protection' was notified days after it occurred.⁶⁶⁷ EAM's evidence was that he was told by Detective Ian Taylor that the police were investigating another complaint at Shalom and had heard about what had happened to CLF. It was only then that the police started to investigate CLF's matter.⁶⁶⁸

EAM said that when he arrived at Shalom he was in a state of shock, not just because of what had happened to CLF but also because the school looked like a pigsty, with broken windows, barred windows and rubbish everywhere.⁶⁶⁹

EAM gave evidence that during the meeting Mr Shirley made it clear he wanted the matter covered up and that he was trying to discourage EAM and EAL from pressing charges against the boys, who came from 'well known and influential families'.⁶⁷⁰ EAM said that Mr Shirley also started telling them 'stories he had heard about CLF saying that she had been acting promiscuous, trying to get with boys and getting in fights'. EAM said that, before the call from Shalom about CLF being raped, he had never received a call about CLF's behaviour.⁶⁷¹

EAM said that at the meeting with Mr Shirley they found out that the school did not call an ambulance or take CLF to the hospital after she was sexually assaulted. He also said that Mr Shirley told them that the boys involved were in 'lockdown' at the school and that CLF had been 'isolated' and sent to the Crystal Waters⁶⁷² campus of Shalom 'for her own safety'.⁶⁷³ EAM understood Crystal Waters to be a place where children were sent when they were 'mucking up'.⁶⁷⁴ EAM said that Mr Shirley did not offer them any counselling or pastoral support.⁶⁷⁵

EAM also gave evidence of meeting with the chair of the board of Shalom, Mr Blackman. He said Mr Blackman was guarded and, although a verbal offer of help was made, nothing eventuated.⁶⁷⁶

On 4 April 2006 CLF made a formal statement to Townsville police.⁶⁷⁷ A day or two after CLF made her statement they met with Ms Bridson, the counsellor at Shalom. He said that they discussed the police involvement and that they were unhappy with how the school and Mr Shirley had handled the matter so far.⁶⁷⁸

It took six years for CLF's case to get to trial.⁶⁷⁹ Detective Taylor, who was the first police officer to speak with CLF, carried the matter all the way through to the trial. EAM said that he had a lot of respect for Detective Taylor. It was Detective Taylor who told EAM that some of the offenders involved had prior convictions for sexual assault.⁶⁸⁰ EAM said he felt like the prosecutors could have 'pushed more' and that he felt like they 'were pursuing the case but in a half-arsed manner'.⁶⁸¹

EAM gave evidence that the trial was in April 2011 and that, although the four offenders were convicted, it was for 'some type of indecent assault' and that none of them served jail time. He said that there was no satisfactory outcome for CLF or her family.⁶⁸²

Before CLF went to Shalom, she was a quiet but funny girl and was doing well at school.⁶⁸³ EAM said that when she got back from Shalom everything went downhill. CLF started going out with older kids, drinking and taking drugs.⁶⁸⁴ He said that he saw CLF become so depressed and that 'she had bad spirits around her'. EAM and his family would sit with CLF and sing healing songs and perform smoking on her and the whole house.⁶⁸⁵

He said CLF has self-harmed and been arrested and that she has had boyfriends who harm her.⁶⁸⁶ EAM said that he also had a mental breakdown at one point because he just could not handle it all. He said that he lost his job as a contractor, which was a really good job that he enjoyed.⁶⁸⁷

EAM said that CLF is now doing much better, especially after her private session with the Royal Commission in August 2016. He said that CLF said to him, 'Dad, I feel lighter somehow'. He said CLF is in a 'Mums and Bubs' program, seeing a counsellor and trying to 'get off the drink'. He said it has been a 'hard slog since Shalom but these things take time and love'.⁶⁸⁸

3.5 Shalom's response to CLF's disclosures

CLF's disclosure on 26 February 2006

The Royal Commission was told of an incident reported to the school staff by CLF on 26 February 2006 involving another male student. This incident occurred before the March incident which resulted in CLF's withdrawal from Shalom.

The earlier report related to an incident which CLF said had occurred on 23 February 2006. She told a Shalom house parent, Ms Janice Binsiar, who recorded the details in the school's Child Protection Form and attached Incident Report as follows:

CLF told me on Thursday 23rd February [Redacted] approached her and asked if they [could] see each other, she said no. He kept asking her and she kept saying no. In the end he touched her breasts and private parts. She told the other boys to tell him to go as he made her feel uncomfortable. When they told him, he then left. When the bell rang for supper, he forced himself on her and kissed her, she pushed him away and went inside ...⁶⁸⁹

In the Child Protection Form Ms Binsiar classified the incident as 'sexual abuse'. She also recorded in the Incident Report that CLF did not make a report earlier because 'she was scared of the other girls, also because she felt ashamed'.⁶⁹⁰ The Child Protection Form and Incident Report signed by Ms Binsiar⁶⁹¹ has a handwritten note which says, 'forwarded to principal 1/3'. Mr Shirley, the principal at the time, told the Royal Commission that, although that he did not specifically remember receiving the report, it is most likely that he did and he had no reason to doubt that he did.⁶⁹²

We are satisfied that, on about 1 March 2006, the Child Protection Form and Incident Report containing details of the allegations that a male student at Shalom had sexually assaulted CLF on 23 February 2006 was provided to Mr Shirley, the principal of Shalom.

As a consequence, we are also satisfied that, by about 1 March 2006, the principal of Shalom, Mr Shirley, knew of allegations by CLF that a male student at the school had sexually assaulted CLF on 23 February 2006.

Recording and reporting of the 23 February 2006 incident

Mr Shirley said that his response to receiving the report from Ms Binsiar on 1 March 2006 would have been his 'standard response, which would have been to contact child [protection] ... and ask them ... where to go from here'.⁶⁹³ Mr Shirley said that his usual practice was to record the date, time, who he spoke to from the Child Safety Office and what action they recommended. He said his practice was to record this information on the bottom of the Child Protection Form submitted to him.⁶⁹⁴

Mr Shirley accepted that the Child Protection Form completed by Ms Binsiar and provided to him on or about 1 March 2006 did not contain any notations by him about contacting the Child Safety Office.⁶⁹⁵ Mr Shirley also accepted that there is no record held by the Child Safety Office or JAB of a notification by him or anyone from Shalom regarding the 23 February 2006 incident involving CLF.⁶⁹⁶

Mr Shirley told the Royal Commission that a Child Protection Incident Register was maintained by an office staff member at Shalom. The register contained collated information about reported incidents.⁶⁹⁷ Mr Shirley said that he 'didn't keep a watch on the accuracy between the report and the register'.⁶⁹⁸

The incident of 23 February 2006 appears to have been entered onto the register on 28 March 2006 – over one month after the incident occurred. The entry contained a number of errors: the date of the incident is incorrectly recorded as 26 February 2006, the date of the report of the incident is incorrectly entered as 23 February and the type of incident is recorded as 'inappropriate behaviour' not 'sexual abuse'.⁶⁹⁹

The register records that no report was made by the school to 'DCS/JAB'.⁷⁰⁰ Mr Shirley accepted this. However, Mr Shirley said that the errors in the recording of the incident in the register raised questions about whether the entry that the school did not make a report to 'JAB' or 'DCS' is accurate.⁷⁰¹

In response to a proposition put to Mr Shirley by Counsel Assisting that he did not make a notification or report to the Child Safety Office, he said, 'Not true, but I understand what you are saying'.⁷⁰² Mr Shirley's evidence was that he 'over-reported' rather than 'under-reported' and that he told his staff to do the same but that he could not prove anything without his notes or records.⁷⁰³

Mr Shirley's evidence concerning his records was that he maintained 'lengthy notes and documents' during his tenure at the school. He said that these documents were stored securely in his office in a folder with CLF's name marked on it. He said multiple electronic files of those notes and documents were in existence and that there were also paper-based copies filed in the school office student file under CLF's name.⁷⁰⁴ At the end of his tenure these documents were in possession of the school.⁷⁰⁵ No documents of this character have been produced to the Royal Commission by the school.

Mr Shirley submitted that he did not fail to report the incident of 23 February 2006 to the Child Safety Office or the police and that, given the lack of documentary records, it is not possible to reach a finding to the requisite standard.⁷⁰⁶ In support of this submission, he relied on his evidence about his usual practice to report all instances of child sexual abuse to the relevant authorities. He also submitted that the fact that Shalom had failed to locate any records had significantly affected his ability to respond to the suggestion that he failed to report the matter and that he was not at fault in this regard.⁷⁰⁷

The Uniting Church submitted that it is open to the Royal Commission to find that, if the documents existed, the documents are no longer in the possession, custody or control of Shalom or the Uniting Church.⁷⁰⁸ The Uniting Church relied on the statement of its solicitor, Darrell Frederick Jardine, that details that, despite extensive searches and enquiries to identify and locate the documents that Mr Shirley described, no such documents were located.⁷⁰⁹ The Uniting Church submitted that this evidence was accepted without challenge by Counsel Assisting and counsel appearing for Mr Shirley.⁷¹⁰

We accept Mr Shirley's evidence that his usual practice was to 'over-report' incidents and to record or note information about his reporting of incidents on the Child Protection Form submitted to him. We also accept Mr Shirley's submission that some of his records were not kept at Shalom or could not be found. Similarly, we accept the submission of the Uniting Church that it had searched for relevant documentary records and could not locate any documents. However, we note that Mr Shirley accepted that there is no record held by the Child Safety Office or the JAB of a notification by him or anyone else from Shalom regarding the 23 February 2006 incident involving CLF.

No notification to CLF's parents about the 23 February 2006 incident

CLF's mother, EAL, told the Royal Commission that nobody at the school ever told her about the 23 February 2006 incident. The first she heard of it was in the days before the Royal Commission's public hearing in November 2016.⁷¹¹ Her evidence was that, 'if I had know[n] that incident happened, if I'd been given one phone call, my daughter wouldn't have been there for the second one'.⁷¹²

CLF's father, EAM, gave evidence that he found out about the incident at the same time as his wife – in the week beginning 24 November 2016. He said he was 'stunned and angry' and asked, 'why weren't we informed?'.⁷¹³ EAM's evidence was that he feels that, if they had known what had happened, 'we would have taken her away from that place, because of the serious nature of it ... and this other thing wouldn't have happened'.⁷¹⁴ He also said he would have checked that the school reported the incident to the authorities.⁷¹⁵

Conclusion

We make the following findings on Shalom's response to the incident on 23 February 2006:

- The police/JAB and the Child Safety Office have no record of any notification about the incident.
- The copy of the Child Protection Form in evidence does not contain a note of the matters Mr Shirley would usually record when a notification is made.
- The Shalom Child Protection Incident Register recorded the matter as 'inappropriate behaviour' rather than 'sexual abuse' and recorded no notifications to the Child Safety Office or JAB.
- CLF's parents, EAM and EAL, gave unchallenged evidence that they were not notified of the incident.

We are satisfied that Mr Shirley did not report CLF's allegations that she had been sexually assaulted on 23 February 2006 to the Child Safety Office or the police/JAB. He should have.

We are also satisfied that Shalom did not notify CLF's parents about CLF's allegations of sexual assault on 23 February 2006. CLF's parents should have been notified as soon as Shalom was aware of the allegation.

Support for CLF after the 23 February 2006 incident

Mr Shirley said that he did not report the 23 February 2006 incident to the school counsellor when he found out about it⁷¹⁶ and that he saw the matter as one for boarding rather than for counselling.⁷¹⁷ He said:

No, I think we were busy at the time, but what I said was that sort of matter was a matter that I needed to make the head of boarding aware of immediately so that the message could go through, through the head of boarding and the staff, that that sort of ... behaviour is not acceptable.⁷¹⁸

Mr Shirley said he assumed that Ms Hindmarsh, the assistant principal – pastoral care, 'would have been the method by which [the incident] was conveyed to various people in the Health & Wellbeing'.⁷¹⁹ He said that he had regular leadership meetings at Shalom with the head of boarding, the person in charge of sexual health and Ms Hindmarsh, and they would discuss such incidents.⁷²⁰

In a written statement she provided to the Royal Commission, Ms Hindmarsh said that she did 'not recall details of this particular incident' and had commenced 'maternity leave at the end of February 2006'.⁷²¹

Ms Bridson, the school counsellor at Shalom, gave evidence that the first time that she had seen the report by Ms Binsiar of the incident on 23 February 2006 involving CLF⁷²² was just before giving evidence at the public hearing and that she had no recollection of seeing it before then.⁷²³ She said that she does not remember having a conversation with Mr Shirley about the content of the report.⁷²⁴ She agreed that it was a serious matter and that the document recorded a sexual assault of CLF.⁷²⁵

Mr Shirley conceded that, in the performance of his duties, he was required to make sure that the information regarding CLF being sexually assaulted came to the attention of the counsellor.⁷²⁶

We accept Mr Shirley's evidence that he did not report the 23 February 2006 incident to the school counsellor and his concession that he was required to do so in the performance of his duties. We also accept Ms Bridson's evidence that she was not aware of the 23 February 2006 incident involving CLF until just before she gave evidence at the public hearing.

We are satisfied that Shalom did not take any action in response to CLF's allegation that she was sexually assaulted on 23 February 2006. It follows that Shalom's inaction exposed CLF to the risk of further sexual assaults while at school.

CLF's disclosure on 28 March 2006

CLF's attendances at the Health and Wellbeing Centre in March 2006

Ms Bridson gave evidence that the nurse at the Health and Wellbeing Centre, Ms Katrina Price, referred CLF to Ms Bridson around 22 or 23 March 2006 because CLF was continually presenting to the sick bay with physical complaints which did not appear to have any particular origin.⁷²⁷

Records from the Health and Wellbeing Centre show that CLF presented on 15 February, 20 February, 21 February, 22 February, 23 February, 7 March, 13 March, 14 March and 16 March; and that she went to Townsville General Hospital on 20 March for 'Appendicitis' but was discharged on 22 March with no diagnosis.⁷²⁸ CLF presented again to the Health and Wellbeing Centre on 23 March and 24 March 2006.⁷²⁹ Records from the Health and Wellbeing Centre for 24 March 2006 record that a staff member at Shalom had been told by another staff member that CLF had reported on that day that she 'did not feel safe at school'.⁷³⁰

On 24 March 2006 CLF also presented to the Queensland Sexual Health Clinic, which was conducting its weekly visit to Shalom. As discussed further below, a record dated 28 March 2006, which was created by the head of boarding at Shalom (that is, not a record of the Queensland Sexual Health Clinic), suggests that CLF disclosed to a sexual health worker that she had been sexually assaulted on the previous evening, 23 March 2006, and that the sexual health worker tested CLF for sexually transmitted diseases.⁷³¹

On 27 March 2006, Ms Bridson met with CLF. Ms Bridson's handwritten notes of the consultation indicate that CLF 'disclosed to a teacher on Friday (24/3) that she did not feel safe at school'. CLF 'described recent stressors' as being bullied at school and being concerned about rumours that she had had sex with six boys recently. CLF denied any truth to the rumours. CLF was also said to be concerned about her weight.⁷³²

Ms Bridson's evidence was that she was 'getting very concerned by this stage'⁷³³ and she believed that CLF 'may have been sexually abused previously'.⁷³⁴ Ms Bridson made a follow-up appointment for CLF the next day.⁷³⁵

A 'behaviour communication form' dated 29 March 2006 and completed by another staff member records that on 28 March 2006 CLF had indicated that she was being subjected to bullying. The behaviour communication form states:

Yesterday I did the safety at school talk ... When talking about bullying, [CLF] nodded her head and pointed to herself to indicate that she is being bullied at school ... Today she came to PC looking very unhappy ... Last time I spoke to Sandy or Amy about her, and her bullying complaints, they indicated she is the instigator. But she is obviously feeling otherwise. Can you talk to her?⁷³⁶

Ms Bridson gave evidence that she could not remember if the behaviour communication form was shared with her, but she said she assumed it was.⁷³⁷ She said there was a system of sharing of information like this with her in her role as the school counsellor.⁷³⁸ Ms Bridson agreed that the reference to 'Amy' was a reference to her and that she had expressed the view that CLF had been an instigator rather than a victim of bullying.⁷³⁹

On 28 March 2006, CLF disclosed to the head of boarding (Mr Adebahr) and a house parent (Ms Gwen Johnson) that she had been sexually assaulted on 23 March 2006. A file note⁷⁴⁰ of this meeting describes the assault as follows:

28th March 2006

Meeting

[CLF] – student

Gwen Johnson – House Parent

Chris Adebahr – Head of Boarding

[CLF] confessed to having sexual interaction with a group of boys on Thursday, 23rd March. [CLF] was asked by [redacted] to meet her at the oval in the evening. [CLF] agreed and met him there but was surprised to see other boys present – [DFJ], [DFK], [DFL] and [DFM]. [CLF] says she felt uncomfortable with all of the boys present.

The following occurred in a draft format:

1. [DFM] forced [CLF] to have oral sex with him. When finished, [DFM] put his finger in her private area
2. [DFJ] had sexual intercourse with [CLF]
3. [DFK] put his finger in [CLF's] private area
4. [DFL] forced [CLF] to perform oral sex
5. [Redacted], [Redacted] and [Redacted] were in the area when the above occurred but did not perform sexual acts with [CLF].

