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**Non-State Schools
Accreditation Board**
Queensland Government

4 March 2009

Bishop William M Morris DD
The Corporation of the Roman
Catholic Diocese of Toowoomba
PO Box 756
TOOWOOMBA QLD 4350

Dear Bishop Morris

I refer to the 20 February 2009 submission from The Corporation of the Roman Catholic Diocese of Toowoomba in response to the 9 February 2009 request by the Non-State Schools Accreditation Board for particular information in connection with a former teacher now the subject of child-related criminal proceedings in the court.

The Board notes in the 20 February 2009 submission that the Corporation has appointed Thynne & Macartney to undertake an investigation into the matter.

It is understood from the Corporation's submission that this investigation is substantially advanced, but:

- (i) staff from the school and the Toowoomba Catholic Education Office are yet to be interviewed as the Police have asked that Thynne & Macartney (acting on behalf of the Bishop) not interview key staff until the criminal proceedings are disposed of; and
- (ii) documents secured by the Police responsive to search warrants are not yet returned, and these documents may be relevant to the issues raised by the Board.

The Corporation submits that it should be in a position to further report to the Board approximately two weeks after the next mention of the present criminal proceedings in the Toowoomba Magistrates Court.

The Board would appreciate receiving this further report from the Corporation at its earliest convenience following completion of Thynne & Macartney's investigation.

The Board turns now to a number of matters arising from the Corporation's 20 February 2009 submission.

It is acknowledged that the Corporation's expected further report may in the event deal with some or all of these matters. The Board sets them out now to ensure that they are covered in the further report, or earlier, if the information is available by the date set for a response to this letter and should that date precede the date of the expected further report.

The Board notes from the submission that a number of documents annexed to it are not specific to the school concerned, or if they are specific, they are unsigned or undated (for example: Student Protection Compliance Checklist, the QCEC Manual; and the Student Protection Brochure, at Annexure 1).

- A. The Board requests that the Corporation provide copies of the actual documents forming the Written Processes that were in operation in 2007 and 2008 for the school concerned.**

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It is noted from the submission that the Corporation has provided only an extract of meeting notes at paragraph 2.7 and 2.24.

B. The Board requests that the Corporation provide:

- (i) a copy of the full notes of the Student Protection Contact referred to in the submission (2.7), and all other notes of the Student Protection Contact relevant to student/child welfare and protection in 2007 and 2008; and
- (ii) a copy of the full notes of Megan (APRE) referred to in the submission (2.24), and all other notes of Megan (APRE) relevant to student/child welfare and protection in 2007 and 2008.

The Board observes from the submission that the Corporation has not provided copies of any written record made by the principal about matters connected with the Defendant (apart for the principal's 12 September 2007 letter to the Defendant).

C. The Board requests that the Corporation provide a copy of any written record made by the principal about student/child welfare and protection matters connected with the Defendant from 2001 to 2008.

It is noted in the principal's 12 September 2007 letter to the Defendant, and acknowledged by the Defendant in his reply, that the principal and the Defendant had a discussion on 5 September 2007 about 'concerns'. This discussion occurred on the day before the principal met with a female child/student and her parent(s).

Apart from what the Board might learn from the correspondence, the submission does not provide any information about the 'concerns', what might have led to the 'concerns', and any reason why the principal would raise 'concerns' directly with the Defendant the day before meeting with a female child/student and her parent(s).

D. The Board requests that the Corporation provide:

- (i) a copy of any written records made by the principal prior to, or after, the 6 September 2007 meeting with the female child/student and her parent(s);
- (ii) any information known to the Corporation about the 6 September 2007 meeting with the female child/student and her parent(s);
- (iii) any information known to the Corporation about why the principal would hold discussions with the Defendant the day prior to a meeting with a child and her parent(s) who probably would have outlined at least the general nature of the matter(s) to be canvassed when the meeting was scheduled; and
- (iv) information from the Corporation as to whether it is an authorized or established practice at the school that before the principal meets with a person (e.g. student, parent) who is or may wish to make a complaint (which potentially may be criminal in nature) about an employee, the principal is to confer with the employee about the matter.

It is noted from the submission (2.7) that the Corporation is in receipt of copies of material filed in the Supreme Court in respect of the Defendant's failed application for bail.

E. The Board requests that the Corporation provide a copy of the material in its possession which was filed in the Supreme Court in respect of the Defendant's

failed application for bail.

It is noted from the submission (2.26) that the principal received a complaint from a parent of a grade 4 child in the Defendant's class. The complaint was that the Defendant publicly humiliated, embarrassed and harassed the child. The parents complained that the child had developed a habit tic of repetitive blinking that was a manifestation of an inner anxiety complex.

The Board notes that that complaint raises a separate issue of "harm" or "suspected harm".

The submission (2.27 and 2.28) indicates that Thynne & Macartney have information in relation to the complaint mentioned in 2.26 of the submission.

