



## RESPONSES TO QUESTIONS ASKED ON 4 DECEMBER 2002

1. Our client confirms that inquiries were made as to Mr Lynch's performance of his duties as a counsellor by checking with his referees who included current or past members of the Brisbane Grammar School (BGS).

Our client did regard Mr Lynch as a friend in as much as our client's family and Mr Lynch's family had occasionally socialised in the late 1970s and early 1980s. After this time our client did not have a strong social involvement with Mr Lynch, even after he came to St Paul's in 1989. The most frequent contact with Mr Lynch away from work was as a result of them both worshipping in the same Sunday congregation.

After Mr Lynch's death our client became aware from the phone calls, notes and people that he met at the funeral that Mr Lynch had a wide circle of friends and acquaintances of whom our client had been unaware while Mr Lynch was alive. Our client was also aware that during the last six or seven years of Mr Lynch's life he was a keen member of the Masonic Lodge. Mr Lynch gave the impression that he attended Lodge regularly.

If you are making an allegation that our client's friendship with Mr Lynch is relevant to Mr Case's treatment of complaints against Mr Lynch then it is strenuously denied.

2. All inquiries made regarding Mr Lynch were positive. Further comments made by Grammar staff whom our client encountered following Mr Lynch's appointment gave no indication at all of any matters of concern.
3. Our client did not make any inquiry of Mr Max Howell, the then Principal of BGS as to Mr Lynch's performance. The previous year our client had an unpleasant experience with Mr Howell when he telephoned him to let him know as a matter of courtesy that St Paul's was considering employing a teacher from BGS as Head of Economics at St Paul's. Our client reports that he was subjected to an aggressive and intimidating tirade by Mr Howell because it was our client's understanding that Mr Howell was angry over the staff member leaving BGS. Our client's recollection of the unpleasantness of this conversation caused him to avoid any such further contact in relation to the appointment of Mr Lynch. The last time our client met Mr Howell was on the occasion of the launch of Mr Howell's autobiography in 1996. Mr Lynch also attended. Mr Howell spoke warmly to our client and his wife regarding a number of matters on this occasion, but made no indication that Mr Lynch's continuing employment at St Paul's was in any way inappropriate. Our client later reviewed Mr Howell's book for a national educational magazine and Mr Howell wrote to him to thank him for the review. Again, there was no mention of any problem attaching to Mr Lynch's employment.
4. It is unclear what the Board is seeking by way of a response from our client in relation to this paragraph. Please clarify.

Notwithstanding the above and with reference to paragraph 23 following, our client recalls that Mr Lynch who was known affectionately by the students as "Skippy" had suffered from cerebral palsy and had a "gammy" left leg. Our client believes that during the 1980s and 1990s Mr Lynch had operations on his feet in order to address his deteriorating mobility which had resulted in him being provided with a handicapped parking sticker for his motor vehicle in the 1990s. He was diminutive in stature. During the two years prior to his death, Mr Lynch had difficulty walking up the stairs to his room. Accordingly, any account of a physical assault by students on Mr Lynch during this period would have been a cause of great concern not only to our client but to all

members of staff at the time. My Lynch's age was also another factor in this regard, given that he was expected to retire when he would have turned 65 in May 1997.

No mention of these issues has been made in the material put to our client. Was Mr Lynch's frailty unknown to you or a matter you believed would not impact upon how students may have interacted with him? Could we kindly be advised.

5. Our client refers to his statement in this regard and confirms that all relevant persons were spoken to.
6. This matter has been fully addressed in our client's statement. Our client says however that he is adamant that nothing was said which implied to him that sexual abuse was occurring. Mr Lynch had been employed as a counsellor for many years at BGS. Prior to that he had been a teacher at Terrace. Mr Lynch had been held in such high regard by all staff members around him and others that knew him that such an allegation seemed almost preposterous.
7. Our client says that he has no recollection at all of being informed of the misconduct of Mr Lynch by the students as alleged. There is no reference in our client's diary to such a meeting though our client advises that such a meeting would not necessarily have been recorded if no appointment was made.
8. Student BSE had been found to be an unreliable person and there did not seem to be a close connection between BSE and Mr Lynch. In the absence of any earlier complaint about Mr Lynch, the whole scenario seemed to be at odds with the staff's view of him.
9. Our client did seek Detective Morrow's advice as to what the complaint was about. Detective Morrow advised that the charges were not serious and amounted to "fondling". Our client was under the impression that he was not entitled to know more of the nature of the complaint because it was to be raised in court.

Our client did not seek further advice from Detective Morrow because he was of the understanding that such information would not be readily made available to him. This is in fact exactly the case and commentary in the complaint against Mr Lynch document has been specifically dealt with in addressing that document. Suffice to say that the nature of the allegation namely made that our client would have been advised of the particular said events is wrong and with the greatest of respect it shows a fundamental misunderstanding of the police process and moreover it seems to have coloured the entire investigation that has been into this matter to the extent that we are of view that the whole process has now become irretrievably tainted. Please consider our comments to your other document paragraph 14.