[CLF] has said that she feels bad for what happened and did not feel comfortable talking to a staff member. [CLF] has told this to a Sexual health worker on Friday, 24th March. The sexual health worker completed an STD test at the time.⁷⁴¹

Ms Bridson gave evidence that she became aware on the afternoon of 28 March 2006 of CLF's disclosure to Mr Adebahr and Ms Johnson.⁷⁴² Her evidence was that she believes that she would have been shown the file note containing the above record. She agreed that the record 'referred to CLF being forced to perform sexual acts' and that the account in the document did not disclose a 'consensual encounter'.⁷⁴³

Ms Bridson said that she believed the above record⁷⁴⁴ (that is, the note by Mr Adebahr) was also provided to Mr Shirley on 28 March 2006. Ms Bridson's case management notes record that Mr Shirley contacted her on 28 March 2006 at 4.30 pm and that 'CLF disclosed to Chris A and Gwen details of sexual relationships with male students at school'. Ms Bridson's notes state that a Child Protection Report was submitted and a notification was made to the Child Safety Office. Mr Shirley asked Ms Bridson to see CLF the next day.⁷⁴⁵ Ms Bridson said that she already had a plan in place to see CLF.⁷⁴⁶

Ms Bridson's evidence is that CLF presented to her at 9.15 am on 29 March 2006.⁷⁴⁷ Ms Bridson said that she proceeded on the basis that CLF had not been involved in a consensual sexual encounter.⁷⁴⁸ CLF disclosed to Ms Bridson that 'she had made a report that it was consensual activity, to the houseparents, but that she hadn't told the whole story and that it wasn't consensual'⁷⁴⁹ and 'that she had in fact been sexually assaulted'.⁷⁵⁰ Ms Bridson rescheduled CLF's appointment to 11.35 am, later that morning.⁷⁵¹

After rescheduling CLF's appointment, Ms Bridson telephoned the Queensland Sexual Health Clinic at 10.30 am to enquire whether CLF had made a disclosure of sexual abuse on 24 March 2006.⁷⁵² Ms Bridson said she called the clinic because CLF had told the 'houseparents that she had made a disclosure' to a sexual health worker.⁷⁵³

Ms Bridson gave evidence, and her case notes state, that during this telephone call a worker at the Queensland Sexual Health Clinic told her that CLF had self-referred to the clinic on 24 March and complained of abdominal pain but made no disclosure of any kind of sexual activity. Ms Bridson said that the sexual health worker told her that CLF was tested for 'sexually transmitted infections just because that is their normal practice'.⁷⁵⁴

CLF returned to the Health and Wellbeing Centre at 11.00 am on 29 March 2006.⁷⁵⁵ Ms Bridson's notes of the interview with CLF recorded a disclosure of a 'series of very serious sexual assaults by multiple boys on CLF'. Ms Bridson said 'it was horrific'.⁷⁵⁶ Her evidence was that, although 'there was doubt about previous things that [CLF] had said, she hadn't said anything to this extent and so I didn't doubt ... that this happened'.⁷⁵⁷

Mr Shirley's investigations of the sexual assault on 23 March 2006

Mr Shirley told the Royal Commission that he first became aware of the 23 March 2006 sexual assault against CLF when Mr Adebahr gave him a copy of the file note on the afternoon of 28 March 2006.⁷⁵⁸ Mr Shirley agreed that the report contained a disclosure of more than one serious sexual assault on CLF⁷⁵⁹ and that there was no hint that the sexual acts were consensual.⁷⁶⁰

After Mr Shirley became aware of what happened to CLF on the night of 23 March 2006, he required the house parents within the boarding houses to make documentary records about what they knew.⁷⁶¹

A documentary record was signed by two female house parents on 31 March 2006.⁷⁶² It records that, on the night of 23 March, the house parents noticed that CLF had 'absconded after supper' and returned shortly after 10 pm.⁷⁶³ Another documentary record about the night of 23 March was signed by house parent Ms Allison Archie on 5 April 2006. It records that CLF was 'missing from the girl's dormitory' and returned around 9 pm and that CLF 'was dirty and would not say anything to me'.⁷⁶⁴

When asked if girls at Shalom often went missing at night, Mr Shirley said that this 'had occurred more than once'.⁷⁶⁵

As to whether an alarm was raised on the night of 23 March 2006, Mr Shirley's response was as follows:

Q. On that night, was, to your knowledge, any alarm raised by anyone in the boarding house about what might have happened to [CLF]?

A. For her being dirty, do you mean?

Q. Absent and returning dirty and not saying anything when she came back?

A. Yes, well, there was – you know, some time between 9 and 10, according to these various reports, it was lockdown, so yes, they did question her about that. I believe at the time that Cyclone Larry had just hit the coast, a couple of days beforehand. That meant that the weather conditions were still very wet and dirty, and if they were to believe what – the houseparents believed what the girl told her, that walking up to Willows in that sort of condition would have meant her returning wet and – they didn't go any further than what she had told them.⁷⁶⁶

Mr Shirley was shown a documentary record dated 5 April 2006 by a male house parent, Mr Donald Marou, who was on duty in the boys' dormitory on 23 March.⁷⁶⁷ It says, 'I did notice a few boys missing on my shift', and lists the names of eight boys, including DFL and DFK. The note says the boys returned around 8.45 pm and 'DFL said he had oral sex with one of the girls. [Redacted] also said he had sex with one of the girls'.⁷⁶⁸

Mr Shirley's evidence was that there would not have been a discussion between the staff on duty in the boys' and girls' dormitory to put together CLF's absence with the account that two boys were boasting of having oral sex and sex with girls.⁷⁶⁹ Instead, the reporting process was that each senior house parent's handover report would go to the head of boarding.⁷⁷⁰ Mr Shirley said that this information was not reported to him at the time (that is, 23 March 2006) and only came to light on 5 April 2006, when he asked the head of boarding to investigate amongst the boarding staff.⁷⁷¹ Mr Shirley agreed that, if the school's internal reporting system had been followed, this information should have been reported to him on 24 March 2006.⁷⁷² If he had received it, it would have prompted a call to the Child Safety Office.⁷⁷³

It is clear from the evidence that, as at 28 March 2006, the following information about CLF was known to various individuals at Shalom:

- Between 15 February 2006 and 24 March 2006, CLF presented to the nurse at the sick bay in the Health and Wellbeing Centre on 11 occasions with a range of different complaints.
- By 1 March 2006, the Shalom Child Protection Incident Register recorded an incident of 'inappropriate behaviour concerning CLF'.
- On the night of 23 March 2006, CLF and other various students were absent from the boarding house.
- On 24 March 2006, CLF disclosed to a teacher she did not feel safe at school.
- On 27 March 2006, CLF reported to a teacher that she was being bullied.
- On 28 March 2006, CLF disclosed the sexual assault of 23 March 2006 to the head of boarding and a house parent. CLF told them that she had told a sexual health worker on 24 March 2006 about the sexual assault.
- On 28 March 2006, the school principal, Mr Shirley, and the school counsellor, Ms Bridson, were made aware of the contents of a file note by the head of boarding which contained details of CLF's disclosure to him and a house parent of a sexual assault on 23 March 2006.

It is also clear on the evidence that on 24 March 2006 CLF self-referred to the Queensland Sexual Health Clinic, which was visiting Shalom, and complained of abdominal pain. CLF was tested for sexually transmitted infections. Whether CLF did disclose the sexual assault to the clinic at that time is not clear, and we did not receive evidence from either CLF or the sexual health worker at the Queensland Sexual Health Clinic.

We are satisfied that there was no system in place available to various staff members at Shalom which would ensure a coordinated approach to responding to information relating to CLF. There were no systems in place to communicate to relevant staff members that CLF was a vulnerable student.

Reporting the 23 March 2006 sexual assault to external authorities

Mr Shirley said that he believed he made a notification concerning the 23 March 2006 sexual assault on CLF to the Child Safety Office on 29 March 2006 – the day after he received the file note from Mr Adebahr.⁷⁷⁴ Mr Shirley and Ms Bridson said that the school also reported the matter directly to the police/JAB.⁷⁷⁵

Mr Shirley said that, when he received the file note from Mr Adebahr about the incident, he would have made notes on the bottom of the file note indicating the time, the date and who he called.⁷⁷⁶ These notes have not been located.⁷⁷⁷ As we have already noted, despite extensive searches Shalom was not able to locate and provide to the Royal Commission any documents which recorded the content of Mr Shirley's report to the Child Safety Office.

A record made by the Queensland Police Service dated 29 March 2006 records that Ms Jenny Perkins of the Child Safety Office reported to them an incident involving CLF at Shalom on 23 March 2006. The police record stated that the principal of Shalom contacted police (JAB) later, seeking advice as to what action he should take.⁷⁷⁸ The police record states in full:

SHALOM COLLEGE

1. Received information from Jenny PERKINS CSO in relation to an incident reported to them by the principal of the college, Chris SHIRLEY.
2. The incident was reported to have occurred on the 23rd March 2006 on the oval on the school grounds. The information received was that [CLF] [redacted] had sex or oral intercourse with four different boys around the same time.
3. The four boys [DFJ] [redacted], [DFK] [redacted], [DFL] [redacted] have been questioned and have all denied any sexual contact with CLF.
4. The information form [sic] the school suggests that CLF has been presenting with problems that are then proven not to be true.

5. Nil complaints have been received at this stage. Principal advised to contact JAB office if she wishes to make a complaint.
6. No further action taken at this stage.
7. Principal later contacted this office wanting advice as to what action he should take. He was advised that if the child wants to proceed with a complaint that this office is to be contacted and arrangements made for her to attend re 93A.⁷⁷⁹

Although Mr Shirley's evidence was that he made the original notification to the Child Safety Office about CLF and the information came from Shalom,⁷⁸⁰ he denied that what was written in the police record was an accurate record of what he told the Child Safety Office.⁷⁸¹ For example, Mr Shirley's evidence was that he did not believe he would have used the language in paragraph 2 like 'had sex or oral intercourse with four different boys around the same time',⁷⁸² that he would not have made any judgment about rape and that he believed there were more than four boys involved.⁷⁸³ In relation to paragraph 3, Mr Shirley said that he had not interviewed the boys and that he believed that the head of boarding had interviewed the boys and 'they made a disclosure'.⁷⁸⁴

Mr Shirley accepted that, as recorded in paragraph 4 of the police record, he told the Child Safety Office that CLF had been making complaints and saying things which were untrue, as that 'was the information I had received'.⁷⁸⁵ His evidence was that this was not intended to convey an impression that CLF was an unreliable historian but to provide background information.⁷⁸⁶ However, he agreed that the information could have only come from Shalom.⁷⁸⁷ He said:

Reading that, you would have to believe that there was an implication that the allegations that CLF was making – the concerns that CLF was making would be considered not true, but that certainly was not my – that's not my position ... for personal reasons, I have a propensity to overreport than underreport ...⁷⁸⁸

Mr Shirley said he thought that the use of the word 'confessed' in Mr Adebahr's 28 March file note was a 'strange use of words', but he thought it meant that CLF's disclosure was not voluntary.⁷⁸⁹ As to how the word 'confessed' coloured his perception of whether the sexual acts were consensual or not, the following exchange took place between the Chair of the Royal Commission and Mr Shirley:

THE CHAIR: Q. What is being put to you, though, is that those reporting to you were suggesting, by the use of the word 'confession' [sic], that this may in some way have been consensual activity; do you see?

A. Oh, I see – and could have been their view.

Q. And the same sentiment is reported in the police report, too?

A. I believe so.

Q. And, rather sadly, the same outcome happens at the trial?

A. That it's not graded as rape?

Q. Mmm.

A. I saw that.⁷⁹⁰

The Royal Commission received a written statement from Detective Senior Sergeant David Miles, who stated that the Queensland Police Service became aware of the sexual assault of CLF on 30 March 2006. He said that the police were at Shalom regarding another matter on 30 March 2006 when they had a conversation with the 'school guidance officer', who told them about CLF's complaint. Arrangements were then made for CLF to be brought to the police station that afternoon to make a statement. This did not occur. On 31 March 2006, investigators again attended Shalom and had a brief discussion with CLF about her making a statement.⁷⁹¹

CLF made a formal statement to police on 4 April 2006.⁷⁹² There was a short delay, as CLF's parents needed to make travel arrangements and wished to be present for the interview to ensure it was conducted in a culturally appropriate manner.⁷⁹³

There are no contemporaneous records which contradict the account recorded in the police note. There is no reason why the Child Safety Office would provide inaccurate information to the police. Mr Shirley denied that he had told the Child Safety Office some but not all of the matters referred to in the note. However, we are not persuaded that the note is inaccurate.

The report from the Child Safety Office to the police, as recorded by police, did not disclose non-consensual or forced sexual activity. Instead, it suggested that the incidents were consensual and that CLF's account may be unreliable.

Support and care for CLF after her disclosure

As we have found, by 28 March 2006, Mr Shirley, Ms Bridson, Mr Adebahr and various other staff members at Shalom knew that CLF had been seriously sexually assaulted by a group of male students/boarders at the school.⁷⁹⁴

After learning of CLF's assault on 28 March 2006, Mr Shirley said his priority was to make sure that CLF was safe.⁷⁹⁵ He said this included making 'sure that the houseparents kept the named boys away from anything to do with the girls'. He also said that the school's counselling services 'were stopped for the day'.⁷⁹⁶ He said:

I was aware before that that there were various stories going around about sexual activity involving a number of different people. I believe that the people in the Health & Wellbeing Centre had spoken with [CLF] and put it to her, had this occurred, and she had denied it to them. So it wasn't really clear to me as to whether – to what degree the boys' boasts were true or not, but, nevertheless, I was making sure on that evening, when I found out, that [CLF], from the houseparents' point of view, was feeling safe and was feeling secure enough to be able to stay in the dorms with close eyes on her until I could activate the health services for another interview or support with [CLF] the following day.⁷⁹⁷

It was put to Mr Shirley that it was a very serious failure to not also put in place safeguards to protect CLF's mental state, such as bringing in an external psychologist or psychiatrist or to arrange for an assessment of her risk of self-harm. He said, 'in hindsight, I could have activated those sorts of professional services ... but what I did activate was ... to make sure that she was safe until she was able to talk to somebody with whom she had a relationship'.⁷⁹⁸

Mr Shirley asked Ms Bridson to see CLF the next day – 29 March 2006.⁷⁹⁹

Ms Bridson agreed that her case management notes⁸⁰⁰ detailed the treatment that she was giving to CLF, and the things that she was told, in the period after CLF's disclosure to her on 29 March 2006.⁸⁰¹

As we have noted, Ms Bridson said she saw CLF on 29 March 2006, when CLF disclosed the full details of the 'series of very serious sexual assaults by multiple boys'. Ms Bridson said, 'it was horrific'.⁸⁰² Her notes indicate that CLF remained at the Health and Wellbeing Centre for the rest of the day, that CLF had 'decisional counselling re making a complaint to police' and that CLF wished to make a complaint to police.⁸⁰³

CLF was transferred to the Crystal Creek campus on the evening of 29 March 2006. Ms Bridson's evidence was that CLF was sent to Crystal Creek 'to keep her safe, because the men – the young men that she – the perpetrators were still at school'.⁸⁰⁴ Ms Bridson said that another reason CLF was sent to Crystal Creek was because 'she had a family member who was a houseparent there, so it was deemed that that would be more suitable'.⁸⁰⁵

Mr Shirley elaborated on why CLF was sent to Crystal Creek. He said, 'there was a high potential that the other girls would have become physical in their belief of what had actually occurred, and ... done things to CLF that wouldn't be safe for her'.⁸⁰⁶

The Royal Commission heard evidence that the Crystal Creek campus was for students with behavioural problems. Ms Bridson's evidence was that the Crystal Creek campus generally provided 'a transitional program for students who were not used to the more structured routine of school and needed additional support and time to transition into the mainstream school'.⁸⁰⁷ Students with behavioural problems were sent to Crystal Creek if 'it was deemed that their behaviour could be better managed in that environment, but not always'.⁸⁰⁸

Ms Bridson's notes state that it was arranged for CLF to travel with house parents back to the main campus of Shalom on 30 March 2006 to have an interview with JAB.⁸⁰⁹ This appointment was cancelled at the request of EAL and EAM.⁸¹⁰ No counselling or contact between CLF and Ms Bridson is recorded on this day.

Mr Shirley's evidence was that CLF returned to the main campus on 30 March 2006 after spending one night at Crystal Creek.⁸¹¹ Mr Shirley said that CLF was 'in the safe confines with Ms Benjamin [Bridson]'⁸¹² and that it was his understanding that Ms Bridson was 'putting various support services in place'.⁸¹³ He initially thought that Ms Hindmarsh, assistant principal – pastoral care, would have also been coordinating support for CLF,⁸¹⁴ but he accepted he was mistaken about this, as Ms Hindmarsh was actually on maternity leave at the time.⁸¹⁵ Ms Bridson also gave evidence that she was away on study leave for part of the period between 29 March and 2 April 2006.⁸¹⁶ Ms Bridson could not provide any information about what was done to ensure CLF's safety once she was back at the main school, but she said she understood that Mr Shirley had discussed this with the head of boarding.⁸¹⁷

On 31 March 2006, Ms Bridson's notes state that CLF attended an informal meeting with Ms Bridson and 'Ian from JAB' (Detective Sergeant Ian Taylor) at Shalom to discuss procedures of interviewing, investigation and possibly court appearances. It is apparent that that conversation lasted less than 15 minutes. No counselling with Ms Bridson is recorded on this day. On 31 March 2006, the 'Sexual Health Services' is recorded as requesting an appointment with CLF, and the school nurse, Ms Price, referred CLF at 11.45 am.⁸¹⁸

Mr Shirley's evidence was that CLF was moved back to Crystal Creek until her parents arrived.