F. The Board requests that the Corporation provide:

- (i) a copy of any written material relating to the matters mentioned in 2.26, 2.27 and 2.28 of the submission;
- (ii) if the information was not in writing, the information relating to the matters mentioned in 2.26, 2.27 and 2.28 of the submission;
- (iii) details about how, when and in what form, the information was given to a police officer or other relevant State authority, as required by section 10 of the *Education (Accreditation of Non-State Schools) Regulation 2001*; and
- (iv) if no information was given to a police officer or other relevant State authority about the matters mentioned in 2.26, 2.27 and 2.28 of the submission, on what basis were these matters considered not to be harm, or suspected harm, within the meaning of that term under section 10 of the *Education (Accreditation of Non-State Schools) Regulation 2001*.

It is noted from the submission (2.30) that the Corporation is in receipt of particular information from staff of the school after the Defendant's arrest, and that the Corporation would be happy to elaborate on this information.

G. The Board requests that the Corporation provide:

- (i) a copy of any written material in its possession which was received from staff of the school after the Defendant's arrest; and
- (ii) if the information was not in writing, the information.

It is noted from the submission (2.5 to 2.30) that the Corporation has confined to the Defendant its responses to the Board's Question 3. The question was intended to include any staff member of the school concerned.

H. If, in addition to any matters already reported to the Board about the Defendant, any student at the school in 2007 and 2008 reported to a staff member any inappropriate behaviour of any staff member, as contemplated by subsection 10(3)(a) of the *Education (Accreditation of Non-State Schools) Regulation 2001*—the Board requests that the Corporation provide details (including the dates on which the reports were made and the identity of the person or persons to whom they were made) of

- (i) any such report; and

- (ii) the action the school staff took in response to those reports and how they implemented the Written Processes.

The Board has noted that the Defendant was one of two Student Protection Contacts at the school concerned, and that the Defendant retired from full-time employment as teacher at the school concerned on 30 June 2008, whereupon he was employed at the school on a casual basis in the capacity of a relief teacher until his arrest on 14 November 2008.

- I. The Board requests that the Corporation provide information as to whether the Defendant performed the role of a Student Protection Contact during the period when he was employed as a relief teacher at the school from 1 July 2008 to 14 November 2008.

The Board's Question 4 was focused on the Defendant, and the Board has noted the Corporation's response to that question. The Board now wishes to broaden that question to include any other allegations made about any staff member in the years 2001 to 2008.

- J. The Board requests, in addition to information already provided in relation to the Defendant, that the Corporation provide, in respect of any allegations made about a staff member of the school concerned from 2001 to 2008, details including the dates on which the allegations were made and the identity of the person or persons to whom they were made of:

- (i) any oral or written reports received by you from a staff member of the school or any other person about sexual abuse, or suspected sexual abuse, of a student at the school by another staff member;
- (ii) any oral or written reports received by the principal of the school from a staff member of the school or any other person about sexual abuse, or suspected sexual abuse, of a student at the school by another staff member;
- (iii) if there were any reports of sexual abuse, or suspected sexual abuse, in respect of a staff member, details about how, when and in what form, the information was given to a police officer, as required by section 366 of the *Education (General Provisions) Act 2006*.

- K. The Board requests, in addition to information already provided in relation to the Defendant, that the Corporation provide, in respect of any allegations made about a staff member of the school concerned from 2001 to 2008, details including the dates on which the allegations were made and the identity of the person or persons to whom they were made) of:

- (i) any oral or written reports received by you from any person about any harm, or suspected harm, occasioned to a student at the school;
- (ii) any oral or written reports received by the principal of the school from any person about harm, or suspected harm, occasioned to a student at the school; and
- (iii) if there were any reports of harm, or suspected harm, details about how, when and in what form, the information was given to a police officer or other relevant State authority, as required by section 10 of the *Education (Accreditation of Non-State Schools) Regulation 2001*.

The Board notes from the submission at paragraph 2.21 that the principal monitored the Defendant's conduct over a period of time after receiving the information on 6 September 2008.

L. The Board requests that the Corporation provide:

- (i) details about the length of time over which the principal monitored the Defendant's conduct;
- (ii) how the principal monitored the Defendant's conduct;
- (iii) what was revealed to the principal by the monitoring of the Defendant's conduct; and
- (iv) a copy of any written reports made by the principal of the monitoring of the Defendant's conduct.

It is noted from the Student Protection Manual Section 3 (section 7.2) that the Student Protection Officer is to conduct random audits from time-to-time on schools.

M. The Board requests that the Corporation provide, if any random audits as contemplated by the Student Protection Manual Section 3 (section 7.2) were conducted of the school concerned from 2001 to 2008, a copy of any written report of the random audit(s).

In responding to the matters raised in this letter, the Board of course is not requesting or requiring you to disclose any information which would identify a student, or breach any statutory obligations not to reveal certain information, or breach any Court suppression orders which may be in place.

The Board requests that the Corporation provide a response to this letter by close of business, Friday, 13 March 2009. The Board acknowledges that this date may precede the date by which the Corporation is able to provide its expected further report.

Yours sincerely



Emeritus Professor Roy Webb AO
Chairperson