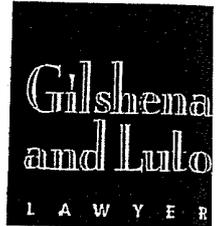


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The Most Reverend Dr Phillip Aspinall
 Archbishop of Brisbane
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14 January 2003

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THE DATE SHOWN HEREON

Dear Sir

St Paul's School - Gilbert Case

As you are aware we act on behalf of Mr Case and note your letter to him of 24 December 2002.

The allegation, as we understand it, made against Mr Case is that when armed with information that Mr Knight had sexually dealt with students our client still offered Mr Knight employment.

You will remember that Mr Case spoke with you in early September 2002 regarding his recollections of Mr Knight's employment. You will remember Mr Case prepared a document for you of his recollection of the relevant discussions with Mr Thomson. The initial conversation was to the effect that Mr Thomson had advised him to be cautious in appointing Mr Knight and nothing more. Mr Case stands by his earlier advices to you.

In respect of Mr Thomson's statement our client makes the following observations:

1. The information contained in paragraphs 6 to 13 were never brought to our client's attention. Both our client and ourselves are understandably concerned that Mr Thomson must have initially advised the taker of his statement that there had been some touching or attempted touching of the genitals and when the draft statement was subsequently provided to Mr Thomson this allegation was recanted (paragraph 7). This is a most serious allegation to be apparently made against Mr Knight and then withdrawn. It seriously calls into question the accuracy of Mr Thomson's recollection of all other relevant interactions between he and Mr Case.
2. The allegation (as it then stands) that Mr Knight allowed the student to have a hot shower in his quarters (when cold water was only otherwise available) is unremarkable and one wonders why it was the subject of any complaint.
3. Our client agrees with the substance of paragraphs 17 and 18 in that Mr Knight was let go from BBC because of an "irregularity". Mr Case denies

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that he had been made in any way aware that the "irregularity" amounted to sexually inappropriate conduct.

Our client believed, on Mr Thomson's advices, that the irregularity (which is disputed by Mr Thomson) was that Mr Knight had supplied condoms to some senior students.

4. With the greatest of respect to Mr Thomson his statement talks in generalities that our client was supposed to have interpreted as amounting to sexually inappropriate conduct. One can hardly believe that our client would have employed Mr Knight in circumstances when he would have known or should reasonably have known that Mr Knight had acted sexually inappropriately with students. In all the circumstances such a proposal seems untenable.
5. Equally, when Mr Thomson discovered that our client had employed Mr Knight one would have thought it reasonable for him to have spoken again with Mr Case to ensure that the conduct which Mr Thomson describes as "irregular" was particularised to our client so that Mr Knight's continued employment could be reconsidered.
6. Equally, it should be borne in mind that Mr Thomson (given the significant adverse publicity that the Lynch matter has attracted in the popular media) may in some way be attempting to ensure that either himself or his former employer are not subject to similar criticism.
7. Moreover it would appear that Mr Thomson does not recollect that he had a further conversation with Mr Case in respect of Mr Knight a number of years later. It may be that Mr Thomson is recollecting the second conversation that he has had with Mr Case. It may be that Mr Thomson is confused in thinking that both conversations took place as one conversation. Mr Case agrees that in their second conversation Mr Thomson indicated that the incidents leading to Knight's dismissal were more serious than indicated in his first conversation with our client. Mr Case further instructs that even at that time Mr Thomson did not indicate the exact nature of allegations made against Mr Knight. Importantly this conversation took place at the same time as the process which led to Mr Knight's dismissal (late October 1984).

Could we ask that you seek the advices of your lawyers to confirm that Mr Thomson initially made an allegation of touching of genitalia (paragraph 7) when his statement was first taken. The writer would have every confidence that such an allegation was initially made and dutifully recorded by the attending solicitor. The fact that Mr Thomson now recants from such a specific allegation should not inspire you with any confidence that the remainder of his advices can be judged as an accurate recollection of events. Indeed we could suggest that Mr Thomson is a very poor historian and his recollection is totally unreliable insofar as it conflicts with Mr Case's version.

The writer agrees with your Grace that the expectations of a person to hold the position of Executive Director of the Anglican School's Office should be most high. Equally, there is a serious onus upon the Church to ensure that matters pertinent to the consideration of his dismissal for failure to comply with the expectations of such an office are not dealt with capriciously. Our client has rendered very significant service to the Church and his integrity has never been questioned. We can see no basis for Mr Thomson's recollection of events to be preferred over our client's recollection and accordingly we see no basis for Mr Case's employment to be terminated nor indeed for him to face any other form of disciplinary action.

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Can we please be assured that matters relevant to the Church's difficulties with Mr Lynch are not colouring this matter. If they are they need to be fully identified and particularized and our client's response sought.

We look forward to assisting you further.

Yours faithfully
GILSHENAN & LUTON



John Cockburn
Partner