There is no evidence before the Royal Commission that CLF received any counselling from (or had contact with) anyone at the Health and Wellbeing Centre, Shalom or an external service provider on 1 April 2006 or thereafter.

On 2 April 2006 CLF's parents, EAM and EAL, collected her from Shalom.⁸¹⁹

Ms Bridson was asked what was happening in terms of looking after CLF until her parents arrived at Shalom on 2 April 2006. She said:

I'm not sure what extra support she was – I think she was – I'm not sure. I can't remember if she was at the Crystal Creek campus or if she was at Shalom, at our main campus, but if she was at the main campus she would have been receiving support through the Health and Wellbeing Centre.⁸²⁰

Ms Bridson also told the Royal Commission that CLF was receiving support through 'our liaison staff and through our nurse and through the assistant principal'.⁸²¹ She said:

Q. Do you think that the resources that were made available to help and assist and treat [CLF] in this period after the disclosures were made on 29 March were adequate?

A. In hindsight, no, but at the time I believe we were doing what we believed was the best we could with the resources we had, and also the added complication that the parents were upset about our ongoing involvement.⁸²²

There was the following exchange with Mr Shirley on this issue:

Q. Do you accept that no external professional was utilised to conduct an assessment or treat [CLF] in this period, 30 March to when the parents arrived on 2 April?

A. No, the records show that Sexual Health Services, which were an external agency, they provided sexual – a physical sexual assessment. I don't know the outcome of that, that was all sort of private. They were an external agency that actually operated out of our facility.

Q. To your mind, that assessment, a physical sexual assessment, was sufficient to look after [CLF] in this three or four-day period; is that right?

A. No.

Q. Well, what else? What happened by way of, for example, a psychologist with expertise in dealing with children suffering the trauma of rape? What happened with someone like that coming in and making an assessment?

A. I don't think those services were activated.

Q. Why not?

A. I can't tell you. That was – I wasn't over – I should have been asking particular questions of Ms Oxenburgh [Hindmarsh], perhaps, in Ms Amy's absence, as to whether external professional services had been called, like as in TAIHS [Townsville Aboriginal and Islanders Health Services], but I didn't.

Q. You see, by the time that you were alerted to [CLF]'s allegations, it was ultimately your responsibility to make sure that the proper steps were put in place to look after your student, [CLF]; correct?

A. That's true.

Q. And that was particularly so in the period before her parents were able to travel from a long-distance away down to retrieve her; right?

A. That's true, yes.

Q. Do you agree that you failed [CLF]?

A. In hindsight, I think I should have made sure that Sexual Health & Wellbeing, in Ms Benjamin's [Bridson's] absence, had contacted another professional to come – well, not necessarily to come on site, but for her to be referred to.⁸²³

The Uniting Church submitted that the evidence did not support a finding that between 27 March 2006 and 2 April 2006 the staff at Shalom failed to provide appropriate care for CLF. They submitted that Ms Bridson's case management notes detail that she saw CLF every day from 29 March to 31 March 2006.⁸²⁴ The Uniting Church also referred to Ms Bridson's evidence that the interview with JAB on 30 March 2006 was cancelled at the request of CLF's parents and that they were upset she had arranged an interview with the police.⁸²⁵ However, as EAM and EAL submitted, Ms Bridson's case management notes do not record any counselling by or contact with Ms Bridson on 30 March 2006. EAL and EAM submitted that it was open to us to find that insufficient support was provided to CLF aside from 29 March 2006, when CLF is recorded as having spent the day at the Health and Wellbeing Centre.⁸²⁶

The Uniting Church also submitted that there is no evidence to suggest that a psychologist with expertise in dealing with children suffering the trauma of rape was readily available in Townsville at the time or specifically to attend to CLF at the time. It was further submitted that there is no evidence to suggest that culturally appropriate services were available to Shalom on short notice or to suggest such referrals should have occurred without reference to CLF's parents and/or police.⁸²⁷

We do not know whether a psychologist with appropriate specialised training was available in Townsville. However, it would reflect a serious lack of necessary resources in that community if an appropriate professional person could not readily be accessed. Whatever the position, in the days following CLF's disclosure and until her parents arrived at the school on 2 April 2006, CLF was in the care of the school. Aside from one day spent at the Health and Wellbeing Centre on 29 March 2006, CLF did not receive any counselling from the Health and Wellbeing Centre at Shalom, from any other staff members at Shalom or from external service providers on 30 March 2006 or 1 April 2006. Although CLF did have contact with Ms Bridson on 31 March 2006, no counselling was provided at that time. We accept that the effect of the evidence of both Ms Bridson and Mr Shirley is that the school should have done more to secure resources to assist CLF after her disclosure.

Support for EAL and EAM

Ms Bridson said she spoke to CLF's parents on 29 March 2006. Ms Bridson said she explained that CLF was to be interviewed by the police; however, her parents would not allow the police interview to take place unless they were present.⁸²⁸ CLF's parents wanted to attend the interview so that they could be sure it was conducted in a culturally appropriate manner.

Mr Shirley was asked about the evidence of EAL and EAM that, in his meeting with them on 2 April 2006, he gave the impression that their daughter was promiscuous and somehow at fault.⁸²⁹ In response, he said, 'I understand that's what they said. That's certainly not my intent ... my only intent in explaining to them why I moved CLF and not the boys was to convey I was totally focused on her safety'.⁸³⁰

Ms Bridson met with CLF's parents, EAL and EAM, on about 5 April 2006. Her evidence was that 'they were upset' and 'very angry'.⁸³¹ According to Ms Bridson, EAM and EAL raised concerns about communication and supervision problems and that they referred in particular to Mr Shirley. They also raised concerns about other people telling them of similar assaults at Shalom. Ms Bridson also recorded in her case management notes that they were unhappy with the police involvement.⁸³²

Ms Bridson said of EAM and EAL that 'I don't think they received sufficient support'.⁸³³ She said that at the 5 April meeting she made an offer to help to engage EAM and EAL with support services at home if it was available but that she thought they were angry and not ready to engage.⁸³⁴ Her case management notes support this.⁸³⁵ Ms Bridson agreed that it was possible that the school could have done more to give them support at the time.⁸³⁶

EAM said that he wrote to the Uniting Church about what had happened to CLF and how the school had handled the matter. He said he did not receive a response.⁸³⁷ The Uniting Church does not hold any record of receiving any communication from EAM.

The Uniting Church submitted that on the available evidence it is not open to the Royal Commission to make a finding that staff at Shalom did not give EAM and EAL sufficient support after they were notified of the assault on CLF because:

- first, it is not clear what support services EAL and EAM sought or what support services could be provided to them
- second, Ms Bridson's contemporaneous notes indicate that EAM and EAL were offered a range of counselling and support services, but they chose not to engage.⁸³⁸

We accept that Ms Bridson offered counselling and support services to EAM and EAL at her meeting with them on 5 April 2006. Of course, there is a difference between professional help and active support. EAM and EAL were understandably distressed about their daughter's circumstance. Ms Bridson also said that the school could have done more to give them support at that time. There is no reason to doubt her view.

We are satisfied that, in the period after they were notified of the sexual assault on CLF, CLF's parents, EAM and EAL, feel that staff at Shalom did not provide them with sufficient support. Ms Bridson is of the same view.

3.6 Resources, funding and challenges confronting Shalom

Both the former principal (Mr Shirley) and the current principal (Mr England) of Shalom gave evidence to the Royal Commission about problems with the adequacy of support, resources and funding at Shalom in 2006 and currently.

Mr Shirley said that there was very little support provided to Shalom in 2006 from external agencies to address the level of sexually abusive behaviour in the school. In terms of oversight by external bodies, Mr Shirley said that every five years Shalom was required to undergo an accreditation procedure through the Queensland NSSAB and that 'child protection' was an area that 'you had to prove that you had policies and procedures and training in place'.⁸³⁹ He said that the NSSAB never asked Shalom questions about the level of incidents at the school.⁸⁴⁰ Mr Shirley also said that the Child Safety Office in Queensland never raised any concerns about the number of reported incidents from Shalom.⁸⁴¹

Mr Shirley also described the physical infrastructure of the school in 2006. He acknowledged that there was a serious problem with security in both the boys' and girls' dormitories.⁸⁴² He said that the 'older style' female boarding accommodation allowed free access after 'lock in' for any of those boarders to move about inside without being detected by house parents. All windows were able to be opened and each window was secured by an 'older style' security screen. Exit doors were fitted with an older-style magnetic security detector. The 'older style' male boarding facility had a similar set-up to that of the female dorms, but it was all located on the ground floor.⁸⁴³

Mr Shirley said:

The 'old' set up of the dorms allowed the potential for child-on-child abuse (sexual or otherwise). Allowing 40 plus students a decreased level of night time supervision in the dorms elevated management problems and permitted a less safe boarding environment than we would wish.⁸⁴⁴

The Uniting Church and Mr Shirley submitted that since 2006 Shalom has taken measures to address safety at the school. These steps include:

- obtaining Commonwealth funding and upgrading facilities⁸⁴⁵
- building new female (and later male)⁸⁴⁶ boarding facilities with knowledge gained from the use of and security provided by the old-style boarding facilities. The new facilities include many additional safety features, including a 'lock in' style, where all boarders were locked into dorms and house parents were accommodated adjacent to the boarding facilities but under the same roof, and new security monitoring systems⁸⁴⁷
- reviewing the Shalom Child Protection Policy and implementing training programs for employees of Shalom, particularly concerning reporting obligations
- employing an additional counsellor to train employees in protective behaviours and to implement anti-bullying practices

- running a number of programs for students on domestic and family violence and sexual assault prevention; sexual health and health and wellbeing strategies and consent; and how to develop and engage in healthy relationships with peers. Boarding house specific programs are also conducted.⁸⁴⁸

Mr England, the current principal at Shalom, said that there had been a refinement of processes for dealing with and reporting alleged incidents of sexual abuse, as well as for dealing with children with sexually harmful behaviours. Mr England now personally signs off on all incident reports before any formal notification is made to an external agency. House parents (who report to the head of boarding) are now expected to hold a Certificate IV in Residential Boarding. Mr England also gave evidence of the student workshops and programs that have been undertaken, most of which have a focus on promoting appropriate and positive behaviour. Some of these programs involved consultation between parents, students and teachers.⁸⁴⁹

Maintaining a safe boarding environment for students

Mr England agreed that there was a problem with the way the school dealt with CLF. He also agreed that the pieces of information that were held by various staff at the school were not reconciled or coordinated and that all of the information did not come to attention of the principal and the counsellor.⁸⁵⁰ He said that the support that was provided to CLF in 2006 was inadequate, but the 'support that the school provided was what they could do, given their resources'.⁸⁵¹

Mr England gave evidence of the current system, which allows information sharing between staff at Shalom in relation to the response to a student who might be in distress.⁸⁵² He said:

The system that exists now is that there is a handover, as there was a handover in 2006, between boarding staff and day staff, and that occurs twice a day – once in the morning and once in the afternoon. At that handover are the senior residential workers who are in charge of the shift of boarding, the head of boarding, often a counsellor but not always, and the head of Health & Wellbeing, again often but not always, and that is where information is shared about particular students, both from the school to the boarding house and from the boarding house to the school.⁸⁵³

Mr England said that the current funding for Shalom is 'completely inadequate, right across the board',⁸⁵⁴ and this includes funding for counselling services.⁸⁵⁵ He said that he did not believe that the current level of resourcing is sufficient to maintain a safe environment for his students.⁸⁵⁶

We are satisfied that Shalom should have sufficient resources and funding to maintain a safe environment for the students.

In our final report, we discuss the issue of resources for creating child safe environments for Aboriginal and Torres Strait Islander boarding students. We also discuss, more generally, resources for preventing and responding to children's harmful sexual behaviours.

4 Private Hearings

During this case study, we held four private hearings. These private hearings were in relation to an independent boarding school and three government primary schools. With respect to the decision to hold these hearings in private, on 27 October 2016 the Chair of the Royal Commission said:

Some of the allegations are quite recent, and certainly some of them relate to children who are still children, although they may have moved from the primary school system to the high school system.

It is apparent to the Commissioners that if the hearings were held in public there is a great potential to damage not only children who may be alleged to have misbehaved, but also damage the children in response of whom that misbehaviour was directed.

That risk is real and made more so by the fact that there will be some in the relevant school communities who already know of the circumstances in which the events occurred and, as a consequence, the discussion in those communities may re-enliven knowledge, which may then spread to others, of events which have occurred while the relevant people were quite young children.

As a consequence, the Commissioners are satisfied that for the hearing to take place in public and for the proceedings to be published runs the very real risk of inflicting serious damage upon all of the children who may have been involved in those events.

Submissions are made to the Commission on behalf of two parents of children in different schools that the Commission should take the intermediate course of proceeding in private but publishing a transcript which has been appropriately redacted, either at the end of the day or at some later point after the hearing has been concluded. That is a course which courts and commissions have sometimes adopted and it may be appropriate to do it in this case. However, it is too early for that decision to be made.

The Commission will, however, ultimately publish a report in relation to the study of these three schools. That report will be prepared in a manner which, so far as the Commission is able, ensures that the identity of the children will not be revealed. That report would be published in the ordinary course of the Commission's work.

I have previously made an order that these proceedings be heard in private, and the Commissioners are satisfied that that order should not be disturbed at this stage.⁸⁵⁷

We have included de-identified summaries of those private hearings below.

4.1 School 1

The first school examined in a private hearing (School 1) is a government primary school administered by the New South Wales Department of Education.

The systemic issues raised in this case study included ineffective communication with parents and inadequate training for employees of the Department of Education in relation to problematic or harmful sexual behaviour between children.

The incidents we were told of at School 1 involved an older student demonstrating problematic or harmful sexual behaviour towards younger students. The first incident involved the older student attempting to place a condom on a younger student over their clothing. A parent reported the behaviour of the older student to the principal of School 1. The principal discussed the incident with their supervisor from the Department of Education. The principal then reported the incident to Community Services.

The principal did not regard the allegations in relation to the condom as being 'overly' serious. It also did not occur to the principal that, as a consequence, there may be other issues that needed to be looked at.

The principal met with the parent of the child who was subjected to the sexualised behaviour. The principal showed the parent a form which had a list of illegal products on it. The principal allegedly told the parent that condoms were not on the list and therefore 'they were considered a legal product to be brought into the school'.

The principal accepted that there are plenty of products which are legal which might raise alarm bells if young children started bringing them to school. The principal said that, 'in hindsight', condoms might be one of those products. The principal accepted that what they thought at the time about the condom was not sufficient. The principal said that, if it happened again, they would call their director and seek advice before speaking to adults or children because there might be more serious connotations.

The second incident occurred some days after the first incident described above. Another younger student was also subjected to problematic or harmful sexual behaviour from the older student. This included the older student touching the younger student's genitalia and the older student pulling down the younger student's pants. The parent of the younger student reported the incident to the principal of School 1. The principal then made a further report to Community Services that the older student had pulled down the younger student's pants.

The principal believed that the matter was in the hands of Community Services and the Department of Education.

The allegations were the subject of much concern among the parent body. The principal said they felt constrained in informing the parent group about the allegations because the principal had received advice from the Department of Education to keep the allegations confidential. Meanwhile, the principal was faced with parents who had a legitimate expectation that they would be informed about the complaints and any response to them.

The parents of the student demonstrating problematic or harmful sexual behaviour said they did not get a full account of the allegations against their child until several years after the alleged incidents occurred.

The principal was not adequately supported by the Department of Education to properly manage the issue of communicating with the parent body of the school about the complaints of problematic or harmful sexual behaviour by the older student.

Several weeks after the allegations were first disclosed, a meeting was held between the Department of Education, Community Services, the principal of School 1 and the parent body. At the private hearing, senior representatives from Community Services and the Department of Education gave evidence. They accepted that the meeting with the parent body should have occurred sooner than it did.

We are satisfied that there was a lack of coordination between School 1, the Department of Education and Community Services about who should communicate information to the parent body about the complaints of harmful or problematic sexual behaviour by the older student.

The principal of School 1 said they could not recall receiving specialised training about problematic or harmful sexual behaviour. We are satisfied that the principal received inadequate training and support from the Department of Education to equip the principal to deal with the complaints of harmful or problematic sexual behaviour by the older student.

4.2 School 2

The second school examined in a private hearing (School 2) is a government primary school administered by the New South Wales Department of Education.

The systemic issues raised in this case study included ineffective internal communication between the school, ineffective communication with parents and inadequate systems in place to support the students.