At no stage did Detective Morrow indicate that it was likely that other students might have been involved.

10. It is unclear what the Board is seeking by way of a response from our client in relation to this paragraph. Please clarify.
11. This matter has been fully addressed under question 9 above. Our client had informed the solicitors of his meeting with Detective Morrow and at no time was it put to him that it was appropriate or even possible to communicate with the police in the manner that you suggest he should have. Please again refer to paragraph 14 of our other response.

12. Our client inquired from Mr Lynch's daughter as to what Mr Lynch had been charged with. He instructs us that she seemed uncertain about the charges. Our client eventually obtained a photocopy of the charge sheet but is unable to recollect when it came into his possession. It is possible that it came into his possession at the time of the BSE mediation though he is uncertain.
13. This is a hypothetical question and it is inappropriate to invite our client to speculate in this regard.
14. This is a hypothetical question and it is inappropriate to invite our client to speculate in this regard.
15. Our client confirms that his view of the allegations was based on BSE's reputation as a liar, a bully and that he had been a difficult student. At this time no complaint of this nature had been received against Mr Lynch. Our client repeats his advices in paragraph 8 above.
16. Our client was advised by one current and one past member of the School Council who had spoken to BSE's father or his solicitor. Our client did not take any additional action. Our client advises that he waited the outcome of discussions between School Council members and the father of Student 1. Our client also followed the advice of Minter Ellison that his attitude should be one of "intrinsic inertia and conservatism".
17. Our client believed BSE's difficult family situation was the cause of his difficulties and in fact was the reason why he was referred to Mr Lynch. BSE's difficult behaviour predated his contact with Mr Lynch.
18. Our client has addressed this matter in his statement. The question is inappropriate in that it invites our client to speculate.
19. Our client's actions following the contact with the police were based upon advice from the Diocese and the insurers via their solicitors Minter Ellison. That advice was to do nothing, not even to ask for the return of the material which had been taken by the police. Our client can in no way be criticised for following this advice. Our client further repeats and relies on paragraph 9 above in response to this question.
20. Our client advises that the statements about Mr Lynch's death and any of his achievements at the School were subdued in tone. We object to this line of questioning, particularly with reference to our client's response to question 9 above. We repeat that the view that has been adopted in this line of questioning to the effect that our client would have been advised of the nature of the complaint against Mr Lynch and would have been provided with all relevant documentation had he asked Detective Morrow is wrong. We therefore find it highly offensive that our client should be required to respond to such questions clearly in the absence of the authors having taken advices as to the applicable procedure in Queensland in relation to these matters. Our client reserves all his rights in respect of this matter.
21. This question is a distortion of the situation as our client understood it at the relevant time. At that time of Mr Lynch's death there was one complainant whose allegations had not yet been tested in court. There was nothing at that stage to indicate that there were other possible complainants. Attempts were subsequently made to identify others but without success.

22. Given the involvement of the police, the Diocese and its solicitors and the advices provided to our client, the interaction between the School Council and the complainant's father, our client did not think it appropriate at the time to speak to BSE
23. Our client did telephone Mr Lynch during his meeting with BSE to check on Mr Lynch's safety. Our client had earlier been advised by Mr Lynch that a former student wished to meet with him (our client did not know which student, from which school nor the reason for the visit). Our client had counselled Mr Lynch to the effect that it was not appropriate to invite such persons to his home given general policy and the fact that Mr Lynch had advised our client that he did not trust this person. Our client instructs that despite the arrangements having been made in a half joking manner he nevertheless made the telephone call because it was generally appreciated by all who had contact with Mr Lynch that he was physically frail. Are you seeking to infer that our client had some knowledge of what the meeting was to be about? If so, please spell out exactly what suspicion/inference, if any, arises out of same. Are you somehow alleging our client had conspired with Mr Lynch to cover up paedophile offences? If so, please spell this out. We expect to be invited to respond to your further advices. If you attempt to draw some adverse comment without allowing us the opportunity to respond we will have no hesitation in referring the matter to the police for their consideration.
24. Our client confirms that there were investigations as to other possible victims but also points out that at the time the School was of the view that the number of complainants was very limited. The files available to the Inquiry will contain statements about the attempts made to identify other possible victims and the efforts in this regard.
25. Our client confirms that he conveyed, some but not all, information suggested in this question because :
- The nature and number of charges were not known by him at that time.
  - The question is wrong in stating that on the day that Mr Lynch suicided he was also to appear in court. Mr Lynch was to appear in court on 4 February 1997 although this was not known to our client at the time of his meeting with staff and with the School Council.
  - Our client is unsure whether the identity of the complainant was advised to the full Council.
26. Our client confirms that he carried out any instructions given to him at the relevant time. The School Council would have understood that the process was being driven by the General Manager and the solicitors for the Diocesan insurers.
27. As paragraph 27 is not framed as a question, we await further advices should there be a question you wish to ask our client in respect of it.
28. Our client does not have access to his notes of that meeting but he believes he carried out any instructions given. These included a policy in respect of students being alone with staff, staff reporting complaints and counselling for complainants.