The incidents of problematic or harmful sexual behaviour at School 2 involved two students of a similar age. There were four incidents on different occasions. On the first two occasions, Student 2 was observed inappropriately touching the bottom of Student 1. On the other occasions, Student 2 asked Student 1 to fondle Student 2's genitals.

These incidents were witnessed by the classroom teacher. On each occasion, the classroom teacher made a record of these incidents. The classroom teacher said that they reported each of these incidents to the assistant principal, both verbally and by showing the assistant principal the documentary record, at the time the incident occurred.

The assistant principal accepted that she was aware of two of the four incidents. The assistant principal said that, when she was notified by the classroom teacher about these two incidents, she informed the principal of School 2. The assistant principal then notified Community Services, or saw that it was done. We found that the school acted appropriately in reporting both of those incidents.

The assistant principal did not accept that they were informed by the classroom teacher about the other two incidents. In resolving this dispute, we preferred the evidence of the classroom teacher. Ultimately, we found that the classroom teacher informed the assistant principal about the four incidents of problematic or harmful sexual behaviour, and the classroom teacher gave the assistant principal a record of those incidents.

We found that the assistant principal had an obligation to report those other two incidents to the principal, but the assistant principal did not do so. We found that, in relation to those other two incidents, the assistant principal had an obligation to report those matters to Community Services or see that this was done, and the assistant principal did not do so.

We also found that, in response to those other two incidents, the assistant principal had an obligation to do more to put in place systems to better protect other students with respect to the child with problematic or harmful sexual behaviours, and they did not do so.

The mother of Student 1 gave evidence at the public hearing. She said that she was not told about the sexual nature of the interactions between her child and Student 2.

We are satisfied that it was essential that the mother be informed of the four incidents involving her child. School 2 had an obligation to inform the mother about those incidents, and it did not do so.

We heard evidence about the systems that School 2 put in place in response to these incidents. School 2 correctly implemented a number of systems in relation to the student who demonstrated the problematic or harmful sexual behaviour. However, we are satisfied that the systems that School 2 put in place were not effective in supporting the student who was subjected to the problematic or harmful sexual behaviour. We are also satisfied that School 2 had an obligation to put in place systems to better protect other students, and it did not do so.

Several months later, Student 1 was at home and complained of having a sore anus. Student 1 disclosed to his mother that Student 2 had inappropriately touched him. This was the first time that Student 1's mother was informed about any problematic or harmful sexual behaviour her child had experienced. Student 1's mother took Student 1 to the doctor for an examination. Student 1 made the same disclosure to the doctor. The doctor concluded that Student 1 had an anal fissure and the area was badly infected.

A few days later, Student 1's mother informed the principal of School 2 that she was withdrawing her child from School 2. The mother then notified Community Services.

A senior representative from Community Services said that the incident was referred to the local Community Services Centre (CSC) and, about six weeks later, a caseworker completed an assessment indicating that Student 1's case was 'deemed appropriate to be streamed through to [Early Intervention]'. However, approximately one week later, Student 1's case was closed on the basis that the 'matter is to be dealt with by school, [Early Intervention] streaming was complete but child does not fit criteria. Matter to be [closed under competing priorities]'. The senior representative from Community Services said that 'this meant that the Early Intervention team at the CSC did not have the capacity to respond to the report as it was responding to higher risk matters'.

4.3 School 3

The third school examined in a private hearing (School 3) is a government primary school administered by the New South Wales Department of Education.

The systemic issues raised in this case study included ineffective recordkeeping, ineffective communication with parents and inadequate training for employees of the Department of Education in relation to problematic or harmful sexual behaviour between children.

The incident at School 3 involved three students who were on an overnight excursion organised by the school. All three students were in the same year group. The three students were alone and away from staff supervision. Student 1 was allegedly subjected to harmful sexual behaviour by Student 2 and Student 3. The allegations included inappropriate touching of genitals, simulated sexual intercourse and possibly penetration. Student 1 allegedly said 'no' repeatedly but Student 2 and Student 3 did not stop.

Student 1 reported the incident immediately afterwards. The deputy principal, who was attending the overnight excursion, was then notified. The deputy principal interviewed the students separately. The deputy principal did not take notes during these interviews. We are satisfied that the deputy principal should have made contemporaneous notes of the interviews they conducted and did not do so.

After interviewing each student, the deputy principal then telephoned the principal. The principal advised the deputy principal to telephone the parents of the three students and notify them about the incident.

The deputy principal telephoned the parents of Student 2 and Student 3 first. The parents of Student 1 were telephoned last. We are satisfied that the deputy principal did not convey the full extent of what happened to Student 1 in the deputy principal's telephone call to Student 1's parents.

Another student, Student 4, witnessed the incidents but was not directly involved. When interviewed by the deputy principal shortly after the incidents, Student 4 was so distressed that Student 4 threatened to self-harm. During the afternoon the following day, the principal telephoned the parents of Student 4. The principal disclosed to the parent that their child had witnessed an incident of a sexual nature but was not directly involved. However, the parent was not informed that, when interviewed following the incident, Student 4 had threatened self-harm. We are satisfied that the principal should have informed the parents of Student 4 about their child's threats of self-harm on the day of the incident or the following morning.

When the teachers attending the excursion returned to School 3, the principal spoke to them separately. The principal discovered that the deputy principal had not made any contemporaneous notes, and the principal asked the deputy principal to do so as soon as possible. The principal did not ask the deputy principal to speak to the students again.

Three days after the incident, the deputy principal conducted further interviews with Students 1, 2 and 3. The deputy principal conducted separate interviews with the students but then had them all in a room together. The deputy principal said that Students 1, 2 and 3 told the deputy principal what had happened. The deputy principal then handwrote their accounts in incident reports, which the deputy principal then showed to Students 1, 2 and 3. The students then confirmed that the accounts were correct.

We are satisfied the deputy principal should not have conducted the further interviews with the students involved in the incident on the excursion.

We are also satisfied that the deputy principal had not received sufficient training or guidance about whether to conduct interviews with students who have displayed or been subjected to harmful or problematic sexual behaviours.

We are satisfied that the Department of Education did not provide sufficient training and guidance to teaching staff in public schools to assist with the management of incidents involving problematic and harmful sexual behaviours.

We are further satisfied that the Department of Education did not provide sufficient training and guidance to teaching staff about proper and adequate techniques for conducting interviews with students involved in incidents of problematic and harmful sexual behaviour.

The principal notified Community Services about the incident on the day after it occurred. Approximately two weeks after the incident, the parents of a child who witnessed the incident made a further report to Community Services. We are satisfied that Community Services made an error in failing to assess the additional information that indicated that the incident involved coercion and possibly penetration.

A senior representative from Community Services said that the response of Community Services to the initial notification was to 'provide counselling support and advice about services'. The report was closed a short time later due to competing priorities. We heard that Community Services did not take further action because of resourcing issues and there were other notifications which were of higher risk. The senior representative told us 'as distressing as this information is ... this is not anywhere near the severity of most of the information that is reported to Community Services'.

One week after the incident, the parents of Student 1 requested Student 1's incident report. It was not provided to the parents until six weeks after the incident. We are satisfied that the delay in providing Student 1's incident report to Student 1's parents was unacceptable in the circumstances.

After the incident, the principal of School 3 agreed that the steps taken by the school did not reveal that Student 1 was suffering problems, even though teachers had been asked to keep a close eye on Student 1. We are satisfied that the teaching staff at School 3 had not received any training to assist them to manage the potential consequences for a child who had been subjected to problematic or harmful sexual behaviour.

We also heard evidence that, approximately two years earlier, an incident of sexualised behaviour involving Student 3 occurred at the after-school care service run by the local council. This incident was verbally reported to the principal by the after-school care coordinator. There was no documentary record of the incident. The principal said that some level of information sharing existed between School 3 and the after-school care service. However, we are satisfied that the documentary records that School 3 kept about students' involvement in incidents of problematic or harmful sexual behaviour were inadequate, in that the school did not have a documentary record of Student 3's problematic sexual behaviours at after-school care.

4.4 School 4

The fourth school examined in a private hearing (School 4) is an independent boarding school in New South Wales.

The systemic issues raised in this case study included inadequate supervision and mandatory reporting – in particular, the failure to report credible allegations of sexual assault to the police.

Over a period of hours one night, a series of incidents took place on the campus of School 4. Most of these incidents were non-sexual, however, there were two incidents of alleged harmful sexual behaviour.

At one point during the night, Student 1 allegedly placed their genitals on the face or hand of a younger student who was asleep. Student 1 did this in the presence of three other students, including Student 2. In another incident that evening, Student 1 and Student 2 discussed acts they had performed on another student, Student 3, on separate earlier occasions. Student 1 claimed to have placed their genitals on Student 3's face, while Student 2 claimed to have masturbated on Student 3's bed and wiped up the ejaculate with Student 3's jumper.

Someone who overheard this discussion reported the behaviour to School 4 the following day. Later that day, School 4 commenced an investigation. The investigation, which concluded days later, revealed all of the incidents described above. Student 1 and Student 2 denied their alleged actions, claiming instead that they were bragging to each other. The investigation also uncovered an unrelated non-sexual offence which had occurred at School 4 a few days earlier and which had been committed by Student 1.

We are satisfied that there was inadequate supervision on the night these incidents took place.

About one week after the series of incidents described above, School 4 telephoned the police to report the unrelated non-sexual offence. However, at that time School 4 did not tell the police about its investigation of the series of incidents described above, including the alleged harmful sexual behaviour. A couple of weeks later, the police received information from a community source indicating that the incidents of alleged harmful sexual behaviour at School 4 (namely, the series of incidents described above) had not been reported to police or the Child Protection Helpline.

We are satisfied that, based on the investigations that School 4 conducted in the days after the incidents, School 4 should have made a report to NSW Police about:

- the alleged conduct towards Student 3 on an earlier occasion
- the alleged conduct towards the younger student on the night of the incidents.

An officer of NSW Police gave evidence during the private hearing. He was critical of the way School 4 conducted its investigation of the series of incidents described above. The police officer observed that one of the students involved was interviewed three times in the space of three days. The police officer said that three interviews in three days was 'definitely' something that would have had an adverse impact on the quality or accuracy of that student's evidence.

The officer also told us that, when there are credible allegations of sexual assault, it is unnecessary for a school to investigate the allegations and that matters should be reported to police or Community Services.

Systemic Issues

Case Study 45, insofar as it examined Trinity Grammar School, The King's School and Shalom Christian College, provided the Royal Commission with information about systemic issues within its Terms of Reference in the area of institutional response to concerns and allegations of problematic or harmful sexual behaviour by children in school settings.

In particular, the systemic issues raised in this case study by our examination of responses in these schools include:

- responding to concerns, allegations and incidents of problematic or harmful sexual behaviour by children
- monitoring and oversight of effectiveness of, and compliance with, school and government agency policies for responding to incidents of problematic or harmful sexual behaviour by children
- reporting, regulation and oversight of schools and related institutions, including reporting to agencies such as Community Services and/or police
- complaints handling
- mandatory reporting – in particular, reporting to police and Community Services.

These systemic issues will be the subject of further discussion in the Royal Commission's final report.

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 Peter McClellan AM (Chair)

Mr Robert Fitzgerald AM

Professor Helen Milroy

Date of hearing

20–21 October 2016

24–25 October 2016

27 October 2016

31 October 2016

2–4 November 2016

Legislation

Royal Commissions Act 1902 (Cth)

Royal Commissions Act 1923 (NSW)

Leave to appear**Trinity Grammar School, Summer Hill, NSW**

Trinity Grammar School and Milton Cujes

Peter Green

Robert Scott

Katherine Lumsdaine

EAA

James Mills

State of New South Wales

The King's School, Parramatta, NSW

The Council of The King's School, Dr Timothy Hawkes,
Dr Andrew Parry

Truth, Justice and Healing Council and the Australian Province
of the Society of Jesus

CLC

EAE

John Williams

DFE

CLG

Shalom Christian College, Condon, Qld

The Uniting Church in Australia Property Trust, Elaine Rae,
Christopher England, Amy Bridson, Stephen Thompson and
Cassandra Hindmarsh

EAL

EAM

Christopher Shirley

State of Queensland

State of Victoria

Legal representation

D Lloyd, Counsel Assisting the Royal Commission

Trinity Grammar School, Summer Hill, NSW

J Lonergan SC, instructed by D Ford of Emil Ford Lawyers, appearing for Trinity Grammar School and Milton Cujes

P Skinner, instructed by A Kohn of Makinson d'Apice, appearing for Peter Green

L Jardim, appearing for Robert Scott

P O'Brien, appearing for Katherine Lumsdaine

Dr M Marich, instructed by S Exner of Dr Martine Marich & Associates, appearing for EAA

G Smith SC, instructed by J Harrowell of Hunt & Hunt, appearing for James Mills

I Temby QC and G Wright, instructed by N Malhotra of Crown Solicitor's Office (NSW), appearing for the State of New South Wales

The King's School, Parramatta, NSW

K Eastman SC, instructed by B Harding of MinterEllison, appearing for the Council of The King's School, Dr Timothy Hawkes, Dr Andrew Parry, Andrew Mansfield and Robert Chandler

A Woods, instructed by A Floro of Gilbert + Tobin Lawyers, appearing for the Truth, Justice and Healing Council and the Australian Province of the Society of Jesus

A Cook, appearing for CLC

M Pickin, appearing for EAE

M Fernando, appearing for John Williams

L Jardim, appearing for DFE

M Osborne, appearing for CLG

Legal representation	Shalom Christian College, Condon, Qld
	<p>K Eastman SC and N Jarro, instructed by D Jardine of HopgoodGanim Lawyers and S Kovacevic of the Uniting Church in Australia Queensland Synod, appearing for the Uniting Church in Australia Property Trust, Elaine Rae, Christopher England, Amy Bridson, Stephen Thompson and Cassandra Hindmarsh</p> <p>Dr M Fitzgerald, instructed by S Exner of Dr Martine Marich & Associates, appearing for EAL</p> <p>Dr M Fitzgerald, instructed by S Exner of Dr Martine Marich & Associates, appearing for EAM</p> <p>L Jardim, appearing for Christopher Shirley</p> <p>M Hickey, instructed by B Cramer of Crown Law, appearing for the State of Queensland</p>
	<p>POLICY PANEL 1 – Treatment of problematic or harmful sexual behaviours in children, including best-practice school responses</p>
	<p>A Haban-Beer, instructed by L Jarrett of Victorian Government Solicitor’s Office, appearing for the State of Victoria</p>
Pages of transcript	943
Summons to produce issued under <i>Royal Commissions Act 1923 (NSW)</i> and documents produced	7, producing approximately 10,151 documents
Summons to produce issued under <i>Commissions of Inquiry Act 1950 (Qld)</i> and documents produced	5, producing approximately 7,933 documents
Summons to attend issued under <i>Royal Commissions Act 1902 (Cth)</i>	43
Number of exhibits	42 exhibits, consisting of a total of 449 documents tendered at the hearing

Witnesses**Dr Wendy O'Brien**

Expert on children with problematic or harmful sexual behaviours in schools

EAA

Father of former student, Trinity Grammar School, Summer Hill, NSW

Katherine Lumsdaine

Former counsellor, Trinity Grammar School, Summer Hill, NSW

Peter Green

Deputy Headmaster, Trinity Grammar School, Summer Hill, NSW

Robert Scott

Former teacher, Trinity Grammar School, Summer Hill, NSW

Milton Cujes

Headmaster, Trinity Grammar School, Summer Hill, NSW

Deidre Mulkerin

Department of Family and Community Services NSW

CLC

Former student, The King's School, Parramatta, NSW

EAE

Father of former student, The King's School, Parramatta, NSW

CLG

Former student, The King's School, Parramatta, NSW

John Williams

Former student, The King's School, Parramatta, NSW

Andrew Mansfield

House master, The King's School, Parramatta, NSW

Dr Andrew Parry

Deputy Headmaster, The King's School, Parramatta, NSW

Witnesses**Dr Timothy Hawkes**

Headmaster, The King's School, Parramatta, NSW

Detective Sergeant Matthew Munro

Child Abuse Squad, Parramatta, NSW

Dr Paul Hine

Headmaster, St Ignatius' College, Riverview, NSW

EAM

Father of former student, Shalom Christian College,
Condon, Qld

EAL

Mother of former student, Shalom Christian College,
Condon, Qld

Amy Bridson

Counsellor, Shalom Christian College, Condon, Qld

Christopher Shirley

Former headmaster, Shalom Christian College, Condon, Qld

Christopher England

Principal, Shalom Christian College, Condon, Qld

James Mills

Former Chair of School Council, Trinity Grammar School,
Summer Hill, NSW

Murat Dizdar

Department of Education NSW

POLICY PANEL 1 – Treatment of problematic or harmful sexual behaviours in children, including best-practice school responses**Dale Tolliday**

Clinical Advisor, New Street Adolescent Service, NSW Health

Tracy Beaton

Chief Practitioner and Director of the Office of Professional Practice, Department of Health and Human Services VIC

Witnesses**Robyn Bale**

Director, Student Engagement and Interagency Partnerships,
Department of Education NSW

Dr Marshall Watson

Child and adolescent psychiatrist, SA

Acting Detective Superintendent George Marchesini

Child Safety and Sexual Crime Group, Queensland Police Service

**POLICY PANEL 2 – Creating child safe boarding environments
for Aboriginal and Torres Strait Islander students****Dr Steve Florisson**

Coordinator, Boarding Training Australia

Lorraine Bennett

Director, Remote Indigenous Parents Association Roper Gulf

John Morgan

Representative, Remote Indigenous Parents Association

Dan Cox

Chief Executive Officer, Boarding Australia

Lindsay Luck

Principal, St John's Catholic College Darwin, Northern Territory

Lois Peeler

Principal / Executive Director, Worawa Aboriginal College

Richard Stewart

Manager, AFL Cape York House

Dr Valerie Cooms

President, School Council, Aboriginal and Torres Strait Islander
Independent Community School (The Murri School)

Selwyn Button

Assistant Director-General, Indigenous Education –
State Schools, Department of Education and Training Qld

Witnesses**Tony Considine**

General Manager, Indigenous Education Review
Implementation, Department of Education NT

Sharmaine Williams

Former senior Aboriginal restorative practice worker,
Mary Street Adolescent Sexual Abuse Prevention Program, SA

Nicole Thompson

Former deputy regional manager, Aboriginal Hostels Ltd,
Darwin NT

Endnotes

- 1 Exhibit 45-001, Case Study 45, EXH.045.001.0001.
- 2 Exhibit 45-054, 'Statement of James Mills', Case Study 45, STAT.1250.001.0001 at [1.1].
- 3 Exhibit 45-002, Case Study 45, TRIN.0006.001.0197_R at [5]; See also Transcript of PC Green, Case Study 45, 21 October 2016 at 21746:28–34.
- 4 Transcript of PC Green, Case Study 45, 21 October 2016 at 21746:36–47–21748:1.
- 5 Exhibit 45-002, Case Study 45, NSW.COMS.593.2016_R at [6].
- 6 Exhibit 45-005, 'Statement of George Milton Cujes', Case Study 45, STAT.1195.001.0001_R at [4]–[7].
- 7 Transcript of R Scott, Case Study 45, 21 October 2016 at 21795:32–33.
- 8 Transcript of R Scott, Case Study 45, 21 October 2016 at 21795:23–33.
- 9 Transcript of PC Green, Case Study 45, 21 October 2016 at 21745:24–25.
- 10 Transcript of PC Green, Case Study 45, 21 October 2016 at 21744:37–39.
- 11 Transcript of PC Green, Case Study 45, 21 October 2016 at 21744:46–21745:1–3.
- 12 Transcript of PC Green, Case Study 45, 21 October 2016 at 21746:13–18.
- 13 Transcript of PC Green, Case Study 45, 21 October 2016 at 21747:26–28.
- 14 Transcript of PC Green, Case Study 45, 21 October 2016 at 21744:32–33.
- 15 Transcript K Lumsdaine, Case Study 45, 20 October 2016 at 21691:14–15.
- 16 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [4].
- 17 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [6]–[7].
- 18 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [8][9].
- 19 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [9].
- 20 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [9].
- 21 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21697:43–46.
- 22 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [10].
- 23 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [21].
- 24 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [12].
- 25 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [14].
- 26 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [13].
- 27 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [14].
- 28 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [19].
- 29 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [20].
- 30 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [22].
- 31 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [25].
- 32 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [24].
- 33 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [24].
- 34 Transcript of EAA, Case Study 45, 20 October 2016 at 21677:19–23.
- 35 Transcript of EAA, Case Study 45, 20 October 2016 at 21677:25–28.
- 36 Transcript of EAA, Case Study 45, 20 October 2016 at 21677:30–31.
- 37 Transcript of EAA, Case Study 45, 20 October 2016 at 21688:26–21689:21.
- 38 Transcript of EAA, Case Study 45, 20 October 2016 at 21677:38–45.
- 39 Transcript of EAA, Case Study 45, 20 October 2016 at 21678:1–5.
- 40 Transcript of EAA, Case Study 45, 20 October 2016 at 21677:47–21678:1–14.
- 41 Transcript of EAA, Case Study 45, 20 October 2016 at 21678:29–41.
- 42 Transcript of EAA, Case Study 45, 20 October 2016 at 21679:25–28.
- 43 Transcript of EAA, Case Study 45, 20 October 2016 at 21680:16–22.
- 44 Transcript of EAA, Case Study 45, 20 October 2016 at 21680:22–24.
- 45 Transcript of EAA, Case Study 45, 20 October 2016 at 21680:46–21681:1–2.
- 46 Transcript of EAA, Case Study 45, 20 October 2016 at 21681:7.
- 47 Transcript of EAA, Case Study 45, 20 October 2016 at 21681:35–41.
- 48 Transcript of EAA, Case Study 45, 20 October 2016 at 21682:3–4.
- 49 Transcript of EAA, Case Study 45, 20 October 2016 at 21682:6–14.
- 50 Transcript of EAA, Case Study 45, 20 October 2016 at 21682:18–19.
- 51 Transcript of EAA, Case Study 45, 20 October 2016 at 21682:37–47.

52 Transcript of EAA, Case Study 45, 20 October 2016 at 21683:20–24.
53 Transcript of EAA, Case Study 45, 20 October 2016 at 21683:29–30.
54 Transcript of EAA, Case Study 45, 20 October 2016 at 21683:38–47.
55 Transcript of EAA, Case Study 45, 20 October 2016 at 21684:21–22.
56 Transcript of EAA, Case Study 45, 20 October 2016 at 21685:5–19.
57 Transcript of R Scott, Case Study 45, 21 October 2016 at 21800:19–36; Exhibit 45-002,
Case Study 45, NSW.COMS.593.2016_R at [10].
58 Transcript of R Scott, Case Study 45, 21 October 2016 at 21800:30–40.
59 Transcript of R Scott, Case Study 45, 21 October 2016 at 21800:42–44.
60 Transcript of R Scott, Case Study 45, 21 October 2016 at 21801:3–14.
61 Transcript of R Scott, Case Study 45, 21 October 2016 at 21801:25–35; Exhibit 45-002,
Case Study 45, NSW.COMS.593.2016_R at [12].
62 Exhibit 45-002, Case Study 45, NSW.COMS.593.2016_R at [12].
63 Transcript of PC Green, Case Study 45, 21 October 2016 at 21747:31–40.
64 Transcript of PC Green, Case Study 45, 21 October 2016 at 21748:10–13.
65 Transcript of PC Green, Case Study 45, 21 October 2016 at 21748:17–21.
66 Transcript of R Scott, Case Study 45, 21 October 2016 at 21801:37–40; Exhibit 45-002, Case Study 45,
NSW.COMS.593.2016_R at [13]; Exhibit 45-002, Case Study 45, TRIN.0006.001.0197_R at [13].
67 Transcript of R Scott, Case Study 45, 21 October 2016 at 21802:1–21803:47; Transcript of PC Green,
Case Study 45, 21 October 2016 at 21751:24–40; Exhibit 45-002, Case Study 45, TRIN.0006.001.0197_R
at [15]–[16].
68 Exhibit 45-002, Case Study 45, TRIN.0006.001.0022_R.
69 Exhibit 45-002, Case Study 45, TRIN.0006.001.0022_R.
70 Transcript of PC Green, Case Study 45, 21 October 2016 at 21759:6–12.
71 Transcript of PC Green, Case Study 45, 21 October 2016 at 21756:29–32.
72 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21694:7–18; Exhibit 45-002,
Case Study 45, NSW.COMS.593.0641_R at [4].
73 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21697:43–46.
74 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21698:15–18.
75 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21698:24–26.
76 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21698:31–34.
77 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21698:36–39.
78 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21699:20–29.
79 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21700:5–7.
80 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21700:25–28.
81 Transcript of PC Green, Case Study 45, 21 October 2016 at 21751:32–33.
82 Transcript of PC Green, Case Study 45, 21 October 2016 at 21752:21–23.
83 Transcript of PC Green, Case Study 45, 21 October 2016 at 21754:15–17, 21771:27–21772:9, 21775:37–47.
84 Transcript of PC Green, Case Study 45, 21 October 2016 at 21761:16–25.
85 Transcript of PC Green, Case Study 45, 21 October 2016 at 21762:24–32.
86 Transcript of PC Green, Case Study 45, 21 October 2016 at 21764:42–46–21765:1–11.
87 Transcript of PC Green, Case Study 45, 21 October 2016 at 21759:6–12.
88 Transcript of R Scott, Case Study 45, 21 October 2016 at 21802:1–21804:6.
89 Exhibit 45-002, Case Study 45, NSW.COMS.593.2016_R; Transcript of R Scott Case Study 45,
21 October 2016 at 21794:29–35.
90 Exhibit 45-002, Case Study 45, NSW.COMS.593.2016_R and TRIN.0006.001.0189_R at [15].
91 Transcript of R Scott, Case Study 45, 21 October 2016 at 21803:39–47–21804:1–6, 21804:32–34;
Exhibit 45-002, Case Study 45, NSW.COMS.593.2016_R.
92 Transcript of R Scott, Case Study 45, 21 October 2016 at 21803:15–19.
93 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21700:44–47.
94 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21701:13–17.
95 Transcript of PC Green, Case Study 45, 21 October 2016 at 21765:34–37.

- 96 Transcript of PC Green, Case Study 45, 21 October 2016 at 21765:44–21766:4.
97 Transcript of PC Green, Case Study 45, 21 October 2016 at 21766:11–26.
98 Transcript of PC Green, Case Study 45, 21 October 2016 at 21766:28–43.
99 Transcript of PC Green, Case Study 45, 21 October 2016 at 21768:13–15.
100 Transcript of PC Green, Case Study 45, 21 October 2016 at 21766:38–21767:10.
101 Transcript of PC Green, Case Study 45, 21 October 2016 at 21767:47–21768:3.
102 Transcript of PC Green, Case Study 45, 21 October 2016 at 21769:3–4.
103 Transcript of PC Green, Case Study 45, 21 October 2016 at 21769:3–9.
104 Transcript of PC Green, Case Study 45, 21 October 2016 at 21769:34–38.
105 Transcript of PC Green, Case Study 45, 21 October 2016 at 21770:8–12.
106 Transcript of PC Green, Case Study 45, 21 October 2016 at 21770:36–44.
107 Transcript of M Cujes, Case Study 45, 21 October 2016 at 21835:11–19.
108 Transcript of M Cujes, Case Study 45, 21 October 2016 at 21833:14–15.
109 Transcript of M Cujes, Case Study 45, 21 October 2016 at 21850:43–45.
110 Transcript of M Cujes, Case Study 45, 21 October 2016 at 21833:33–37.
111 Transcript of M Cujes, Case Study 45, 21 October 2016 at 21835:6–8.
112 Transcript of M Cujes, Case Study 45, 21 October 2016 at 21846:36–47.
113 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21853:5–10.
114 Exhibit 45-002, Case Study 45, TRIN.0006.001.0197_R.
115 Transcript of PC Green, Case Study 45, 21 October 2016 at 21767:33–41.
116 Exhibit 45-002, Case Study 45, NSW.COMS.593.0449_R at [5].
117 Exhibit 45-005, ‘Statement by George Milton Cujes’, Case Study 45, STAT.1195.001.0001_R,
21 October 2016 at [13].
118 Transcript of PC Green, Case Study 45, 21 October 2016 at 21767:43–21768:2.
119 Submissions of Counsel Assisting the Royal Commission, Case Study 45, SUBM.0045.001.0001 at [66].
120 Transcript of PC Green, Case Study 45, 21 October 2016 at 21746:4–7.
121 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21701:19–23.
122 Transcript of PC Green, Case Study 45, 21 October 2016 at 21774:21–23.
123 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21701:34–46.
124 Transcript of PC Green, Case Study 45, 21 October 2016 at 21774:25–31.
125 Transcript of PC Green, Case Study 45, 21 October 2016 at 21774:33–35; Transcript of K Lumsdaine,
Case Study 45, 20 October 2016 at 21702:26–34.
126 Transcript of PC Green, Case Study 45, 21 October 2016 at 21774:45–47.
127 Transcript of PC Green, Case Study 45, 21 October 2016 at 21777:3–13.
128 Transcript of PC Green, Case Study 45, 21 October 2016 at 21775:22–35.
129 Transcript of PC Green, Case Study 45, 21 October 2016 at 21776:37–42.
130 Transcript of PC Green, Case Study 45, 21 October 2016 at 21778:24–26.
131 Submissions of Counsel Assisting the Royal Commission, Case Study 45, SUBM.0045.001.0001 at [75].
132 Submissions for Mr Peter Green, Case Study 45, SUBM.1045.002.0001 at [30].
133 Submissions for Mr Peter Green, Case Study 45, SUBM.1045.002.0001 at [30]–[32].
134 Further submissions in reply for Mr Scott, Case Study 45, SUBM.1045.024.0001 at [7]–[8].
135 Further submissions in reply for Mr Scott, Case Study 45, SUBM.1045.024.0001 at [9].
136 Transcript of M Cujes, Case Study 45, 21 October 2016 at 21842:10–12.
137 Transcript of M Cujes, Case Study 45, 21 October 2016 at 21868:38–41.
138 Transcript of M Cujes, Case Study 45, 21 October 2016 at 21842:23–34.
139 Transcript of M Cujes, Case Study 45, 21 October 2016 at 21863:3–12.
140 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21845:21–27.
141 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21846:41–43.
142 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21855:18–32.
143 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21895:15–18.
144 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21895:27–32.
145 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21895:38–46.

- 146 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21896:4–9.
- 147 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21859:32–37.
- 148 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21868:13–14.
- 149 Transcript of PC Green, Case Study 45, 21 October 2016 at 21779:19–21.
- 150 Transcript of PC Green, Case Study 45, 21 October 2016 at 21779:35–36.
- 151 Transcript of PC Green, Case Study 45, 21 October 2016 at 21780:12–13.
- 152 Transcript of PC Green, Case Study 45, 21 October 2016 at 21780:4–17.
- 153 Transcript of PC Green, Case Study 45, 21 October 2016 at 21785:39–42.
- 154 Transcript of R Scott, Case Study 45, 21 October 2016 at 21812:15–19.
- 155 Transcript of R Scott, Case Study 45, 21 October 2016 at 21816:27–28.
- 156 Transcript of R Scott, Case Study 45, 21 October 2016 at 21813:2–5.
- 157 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21705:8–32.
- 158 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21706:1–2.
- 159 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21706:32–39.
- 160 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21707:34–41.
- 161 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21710:27–46.
- 162 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21712:5–17; Exhibit 45-002, Case Study 45, NSW.COMS.593.0641_R at [18].
- 163 Exhibit 45-002, Case Study 45, TRIN.0006.001.0057_R.
- 164 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21712:32–21713:47.
- 165 Transcript of PC Green, Case Study 45, 21 October 2016 at 21786:8–12.
- 166 Exhibit 45-002, Case Study 45, TRIN.0006.001.0056_R; Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21705:8–32.
- 167 Exhibit 45-002, Case Study 45, TRIN.0006.001.0056_R.
- 168 Transcript of R Scott, Case Study 45, 21 October 2016 at 21816:12–37.
- 169 Transcript of R Scott, Case Study 45, 21 October 2016 at 21816:16–22.
- 170 Transcript of R Scott, Case Study 45, 21 October 2016 at 21816:34–21817:33.
- 171 Transcript of R Scott, Case Study 45, 21 October 2016 at 21816:42–45.
- 172 Transcript of R Scott, Case Study 45, 21 October 2016 at 21817:5–18.
- 173 Transcript of R Scott, Case Study 45, 21 October 2016 at 21817:20–26.
- 174 Transcript of PC Green, Case Study 45, 21 October 2016 at 21771:44–21772:9.
- 175 Transcript of PC Green, Case Study 45, 21 October 2016 at 21772:13–17.
- 176 Transcript of M Cujes, Case Study 45, 21 October 2016 at 21841:28–30.
- 177 Exhibit 45-002, Case Study 45, TRIN.0006.001.0056_R; Exhibit 45-002, Case Study 45, NSW.COMS.593.0641_R at [22].
- 178 Exhibit 45-002, Case Study 45, TRIN.0006.001.0056_R.
- 179 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21714:32–35.
- 180 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21715:40–44.
- 181 Transcript of K Lumsdaine, Case Study 45, 20 October 2016 at 21715:46–21716:1.
- 182 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21866:26–28.
- 183 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21876:38–21877:1.
- 184 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21877:14–17.
- 185 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21877:17–18.
- 186 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21877:18–19.
- 187 Submissions on behalf of Trinity Grammar School and Milton Cujes, Case Study 45, SUBM.1045.007.0001 at [35]–[36].
- 188 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21874:17–25.
- 189 Transcript of PC Green, Case Study 45, 21 October 2016 at 21785:44–21786:12.
- 190 Submissions on behalf of Trinity Grammar School and Milton Cujes, Case Study 45, SUBM.1045.007.0001 at [20].
- 191 Transcript of D Mulkerin, Case Study 45, 24 October 2016 at 21916:33–34.
- 192 Transcript of D Mulkerin, Case Study 45, 24 October 2016 at 21916:34–40.
- 193 Transcript of D Mulkerin, Case Study 45, 24 October 2016 at 21917:35–40.

- 194 Transcript of D Mulkerin, Case Study 45, 24 October 2016 at 21917:42–46.
195 Transcript of D Mulkerin, Case Study 45, 24 October 2016 at 21918:5–9.
196 Exhibit 45-002, Case Study 45, TRIN.0006.001.0309.
197 Exhibit 45-002, Case Study 45, TRIN.0006.001.0309 at 0311.
198 Exhibit 45-002, Case Study 45, TRIN.0006.001.0056_R.
199 Exhibit 45-002, Case Study 45, TRIN.0006.001.0056_R.
200 Transcript of R Scott, Case Study 45, 21 October 2016 at 21796:4–8.
201 Transcript of R Scott, Case Study 45, 21 October 2016 at 21796:11–18.
202 Transcript of R Scott, Case Study 45, 21 October 2016 at 21797:26–32.
203 Transcript of R Scott, Case Study 45, 21 October 2016 at 21798:34–37.
204 Transcript of R Scott, Case Study 45, 21 October 2016 at 21799:42–47.
205 Transcript of R Scott, Case Study 45, 21 October 2016 at 21799:7–10.
206 Transcript of R Scott, Case Study 45, 21 October 2016 at 21800:12–17.
207 Transcript of R Scott, Case Study 45, 21 October 2016 at 21800:2–4.
208 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [9].
209 Exhibit 45-064, 'Statement of CLA', Case Study 45, STAT.1234.001.0001_R at [9].
210 Exhibit 45-002, Case Study 45, TRIN.0006.001.0022_R.
211 Exhibit 45-002, Case Study 45, TRIN.0006.001.0025_R.
212 Transcript of PC Green, Case Study 45, 21 October 2016 at 21780:44–47.
213 Transcript of PC Green, Case Study 45, 21 October 2016 at 21787:3–10.
214 Transcript of R Scott, Case Study 45, 21 October 2016 at 21827:6–10.
215 Transcript of M Cujes, Case Study 45, 21 October 2016 at 21843:6–19.
216 Transcript of JE Mills, Case Study 45, 3 November 2016 at 22800:41–46.
217 Transcript of JE Mills, Case Study 45, 3 November 2016 at 22801:1–7.
218 Transcript of JE Mills, Case Study 45, 3 November 2016 at 22803:24–27; Transcript of JE Mills,
Case Study 45, 3 November 2016 at 22804:5–6.
219 Transcript of JE Mills, Case Study 45, 3 November 2016 at 22803:38–43; Transcript of JE Mills,
Case Study 45, 3 November 2016 at 22804:1–3.
220 Transcript of JE Mills, Case Study 45, 3 November 2016 at 22804:8–11.
221 Transcript of JE Mills, Case Study 45, 3 November 2016 at 22803:45–22804:3.
222 Exhibit 45-002, Case Study 45, TRIN.0007.001.0054.
223 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21891:13–21.
224 Exhibit 45-002, Case Study 45, TRIN.0007.001.0054.
225 Transcript of JE Mills, Case Study 45, 3 November 2016 at 22807:17–32.
226 Transcript of JE Mills, Case Study 45, 3 November 2016 at 22807:34–22808:15.
227 Transcript of JE Mills, Case Study 45, 3 November 2016 at 22810:13–22811:6.
228 Submissions on behalf of Trinity Grammar School and Milton Cujes, Case Study 45,
SUBM.1045.007.0001 at [38]–[42].
229 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21891:19–21.
230 Transcript of M Cujes, Case Study 45, 24 October 2016 at 21893:29–35.
231 Transcript of EAE, Case Study 45, 24 October 2016 at 21945:18–21.
232 Transcript of CLC, Case Study 45, 24 October 2016 at 21929:41–21930:12.
233 Transcript of CLC, Case Study 45, 24 October 2016 at 21931:19–22.
234 Exhibit 45-018, 'Statement of Dr Timothy Hawkes', Case Study 45, STAT.1133.001.0001_R at [123]–[124].
235 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22008:20–32.
236 Transcript of CLC, Case Study 45, 24 October 2016 at 21931:29–32.
237 Transcript of CLC, Case Study 45, 24 October 2016 at 21931:34–41.
238 Transcript of CLC, Case Study 45, 24 October 2016 at 21932:2–5.
239 Transcript of CLC, Case Study 45, 24 October 2016 at 21932:7–11.
240 Transcript of CLC, Case Study 45, 24 October 2016 at 21932:13–15.
241 Transcript of CLC, Case Study 45, 24 October 2016 at 21932:18–22.
242 Transcript of CLC, Case Study 45, 24 October 2016 at 21932:24–28.

243 Transcript of EAE, Case Study 45, 24 October 2016 at 21946:26–33.
 244 Transcript of EAE, Case Study 45, 24 October 2016 at 21946:41–46.
 245 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22008:13–34; Exhibit 45-015,
 ‘Statement of Andrew Mansfield’, Case Study 45, STAT.1232.001.0001_R at [4], [7].
 246 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22008:32–36.
 247 Exhibit 45-010, Case Study 45, TKS.0003.002.1382_R; Transcript of A Mansfield, Case Study 45,
 25 October 2016 at 22008:47–22009:38.
 248 Exhibit 45-011, ‘Statement of CLC’, Case Study 45, STAT.1215.001.0004_R at [29].
 249 Exhibit 45-011, ‘Statement of CLC’, Case Study 45, STAT.1215.001.0004_R at [29]; see also
 Transcript of CLC, Case Study 45, 24 October 2016 at 21933:5–22.
 250 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22011:40–22012:12.
 251 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22023:35–22036:10.
 252 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22011:17–24.
 253 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22011:4–31.
 254 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22011:33–38.
 255 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22011:40–46.
 256 Submissions on behalf of The King’s School, Case Study 45, SUBM.1045.010.0001, para 26.
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 260 Transcript of CLC, Case Study 45, 24 October 2016 at 21937:4–8,21–24.
 261 Transcript of CLC, Case Study 45, 24 October 2016 at 21939:44–21940:6.
 262 Exhibit 45-010, Case Study 45, TUD.0020.001.0324_R.
 263 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22015:23–45.
 264 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22016:13–17.
 265 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22016:19–33.
 266 Transcript of EAE, Case Study 45, 24 October 2016 at 21947:5–8.
 267 Exhibit 45-010, Case Study 45, TUD.0020.001.0324_R.
 268 Exhibit 45-010, Case Study 45, TUD.0020.001.0324_R.
 269 Exhibit 45-010, Case Study 45, TUD.0020.001.0324_R.
 270 Exhibit 45-010, Case Study 45, TUD.0020.001.0324_R.
 271 Exhibit 45-012, ‘Statement of EAE’, Case Study 45, STAT.1216.001.0004_R at [14].
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 273 Transcript of A Parry, Case Study 45, 25 October 2016 at 22053:19–22.
 274 Exhibit 45-010, Case Study 45, NPF.074.002.0048_R.
 275 Exhibit 45-010, Case Study 45, NPF.074.002.0048_R.
 276 Exhibit 45-010, Case Study 45, NPF.074.002.0048_R.
 277 Transcript of A Parry, Case Study 45, 25 October 2016 at 22057:34–41.
 278 Transcript of A Parry, Case Study 45, 25 October 2016 at 22054:24–27.
 279 Transcript of A Parry, Case Study 45, 25 October 2016 at 22054:29–31.
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 281 Exhibit 45-010, Case Study 45, NPF.0019.001.0133_R.
 282 Exhibit 45-010, Case Study 45, NPF.0019.001.0133_R.
 283 Transcript of A Parry, Case Study 45, 25 October 2016 at 22055:42–22056:14.
 284 Transcript of A Parry, Case Study 45, 25 October 2016 at 22056:16–24.
 285 Transcript of A Parry, Case Study 45, 25 October 2016 at 22056:30–39.
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 288 Transcript of A Parry, Case Study 45, 25 October 2016 at 22058:5–9.
 289 Transcript of A Parry, Case Study 45, 25 October 2016 at 22057:30–32, 22058:11–15.
 290 Exhibit 45-010, Case Study 45, NPF.0019.001.0132_R; Transcript of A Parry, Case Study 45,
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291 Exhibit 45-010, Case Study 45, NPF.0019.001.0132_R.
292 Exhibit 45-010, Case Study 45, NPF.0019.001.0132_R.
293 Transcript of A Parry, Case Study 45, 25 October 2016 at 22058:27–35.
294 Transcript of A Parry, Case Study 45, 25 October 2016 at 22059:1–6.
295 Transcript of A Parry, Case Study 45, 25 October 2016 at 22059:8–23.
296 Transcript of A Parry, Case Study 45, 25 October 2016 at 22059:18–23.
297 Exhibit 45-010, Case Study 45, TKS.0020.001.0333_R.
298 Exhibit 45-010, Case Study 45, TKS.0020.001.0333_R; Transcript of A Mansfield, Case Study 45,
25 October 2016 at 22025:41–22026:25.
299 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22026:3–4; Transcript of A Parry,
Case Study 45, 25 October 2016 at 22059:25–27.
300 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22026:31–40.
301 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22026:31–40.
302 Transcript of EAE, Case Study 45, 24 October 2016 at 21948:35–39.
303 Exhibit 45-010, Case Study 45, TKS.0003.002.1403_R; Transcript of A Mansfield, Case Study 45,
25 October 2016 at 22027:14–32.
304 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22027:14–32.
305 Exhibit 45-010, Case Study 45, TKS.0003.002.1403_R.
306 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22027:38-41.
307 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22028:6–22.
308 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22028:24–25.
309 Exhibit 45-010, Case Study 45, TKS.0020.001.0338_R.
310 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22028:45–22029:6.
311 Exhibit 45-010, Case Study 45, TKS.0020.001.0341_R.
312 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22029:27–36.
313 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22029:38–42.
314 Exhibit 45-010, Case Study 45, TKS.0003.002.1405_R.
315 Exhibit 45-010, Case Study 45, TKS.0003.002.1405_R.
316 Transcript of EAE, Case Study 45, 24 October 2016 at 21948:44–46.
317 Transcript of EAE, Case Study 45, 24 October 2016 at 21948:44–21958:4.
318 Transcript of EAE, Case Study 45, 24 October 2016 at 21958:4–7.
319 Transcript of A Parry, Case Study 45, 25 October 2016 at 22059:34–22060:2.
320 Transcript of A Parry, Case Study 45, 25 October 2016 at 22060:4–10.
321 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22088:41–22089:11.
322 Transcript of A Parry, Case Study 45, 25 October 2016 at 22060:12–16.
323 Transcript of A Parry, Case Study 45, 25 October 2016 at 22060:18–22, 22060:45–22061:4.
324 Transcript of A Parry, Case Study 45, 25 October 2016 at 22060:45–22061:4.
325 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22089:13–21.
326 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22089:13–21.
327 Transcript of A Parry, Case Study 45, 25 October 2016 at 22061:45–22062:7.
328 Transcript of M Munro, Case Study 45, 31 October 2016 at 22422:32–38.
329 Transcript of A Parry, Case Study 45, 25 October 2016 at 22062:13–34.
330 Transcript of A Parry, Case Study 45, 25 October 2016 at 22062:36–47, 22063:13–20.
331 Transcript of A Parry, Case Study 45, 25 October 2016 at 22063:30–35, 22064:2–7.
332 Transcript of A Parry, Case Study 45, 25 October 2016 at 22063:43–47.
333 Transcript of A Parry, Case Study 45, 25 October 2016 at 22064:31–34.
334 Transcript of A Parry, Case Study 45, 25 October 2016 at 22064:34–38.
335 Transcript of A Parry, Case Study 45, 25 October 2016 at 22064:31–38.
336 Transcript of A Parry, Case Study 45, 25 October 2016 at 22064:40–44.
337 Transcript of A Parry, Case Study 45, 25 October 2016 at 22064:40–44.
338 Transcript of A Parry, Case Study 45, 25 October 2016 at 22064:24–26.
339 Transcript of A Parry, Case Study 45, 25 October 2016 at 22064:9–14.

340 Transcript of A Parry, Case Study 45, 25 October 2016 at 22064:16–22.
341 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22089:31–22090:2.
342 Exhibit 45-010, Case Study 45, NPF.0019.001.0189_R; Exhibit 45-010, Case Study 45,
NPF.0019.002.0094_R at 0095_R.
343 Exhibit 45-010, Case Study 45, NPF.0019.001.0189_R.
344 Exhibit 45-010, Case Study 45, NPF.0019.001.0189_R; Exhibit 45-017, Case Study 45, NPF.0019.001.0138.
345 Exhibit 45-010, Case Study 45, NPF.0019.001.0189_R; Exhibit 45-017, Case Study 45, NPF.0019.001.0138.
346 Transcript of A Parry, Case Study 45, 25 October 2016 at 22065:42–22066:2.
347 Transcript of A Parry, Case Study 45, 25 October 2016 at 22067:5–31.
348 Transcript of A Parry, Case Study 45, 25 October 2016 at 22067:5–17.
349 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22090:40–22091:2,19–26.
350 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22091:36–46.
351 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22091:36–46.
352 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22092:1–6.
353 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22092:1–6.
354 Transcript of A Parry, Case Study 45, 25 October 2016 at 22070:12–35.
355 Transcript of A Parry, Case Study 45, 25 October 2016 at 22071:3–5.
356 Transcript of A Parry, Case Study 45, 25 October 2016 at 22071:19–25.
357 Transcript of A Parry, Case Study 45, 25 October 2016 at 22072:9–31.
358 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22092:35–40.
359 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22093:21–23.
360 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22094:7–13.
361 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22093:30–34.
362 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22096:30–47.
363 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22097:8–10.
364 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22096:23–36.
365 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22097:40–46.
366 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22098:1–2.
367 Transcript of A Parry, Case Study 45, 25 October 2016 at 22073:14–16.
368 Transcript of A Parry, Case Study 45, 25 October 2016 at 22073:40–22074:2.
369 Transcript of A Parry, Case Study 45, 25 October 2016 at 22073:40–22074:2.
370 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22030:35–22031:1.
371 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22030:35–22031:1.
372 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22031:27–38.
373 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22031:40–44.
374 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22031:46–22032:2.
375 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22032:9–12.
376 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22032:14–17.
377 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22032:19–22.
378 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22031:40–44.
379 Transcript of A Parry, Case Study 45, 25 October 2016 at 22050:20–22.
380 Transcript of A Parry, Case Study 45, 25 October 2016 at 22050: 41–44.
381 Transcript of A Parry, Case Study 45, 25 October 2016 at 22050:24–27.
382 Transcript of A Parry, Case Study 45, 25 October 2016 at 22050:14–18.
383 Transcript of A Parry, Case Study 45, 25 October 2016 at 22050:20–22.
384 Transcript of A Parry, Case Study 45, 25 October 2016 at 22050:41–44.
385 Transcript of EAE, Case Study 45, 24 October 2016 at 21949:30–37; Exhibit 45-010, Case Study 45,
TKS.0003.002.1400_R, TKS.0003.002.1401_R, TKS.0003.002.1402_R.
386 Exhibit 45-010, Case Study 45, TKS.0003.002.1400_R, TKS.0003.002.1401_R, TKS.0003.002.1402_R.
387 Transcript of EAE, Case Study 45, 24 October 2016 at 21949:36-41; Exhibit 45-010, Case Study 45,
TKS.0003.002.1400_R, TKS.0003.002.1401_R, TKS.0003.002.1402_R.
388 Transcript of A Parry, Case Study 45, 25 October 2016 at 22051:40–42.

389 Transcript of A Parry, Case Study 45, 25 October 2016 at 22051:44–47.
390 Transcript of A Parry, Case Study 45, 25 October 2016 at 22052:2–6.
391 Transcript of A Parry, Case Study 45, 25 October 2016 at 22052:22–24.
392 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22084:2–13.
393 Exhibit 45-015, ‘Statement of John Taylor’, Case Study 45, STAT.1248.001.0001_R at [9]–[10].
394 Exhibit 45-015, ‘Statement of John Taylor’, Case Study 45, STAT.1248.001.0001_R at [9]–[10].
395 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22084:15–18.
396 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22037:10–14, 26–29; Transcript of A Parry, Case Study 45, 25 October 2016 at 22050:20–22,41–44, 22051:5–10, 22052:22–24.
397 Submissions on behalf of The King’s School, Case Study 45, SUBM.1045.010.0001, para 82.
398 Submissions on behalf of The King’s School, Case Study 45, SUBM.1045.010.0001, paras 83–84.
399 Submissions on behalf of The King’s School, Case Study 45, SUBM.1045.010.0001, para 86.
400 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22037:10–14, 26–29; Transcript of A Parry, Case Study 45, 25 October 2016 at 22050:41–44.
401 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22372:7–12.
402 Exhibit 45-010, Case Study 45, TUD.0014.001.0002_R.
403 Exhibit 45-010, Case Study 45, TUD.0014.001.0002_R.
404 Exhibit 45-010, Case Study 45, TUD.0014.001.0002_R.
405 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22350:9–16.
406 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22350:9–16.
407 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22350:18–26.
408 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22350:18–26.
409 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22350:35–42.
410 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22354:26–31.
411 Exhibit 45-010, Case Study 45, NPF.019.001.0078_R.
412 Exhibit 45-010, Case Study 45, TKS.0003.002.1393_R.
413 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22355:39–45, 22356:11–16.
414 Exhibit 45-010, Case Study 45, TKS.0003.002.1393_R.
415 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22358:7–17.
416 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22356:45–22357:16.
417 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22357:18–25.
418 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22357:27–32.
419 Exhibit 45-020, Case Study 45, TRAN.0014.001.0001_R.
420 Exhibit 45-020, Case Study 45, TRAN.0014.001.0001_R.
421 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22361:23–34.
422 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22356:35–43, 22366:43–22367:10.
423 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22364:31–40.
424 Exhibit 45-020, Case Study 45, TRAN.0014.001.0001_R at 0014_R, 0003_R, 0027_R.
425 Exhibit 45-020, Case Study 45, TRAN.0014.001.0001_R at 0014_R–0015_R.
426 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22369:2–15.
427 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22369:17–43.
428 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22369:17–43.
429 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22369:45–22370:3.
430 Exhibit 45-020, Case Study 45, TRAN.0014.001.0001_R at 0021_R–0022_R; Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22359:11–16.
431 Exhibit 45-020, Case Study 45, TRAN.0014.001.0001_R at 0021_R–0022_R.
432 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22371:7–39.
433 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22371:41–47.
434 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22372:2–5.
435 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22372:7–12.
436 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22367:45–22368:11.
437 Transcript of EAE, Case Study 45, 24 October 2016 at 21951:12–20; Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22374:26–28.

438 Transcript of CLC, Case Study 45, 24 October 2016 at 21935:22–23.
439 Transcript of CLC, Case Study 45, 24 October 2016 at 21935:26–27.
440 Transcript of CLC, Case Study 45, 24 October 2016 at 21935:29–35.
441 Transcript of CLC, Case Study 45, 24 October 2016 at 21935:32–33.
442 Transcript of CLC, Case Study 45, 24 October 2016 at 21935:29–35.
443 Transcript of CLC, Case Study 45, 24 October 2016 at 21935:37–43.
444 Transcript of CLC, Case Study 45, 24 October 2016 at 21935:45–21936:5.
445 Transcript of CLC, Case Study 45, 24 October 2016 at 21936:1–5.
446 Transcript of EAE, Case Study 45, 24 October 2016 at 21951:36.
447 Transcript of EAE, Case Study 45, 24 October 2016 at 21951:36–40.
448 Transcript of EAE, Case Study 45, 24 October 2016 at 21951:44–21952:2.
449 Transcript of CLC, Case Study 45, 24 October 2016 at 21936:7.
450 Transcript of P Hine, Case Study 45, 31 October 2016 at 22454:34–47.
451 Transcript of P Hine, Case Study 45, 31 October 2016 at 22458:2–5.
452 Exhibit 45-036, ‘Statement of Dr Paul Hine’, Case Study 45, CT JH.500.85001.0001 at [41].
453 Transcript of P Hine, Case Study 45, 31 October 2016 at 22458:15–30.
454 Transcript of P Hine, Case Study 45, 31 October 2016 at 22458:40–22459:29.
455 Transcript of P Hine, Case Study 45, 31 October 2016 at 22459:31–36.
456 Exhibit 45-036, ‘Statement of Dr Paul Hine’, Case Study 45, CT JH.500.85001.0001 at [62].
457 Transcript of P Hine, Case Study 45, 31 October 2016 at 22460:30–35.
458 Transcript of P Hine, Case Study 45, 31 October 2016 at 22462:7–28.
459 Transcript of P Hine, Case Study 45, 31 October 2016 at 22462:30–41.
460 Transcript of P Hine, Case Study 45, 31 October 2016 at 22462:30–41.
461 Transcript of P Hine, Case Study 45, 31 October 2016 at 22466:3–6, 17–21.
462 Transcript of P Hine, Case Study 45, 31 October 2016 at 22466:20–21.
463 Transcript of P Hine, Case Study 45, 31 October 2016 at 22466:27–31.
464 Transcript of P Hine, Case Study 45, 31 October 2016 at 22466:27–42.
465 Transcript of P Hine, Case Study 45, 31 October 2016 at 22467:2–5.
466 Transcript of P Hine, Case Study 45, 31 October 2016 at 22467:13–23.
467 Transcript of P Hine, Case Study 45, 31 October 2016 at 22467:41–45.
468 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22007:2–5.
469 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22081:38–44.
470 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22007:12–28.
471 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22007:12–28.
472 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22082:2–8.
473 Transcript of A Parry, Case Study 45, 25 October 2016 at 22050:24–27.
474 Exhibit 45-018, ‘Statement of Dr Timothy Hawkes’, Case Study 45, STAT.1133.001.0001_R at [67]–[98].
475 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22364:42–22365:23.
476 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22365:25–29.
477 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22084:26–22085:24.
478 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22086:25–28.
479 Exhibit 45-018, ‘Statement of Dr Timothy Hawkes’, Case Study 45, STAT.1133.001.0001_R at [72].
480 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22086:30–33.
481 Exhibit 45-035, ‘Statement of Detective Sergeant Matthew Munro’, Case Study 45,
STAT.1223.001.0001_P_R at 0013_R.
482 Exhibit 45-035, ‘Statement of Detective Sergeant Matthew Munro’, Case Study 45,
STAT.1223.001.0001_P_R at 0013_R.
483 Transcript of M Munro, Case Study 45, 31 October 2016 at 22405:31–37.
484 Transcript of M Munro, Case Study 45, 31 October 2016 at 22405:37–40.
485 Transcript of M Munro, Case Study 45, 31 October 2016 at 22405:40–46.
486 Transcript of M Munro, Case Study 45, 31 October 2016 at 22406:1–6.
487 Transcript of M Munro, Case Study 45, 31 October 2016 at 22406:8–12.

488 Transcript of M Munro, Case Study 45, 31 October 2016 at 22406:14–18.
489 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [7].
490 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [8].
491 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [8].
492 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [8]–[9].
493 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [8].
494 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [11].
495 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [11].
496 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [12].
497 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [13].
498 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [13].
499 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [14].
500 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [14].
501 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [14]–[15].
502 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [17].
503 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [18].
504 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [18].
505 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [21].
506 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [22].
507 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [22]–[23].
508 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [26].
509 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [26].
510 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [32].
511 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [32].
512 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [32].
513 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [33].
514 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [33].
515 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [34].
516 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [36].
517 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [36].
518 Transcript of T Hawkes, Case Study 45, 31 October 2016 at 22382:42–22383:12.
519 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [37].
520 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [37]–[38].
521 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [39]; see also
Submissions on behalf of The State of NSW, Case Study 45, SUBM.1045.003.0001, para 2.
522 Exhibit 45-014, ‘Statement of John Williams’, Case Study 45, STAT.1198.001.0001_R at [41]–[49].
523 Exhibit 45-013, ‘Statement of CLG’, Case Study 45, STAT.1209.001.0001_R at [3].
524 Exhibit 45-013, ‘Statement of CLG’, Case Study 45, STAT.1209.001.0001_R at [4].
525 Exhibit 45-013, ‘Statement of CLG’, Case Study 45, STAT.1209.001.0001_R at [5].
526 Exhibit 45-013, ‘Statement of CLG’, Case Study 45, STAT.1209.001.0001_R at [10].
527 Exhibit 45-013, ‘Statement of CLG’, Case Study 45, STAT.1209.001.0001_R at [11].
528 Exhibit 45-013, ‘Statement of CLG’, Case Study 45, STAT.1209.001.0001_R at [11].
529 Exhibit 45-013, ‘Statement of CLG’, Case Study 45, STAT.1209.001.0001_R at [11]–[12].
530 Exhibit 45-013, ‘Statement of CLG’, Case Study 45, STAT.1209.001.0001_R at [12].
531 Exhibit 45-013, ‘Statement of CLG’, Case Study 45, STAT.1209.001.0001_R at [13].
532 Exhibit 45-013, ‘Statement of CLG’, Case Study 45, STAT.1209.001.0001_R at [14].
533 Exhibit 45-013, ‘Statement of CLG’, Case Study 45, STAT.1209.001.0001_R at [15].
534 Exhibit 45-013, ‘Statement of CLG’, Case Study 45, STAT.1209.001.0001_R at [15].
535 Exhibit 45-013, ‘Statement of CLG’, Case Study 45, STAT.1209.001.0001_R at [18].
536 Exhibit 45-013, ‘Statement of CLG’, Case Study 45, STAT.1209.001.0001_R at [19].
537 Exhibit 45-013, ‘Statement of CLG’, Case Study 45, STAT.1209.001.0001_R at [22].
538 Exhibit 45-013, ‘Statement of CLG’, Case Study 45, STAT.1209.001.0001_R at [22].

- 539 Exhibit 45-013, 'Statement of CLG', Case Study 45, STAT.1209.001.0001_R at [19]–[20], [23], [26]–[27], [28], [30].
- 540 Exhibit 45-013, 'Statement of CLG', Case Study 45, STAT.1209.001.0001_R at [28].
- 541 Exhibit 45-013, 'Statement of CLG', Case Study 45, STAT.1209.001.0001_R at [28].
- 542 Exhibit 45-013, 'Statement of CLG', Case Study 45, STAT.1209.001.0001_R at [32].
- 543 Exhibit 45-013, 'Statement of CLG', Case Study 45, STAT.1209.001.0001_R at [37]–[39].
- 544 Exhibit 45-013, 'Statement of CLG', Case Study 45, STAT.1209.001.0001_R at [35].
- 545 Exhibit 45-013, 'Statement of CLG', Case Study 45, STAT.1209.001.0001_R at [35].
- 546 Exhibit 45-013, 'Statement of CLG', Case Study 45, STAT.1209.001.0001_R at [35].
- 547 Exhibit 45-013, 'Statement of CLG', Case Study 45, STAT.1209.001.0001_R at [35].
- 548 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22086:42–22087:1.
- 549 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22086:42–22087:1.
- 550 Transcript of T Hawkes, Case Study 45, 25 October 2016 at 22087:1–13.
- 551 Transcript of A Mansfield, Case Study 45, 25 October 2016 at 22013:45–22014:18.
- 552 Transcript of A Parry, Case Study 45, 25 October 2016 at 22077:33–22078:31.
- 553 Submissions of the Uniting Church in Australia Property Trust (Q) for Shalom Christian College, Case Study 45, SUBM.1045.006.0001 at [8], [9].
- 554 Exhibit 45-052, 'Statement of Christopher Kelynge England', Case Study 45, STAT.1256.001.0001_R at [6].
- 555 Exhibit 45-052, 'Statement of Christopher Kelynge England', Case Study 45, STAT.1256.001.0001_R at [7].
- 556 Exhibit 45-050, Case Study 45, SCC.620.001.013 at 013.
- 557 Exhibit 45-073, 'Statement of Elaine Ethel Rae', Case Study 45, STAT.1137.001.0001_R at [31].
- 558 Exhibit 45-073, 'Statement of Elaine Ethel Rae', Case Study 45, STAT.1137.001.0001_R at [32]–[33].
- 559 Exhibit 45-072, 'Statement of Shayne Francis Blackman', Case Study 45, STAT.1127.001.0001_R at [3] and [5].
- 560 Exhibit 45-072, 'Statement of Shayne Francis Blackman', Case Study 45, STAT.1127.001.0001_R at [8].
- 561 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22731:21–23.
- 562 Exhibit 45-051, 'Statement of Christopher Shirley', Case Study 45, STAT.1222.001.0001_R at [9].
- 563 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22733:19–33.
- 564 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22733:19–33.
- 565 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22733:35–45.
- 566 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22739:10–18.
- 567 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22783:7–22.
- 568 Exhibit 45-070, 'Statement of Cassandra Hindmarsh', Case Study 45, STAT.1191.001.0001_R at [3].
- 569 Exhibit 45-048, 'Statement of Amy Frances Bridson', Case Study 45, STAT.1217.001.0001_R at [5], [7]; Transcript of A Bridson, Case Study 45, 2 November 2016 at 22681:23–25.
- 570 Exhibit 45-048, 'Statement of Amy Frances Bridson', Case Study 45, STAT.1217.001.0001_R at [4].
- 571 Exhibit 45-048, 'Statement of Amy Frances Bridson', Case Study 45, STAT.1217.001.0001_R at [4].
- 572 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22702:32–37.
- 573 Submissions of the Uniting Church in Australia Property Trust (Q) for Shalom Christian College, Case Study 45, SUBM.1045.006.0001 at [49].
- 574 Exhibit 45-070, 'Statement of Cassandra Hindmarsh', Case Study 45, STAT.1191.001.0001_R at [10]; Submissions of the Uniting Church in Australia Property Trust (Q) for Shalom Christian College, Case Study 45, SUBM.1045.006.0001 at [52].
- 575 Exhibit 45-070, 'Statement of Cassandra Hindmarsh', Case Study 45, STAT.1191.001.0001_R at [10].
- 576 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22681:9–17.
- 577 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22732:19–35.
- 578 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22732:37–22733:11.
- 579 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22734:4–7.
- 580 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22734:40–22735:38, 22736:14–24.
- 581 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22681:15–17.
- 582 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22681:31–40.
- 583 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22682:25–22683:11.
- 584 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22682:31–36.
- 585 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22683:21–36, 22684:20–33.

- 586 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22683:21–36, 22684:20–33.
- 587 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22684:8–18.
- 588 The Shalom Christian College Child Protection Policy (the Policy) was CCDEU board approved in April 2004. Exhibit 45-051, Case Study 45, SCC.620.001.163.
- 589 Exhibit 45-048, ‘Statement of Amy Frances Bridson’, Case Study 45, STAT.1217.001.0001_R at [32], [36]. In particular, the Education (General Provisions) Act 1989, Education (General Provisions) Regulation 2000 and Education (Accreditation of non-State Schools) Regulation 2001.
- 590 Exhibit 45-048, ‘Statement of Amy Frances Bridson’, Case Study 45, STAT.1217.001.0001_R at [32], [36].
- 591 Exhibit 45-051, Case Study 45, SCC.620.001.163 at 165; Submissions of the Uniting Church in Australia Property Trust (Q) for Shalom Christian College, Case Study 45, SUBM.1045.006.0001 at [26]–[27].
- 592 Exhibit 45-050, Case Study 45, SCC.620.001.163 at .165
- 593 Exhibit 45-051, Case Study 45, SCC.620.001.163 at 170–171; Submissions of the Uniting Church in Australia Property Trust (Q) for Shalom Christian College, Case Study 45, SUBM.1045.006.0001 at [26]–[29].
- 594 Exhibit 45-051, Case Study 45, SCC.620.001.163 at 171–172.
- 595 Exhibit 45-051, Case Study 45, SCC.620.001.163 at 170.
- 596 Exhibit 45-048, ‘Statement of Amy Frances Bridson’, Case Study 45, STAT.1217.001.0001_R at [50].
- 597 Exhibit 45-048, ‘Statement of Amy Frances Bridson’, Case Study 45, STAT.1217.001.0001_R at [47].
- 598 Exhibit 45-048, ‘Statement of Amy Frances Bridson’, Case Study 45, STAT.1217.001.0001_R at [47].
- 599 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22741:5–17.
- 600 Exhibit 45-048, ‘Statement of Amy Frances Bridson’, Case Study 45, STAT.1217.001.0001_R at [48].
- 601 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22692:32–34, 22693:37–42.
- 602 Exhibit 45-070, ‘Statement of Cassandra Hindmarsh’, Case Study 45, STAT.1191.001.0001_R at [26].
- 603 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22684:35–22685:3.
- 604 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22686:20–21.
- 605 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22686:23–41.
- 606 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22740:45–22741:3.
- 607 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22687:21–30.
- 608 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22738:18–27.
- 609 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22738:42–44; Exhibit 45-050, Case Study 45, SCC.045.002.006_R.
- 610 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22738:29–33.
- 611 Exhibit 45-075, ‘Statement of Michael R Byrne QC’, Case Study 45, STAT.1200.001.0001_R at [45].
- 612 Exhibit 45-075, ‘Statement of Michael R Byrne QC’, Case Study 45, STAT.1200.001.0001_R at [46].
- 613 Transcript of EAL, Case Study 45, 2 November 2016 at 22648:15.
- 614 Transcript of EAL, Case Study 45, 2 November 2016 at 22648:21–22.
- 615 Transcript of EAL, Case Study 45, 2 November 2016 at 22648:30–33.
- 616 Transcript of EAL, Case Study 45, 2 November 2016 at 22648:34–36.
- 617 Transcript of EAL, Case Study 45, 2 November 2016 at 22648:41–43.
- 618 Transcript of EAL, Case Study 45, 2 November 2016 at 22648:41–44.
- 619 Transcript of EAL, Case Study 45, 2 November 2016 at 22649:1–11.
- 620 Transcript of EAL, Case Study 45, 2 November 2016 at 22649:26–32.
- 621 Transcript of EAL, Case Study 45, 2 November 2016 at 22649:33–37.
- 622 Transcript of EAL, Case Study 45, 2 November 2016 at 22649:39–40.
- 623 Transcript of EAL, Case Study 45, 2 November 2016 at 22649:41–42.
- 624 Transcript of EAL, Case Study 45, 2 November 2016 at 22649:44–45.
- 625 Transcript of EAL, Case Study 45, 2 November 2016 at 22650:2–3.
- 626 Exhibit 45-046, ‘Statement of EAL’, Case Study 45, STAT.1206.001.0001 at [12]; Transcript of EAL, Case Study 45, 2 November 2016 at 22650:3–4. It is noted that the transcript records EAL as saying ‘he didn’t say that CLF had seen a nurse or guidance counsellor’, but EAL’s statement says, ‘he did say she had seen a nurse and a guidance counsellor’. EAL’s statement has been preferred.
- 627 Transcript of EAL, Case Study 45, 2 November 2016 at 22650:5–7.
- 628 Transcript of EAL, Case Study 45, 2 November 2016 at 22650:28–30.

629 Transcript of EAL, Case Study 45, 2 November 2016 at 22650:31–40.
630 Transcript of EAL, Case Study 45, 2 November 2016 at 22650:44–47.
631 Transcript of EAL, Case Study 45, 2 November 2016 at 22651:1–3.
632 Transcript of EAL, Case Study 45, 2 November 2016 at 22651:3–6.
633 Transcript of EAL, Case Study 45, 2 November 2016 at 22651:10–12.
634 Transcript of EAL, Case Study 45, 2 November 2016 at 22651:16–19.
635 Transcript of EAL, Case Study 45, 2 November 2016 at 22652:10–17.
636 Transcript of EAL, Case Study 45, 2 November 2016 at 22658:33–38.
637 Transcript of EAL, Case Study 45, 2 November 2016 at 22651:34–38.
638 Transcript of EAL, Case Study 45, 2 November 2016 at 22651:40–43.
639 Transcript of EAL, Case Study 45, 2 November 2016 at 22652:8–10.
640 Transcript of EAL, Case Study 45, 2 November 2016 at 22652:21–23.
641 Transcript of EAL, Case Study 45, 2 November 2016 at 22652:41–43.
642 Transcript of EAL, Case Study 45, 2 November 2016 at 22652:47.
643 Transcript of EAL, Case Study 45, 2 November 2016 at 22653:1–2.
644 Transcript of EAL, Case Study 45, 2 November 2016 at 22653:26–28.
645 Transcript of EAL, Case Study 45, 2 November 2016 at 22653:29–30.
646 Transcript of EAL, Case Study 45, 2 November 2016 at 22653:34–44.
647 Transcript of EAL, Case Study 45, 2 November 2016 at 22653:44–46.
648 Transcript of EAL, Case Study 45, 2 November 2016 at 22653:47–22654:1–2.
649 Transcript of EAL, Case Study 45, 2 November 2016 at 22654:6–9.
650 Transcript of EAL, Case Study 45, 2 November 2016 at 22654:11–16.
651 Transcript of EAL, Case Study 45, 2 November 2016 at 22654:20–23.
652 Transcript of EAL, Case Study 45, 2 November 2016 at 22654:26–29.
653 Transcript of EAL, Case Study 45, 2 November 2016 at 22654:31–37.
654 Transcript of EAL, Case Study 45, 2 November 2016 at 22654:37–38.
655 Transcript of EAL, Case Study 45, 2 November 2016 at 22654:41–43.
656 Transcript of EAL, Case Study 45, 2 November 2016 at 22655:7–13.
657 Transcript of EAL, Case Study 45, 2 November 2016 at 22655:32–35.
658 Transcript of EAL, Case Study 45, 2 November 2016 at 22655:47–22656:4.
659 Transcript of EAL, Case Study 45, 2 November 2016 at 22656:8–9.
660 Transcript of EAL, Case Study 45, 2 November 2016 at 22656:9–14.
661 Transcript of EAL, Case Study 45, 2 November 2016 at 22656:24–28.
662 Transcript of EAL, Case Study 45, 2 November 2016 at 22657:12–13.
663 Transcript of EAM, Case Study 45, 2 November 2016 at 22665:36–45.
664 Transcript of EAM, Case Study 45, 2 November 2016 at 22666:22–29.
665 Transcript of EAM, Case Study 45, 2 November 2016 at 22666:34–37.
666 Transcript of EAM, Case Study 45, 2 November 2016 at 22666:41–45.
667 Transcript of EAM, Case Study 45, 2 November 2016 at 22667:1–11.
668 Transcript of EAM, Case Study 45, 2 November 2016 at 22667:11–20.
669 Transcript of EAM, Case Study 45, 2 November 2016 at 22667:25–30.
670 Transcript of EAM, Case Study 45, 2 November 2016 at 22668:2–18.
671 Transcript of EAM, Case Study 45, 2 November 2016 at 22668:20–27.
672 ‘Crystal Waters’ is likely to be a reference to the school’s Crystal Creek campus.
673 Transcript of EAM, Case Study 45, 2 November 2016 at 22668:33–36.
674 Transcript of EAM, Case Study 45, 2 November 2016 at 22668:35–37.
675 Transcript of EAM, Case Study 45, 2 November 2016 at 22668:42–43.
676 Transcript of EAM, Case Study 45, 2 November 2016 at 22669:6–21.
677 Transcript of EAM, Case Study 45, 2 November 2016 at 22669:37–41.
678 Transcript of EAM, Case Study 45, 2 November 2016 at 22670:7–16.
679 Transcript of EAM, Case Study 45, 2 November 2016 at 22671:31–32.
680 Transcript of EAM, Case Study 45, 2 November 2016 at 22671:38–44.

681 Transcript of EAM, Case Study 45, 2 November 2016 at 22672:4–8.
682 Transcript of EAM, Case Study 45, 2 November 2016 at 22672:21–23.
683 Transcript of EAM, Case Study 45, 2 November 2016 at 22673:34–37.
684 Transcript of EAM, Case Study 45, 2 November 2016 at 22672:42–44.
685 Transcript of EAM, Case Study 45, 2 November 2016 at 22673:19–23.
686 Transcript of EAM, Case Study 45, 2 November 2016 at 22673:3–4.
687 Transcript of EAM, Case Study 45, 2 November 2016 at 22673:14–17.
688 Transcript of EAM, Case Study 45, 2 November 2016 at 22673:27–41.
689 Exhibit 45-050, Case Study 45, SCC.006.001.0008, SCC.006.001.0009.
690 Exhibit 45-050, Case Study 45, SCC.006.001.0008, SCC.006.001.0009.
691 Exhibit 45-050, Case Study 45, SCC.006.001.0008, SCC.006.001.0009.
692 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22742:12–24.
693 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22743:32–45.
694 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22743:45–22744:4.
695 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22745:4–18.
696 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22744:6–22, 22769:33–36.
697 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22766:20–29.
698 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22767:23–24.
699 Exhibit 45-050.26, Case Study 45, SCC.501.001.069_R.
700 Exhibit 45-050.26, Case Study 45, SCC.501.001.069_R.
701 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22767:30–22768:29.
702 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22745:30–32.
703 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22745:20–28, 22769:16–21, 22769:33–41.
704 Exhibit 45-051, ‘Statement of Christopher Shirley’, Case Study 45, STAT.1222.001.0001_R at [46].
705 Submissions in reply on behalf of Mr Christopher Shirley, Case Study 45, SUBM.1045.004.0001 at [2].
706 Submissions in reply on behalf of Mr Christopher Shirley, Case Study 45, SUBM.1045.004.0001 at [27].
707 Submissions in reply on behalf of Mr Christopher Shirley, Case Study 45, SUBM.1045.004.0001 at [28]–[32].
708 Submissions of the Uniting Church in Australia Property Trust (Q) for Shalom Christian College, Case Study 45, SUBM.1045.006.0001 at [38].
709 Exhibit 45-076, ‘Statement of Darrell Frederick Jardine’, Case Study 45, STAT.1254.001.0001_R.
710 Submissions of the Uniting Church in Australia Property Trust (Q) for Shalom Christian College, Case Study 45, SUBM.1045.006.0001 at [39]–[40].
711 Transcript of EAL, Case Study 45, 2 November 2016 at 22660:4–22661:22.
712 Transcript of EAL, Case Study 45, 2 November 2016 at 22661:31–35.
713 Transcript of EAM, Case Study 45, 2 November 2016 at 22677:9–10.
714 Transcript of EAM, Case Study 45, 2 November 2016 at 22677:12–18.
715 Transcript of EAM, Case Study 45, 2 November 2016 at 22678:41–43.
716 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22746:30–33.
717 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22745:43–44.
718 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22746:30–38.
719 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22747:1–18.
720 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22747:1–18.
721 Exhibit 45-070, ‘Statement of Cassandra Hindmarsh’, Case Study 45, STAT.1191.001.0001_R at [59]–[69].
722 Exhibit 45-050, Case Study 45, SCC.006.001.0008, SCC.006.001.0009.
723 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22690:25–28.
724 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22690:35–37.
725 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22690:11–19.
726 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22747:20–23.
727 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22687:37–22688:14.
728 Exhibit 45-050.16, Case Study 45, SCC.006.001.0027_R.
729 Exhibit 45-050, Case Study 45, SCC.006.001.0027.

- 730 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22695:13–31; Exhibit 45-050, Case Study 45, SCC.006.001.0027.
- 731 Exhibit 45-050, Case Study 45, SCC.045.002.006.
- 732 Exhibit 45-050, Case Study 45, SCC.006.001.0030.
- 733 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22696:37–22697:20.
- 734 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22697:22–25.
- 735 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22698:14–18.
- 736 Exhibit 45-050, Case Study 45, SCC.006.001.0010.
- 737 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22708:1–39, 22709:9–12.
- 738 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22708:41–22709:7.
- 739 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22723:29–22724:1.
- 740 Exhibit 45-050, Case Study 45, SCC.045.002.006.
- 741 Exhibit 45-050, Case Study 45, SCC.045.002.006.
- 742 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22702:32–22703:1.
- 743 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22720:4–11.
- 744 Exhibit 45-050, Case Study 45, SCC.045.002.006.
- 745 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22703:12–30.
- 746 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22703:3–10.
- 747 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22699:32; Exhibit 45-050.23, Case Study 45, SCC.006.001.0036.
- 748 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22720:8–15.
- 749 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22700:11–17; Exhibit 45-050.23, Case Study 45, SCC.006.001.0036.
- 750 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22700:9.
- 751 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22699:20–32; Exhibit 45-050.23, Case Study 45, SCC.006.001.0036.
- 752 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22699:20–46, 22701:6–10; Exhibit 45-050, Case Study 45, SCC.006.001.0036; Exhibit 45-050, Case Study 45, SCC.006.001.0035.
- 753 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22701:13–17.
- 754 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22701:37–44; Exhibit 45-050.23, Case Study 45, SCC.006.001.0036_R.
- 755 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22699:27–29.
- 756 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22700:19–25; Exhibit 45-050, Case Study 45, SCC.006.001.0036.
- 757 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22700:35–40.
- 758 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22752:19–37.
- 759 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22753:25–27.
- 760 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22753:19–23.
- 761 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22748:10–14.
- 762 Exhibit 45-050, Case Study 45, SCC.045.002.007.
- 763 Exhibit 45-050, Case Study 45, SCC.045.002.007.
- 764 Exhibit 45-050, Case Study 45, SCC.045.002.009.
- 765 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22748:33–38.
- 766 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22749:16–32.
- 767 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22749:41–45; Exhibit 45-050, Case Study 45, SCC.045.002.010.
- 768 Exhibit 45-050, Case Study 45, SCC.045.002.010.
- 769 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22751:4–14.
- 770 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22751:16–24.
- 771 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22750:31–22751:2; Transcript of C Shirley, Case Study 45, 3 November 2016 at 22751:38–42.
- 772 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22751:46–22751:12.

773 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22770:19–37.
774 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22757:22–35.
775 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22704:9–19; Exhibit 45-051,
'Statement of Christopher Shirley', Case Study 45, STAT.1222.001.0001_R at [47].
776 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22753:29–35.
777 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22754:5–7.
778 Exhibit 45-050, Case Study 45, QLD.0137.001.0988.
779 Exhibit 45-050, Case Study 45, QLD.0137.001.0988.
780 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22757:37–43.
781 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22759:37–42.
782 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22758:8–15.
783 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22758:17–20.
784 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22758:34–37.
785 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22759:1–4.
786 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22759:6–30.
787 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22759:44–22760:4.
788 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22760:9–16.
789 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22774:340–22775:9.
790 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22775:21–36.
791 Exhibit 45-074, 'Statement of David John Miles', Case Study 45, STAT.1199.001.0001_R at [13]–[14].
792 Exhibit 45-074, 'Statement of David John Miles', Case Study 45, STAT.1199.001.0001_R at [16].
793 Transcript of EAM, Case Study 45, 2 November 2016 at 22669:30–35.
794 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22702:32–22703:1; Transcript of C Shirley,
Case Study 45, 3 November 2016 at 22752:19–37.
795 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22754:5–15.
796 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22754:23.
797 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22755:6–18.
798 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22756:33–47.
799 Exhibit 45-051, Case Study 45, SCC.006.001.0028_R.
800 Exhibit 45-051, Case Study 45, SCC.006.001.0028_R.
801 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22713:14–23.
802 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22700:19–25.
803 Exhibit 45-051, Case Study 45, SCC.006.001.0028_R.
804 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22706:34–38.
805 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22716:10–12.
806 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22760:41–22761:2.
807 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22715:25–32.
808 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22715:38–43.
809 Exhibit 45-051, Case Study 45, SCC.006.001.0028_R.
810 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22704:21–22705:31, 22706:26–32.
811 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22761:19–26.
812 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22761:35–37.
813 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22762:10–23.
814 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22762:25–32.
815 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22777:39–22778:15.
816 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22714:25–29, 22714:18–23.
817 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22707:2–6.
818 Exhibit 45-051, Case Study 45, SCC.006.001.0028_R at 0029_R.
819 Transcript of EAL, Case Study 45, 2 November 2016 at 22650:44–46.
820 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22712:8–15.
821 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22714:31–34.
822 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22715:17–23.

- 823 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22763:1–22764:3.
- 824 Submissions of the Uniting Church in Australia Property Trust (Q) for Shalom Christian College, Case Study 45, SUBM.1045.006.0001 at [72].
- 825 Submissions of the Uniting Church in Australia Property Trust (Q) for Shalom Christian College, Case Study 45, SUBM.1045.006.0001 at [69].
- 826 Further Submissions in response on behalf of EAL and EAM, Case Study 45, SUBM.1045.026.0001 at [25].
- 827 Submissions of the Uniting Church in Australia Property Trust (Q) for Shalom Christian College, Case Study 45, SUBM.1045.006.0001 at [74].
- 828 Exhibit 45-048, ‘Statement of Amy Frances Bridson’, Case Study 45, STAT.1217.001.0001_R at 84; Submissions of the Uniting Church in Australia Property Trust (Q) for Shalom Christian College, Case Study 45, SUBM.1045.006.0001 at [69]–[70].
- 829 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22764:34–22765:47.
- 830 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22766:1–5.
- 831 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22705:33–42.
- 832 Exhibit 45-051, Case Study 45, SCC.006.001.0028_R at 0029.
- 833 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22706:5–7.
- 834 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22706:8–11.
- 835 Exhibit 45-051, Case Study 45, SCC.006.001.0028_R at 0029_R.
- 836 Transcript of A Bridson, Case Study 45, 2 November 2016 at 22706:16–18.
- 837 Transcript of EAM, Case Study 45, 2 November 2016 at 22671:21–27.
- 838 Submissions of the Uniting Church in Australia Property Trust (Q) for Shalom Christian College, Case Study 45, SUBM.1045.006.0001 at [77]–[78], [83].
- 839 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22784:30–45.
- 840 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22785:1–8.
- 841 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22786:2–5.
- 842 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22737:34–45.
- 843 Exhibit 45-051, ‘Statement of Christopher Shirley’, Case Study 45, STAT.1222.001.0001_R at [31]–[32].
- 844 Exhibit 45-051, ‘Statement of Christopher Shirley’, Case Study 45, STAT.1222.001.0001_R at [33].
- 845 Transcript of C Shirley, Case Study 45, 3 November 2016 at 22737:43–22738:2.
- 846 Exhibit 45-051, ‘Statement of Christopher Shirley’, Case Study 45, STAT.1222.001.0001_R at [37].
- 847 Exhibit 45-051, ‘Statement of Christopher Shirley’, Case Study 45, STAT.1222.001.0001_R [34].
- 848 Exhibit 45-048, ‘Statement of Amy Frances Bridson’, Case Study 45, STAT.1217.001.0001_R at 55, 56, 63, 64, 67–70.
- 849 Exhibit 45-052, ‘Statement of Christopher Kelynge England’, Case Study 45, STAT.1138.001.0001_R at [25], [29], [31].
- 850 Transcript of C England, Case Study 45, 3 November 2016 at 22791:25–39.
- 851 Transcript of C England, Case Study 45, 3 November 2016 at 22794:5–11.
- 852 Transcript of C England, Case Study 45, 3 November 2016 at 22792:5–9.
- 853 Transcript of C England, Case Study 45, 3 November 2016 at 22792:16–26.
- 854 Transcript of C England, Case Study 45, 3 November 2016 at 22793:18–20.
- 855 Transcript of C England, Case Study 45, 3 November 2016 at 22793:1–15.
- 856 Transcript of C England, Case Study 45, 3 November 2016 at 22798:3–11.
- 857 Transcript, Case Study 45, 27 October 2016 at 22106:41–22107:41.



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