

10 December 2009

STRICTLY PRIVATE AND CONFIDENTIAL

Mr Terence Hayes

REDACTED

Dear Terry

Termination of employment

I write to advise that your employment with The Corporation of the Roman Catholic Diocese of Toowoomba is hereby terminated, effective immediately.

Reasons

You have held the position of Principal of [the primary school] continuously since 2001.

In September 2007 you received certain information about Gerard Byrnes who was a Year 4 classroom teacher and Student Protection Contact at [the primary]. This information emanated from two parents and a child from [the primary]. The information received from one of the parents, KQ and his daughter KH, was recently the subject of Magistrates Court proceedings in which you were the defendant. I will address later in this letter my concerns with respect to the information received from the second parent, REDACTED, on 7 September 2007, which was not the subject of the recent prosecution.

During the hearing before Acting Magistrate Stjernqvist on 16 November 2009 you admitted that:

- (a) the information provided to you by KQ and KH on 6 September 2007 about Gerard Byrnes (the information) gave rise to a reasonable suspicion of sexual abuse;
- (b) you suspected sexual abuse following receipt of the information;
- (c) the information contained allegations which were potentially of a sexual nature.

Whilst I acknowledge that you reported the information to Senior Education Officers Fry and Hunter at the time, I do not share your view, which you have communicated publicly, that you fulfilled your duty. This is particularly given your admission during the proceedings that you suspected sexual abuse at the time (a suspicion which, rightly or wrongly, was not held by the other professionals directly involved in the matter including Senior Education Officer Christopher Fry, Senior Education Officer Ian Hunter and Student Protection Contact Cathey Long).

On or about 30 June 2008 Gerard Byrnes resigned from full time teaching at [the primary].

After Gerard Byrnes resigned, you sought approval from the Assistant Director School and Staff Development, Margaret Hendriks, for Gerard Byrnes to continue to work as a relief teacher within the Toowoomba diocese. The Assistant Director approved this request. At the time of approving this request, the Assistant Director was not aware of the information received by you about Gerard Byrnes

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in September 2007. You did not bring that information to her attention, notwithstanding your admitted suspicion of sexual abuse.

In or about July 2008 you participated in a very "endorsing of a professional colleague" farewell to Gerard Byrnes upon his resignation. In doing so you provided a public display of support for him.

Following his resignation Gerard Byrnes worked as a relief teacher at the primary on fourteen or fifteen occasions. As Principal you have authority and control over which diocesan relief teachers are offered casual teaching shifts at the primary.

You engaged Gerard Byrnes on the casual relief roster at the primary and, indirectly supported him being on the relief roster for other schools within the diocese, notwithstanding your admitted suspicion of sexual abuse following upon the information provided to you by KQ and KH in September 2007. By Gerard Byrnes tendering his resignation, this was a clear opportunity for you to disengage from him, but instead you offered him relief shifts at the primary and in doing so made another public statement of confidence in his personal integrity.

Your recent press release in which you stated that you "*fulfilled your duty*" demonstrates a considerable lack of insight into the shortcomings of your own conduct in this matter. Your own conduct compromised student safety and well being by allowing, and indeed facilitating, Gerard Byrnes' return to the primary following upon his resignation. It is alleged that further sexual offences against students were committed by him during this period.

The entirety and cumulative effect of your conduct demonstrates a clear lack of understanding as to the expected level of behavior of a Principal in whom I repose a high level of trust. You are at the coal face and stand as the protector of the children in your school's care. How could you allow Gerard Byrnes to continue as a teacher in your school, continue as a Student Protection Contact, return as a relief teacher, if you suspected that he had sexually abused students in his care?

Notwithstanding that you reported the matter to the Senior Education Officers, if you did not believe their advice was correct or that their direction legitimately and appropriately addressed the issue why did you not report the matter to the Director of Catholic Education, John Borserio or myself. It is not good enough for you to now simply say "I reported it to my employer". You continued to conduct the school on a business as usual basis despite your admission that you suspected sexual abuse had occurred within its grounds. I expect more from my principals. I expect more from my staff. The students in our care deserve more.

Your response to the information received about Gerard Byrnes (albeit on the advice of the Senior Education Officers) was to send him a disciplinary letter, wait for his reply and for the matter to be taken no further. You participated in this process. You developed in consultation with the Senior Education Officers a letter to Gerard Byrnes which treated the issue as a disciplinary matter of a non-sexual nature. You signed the letter. This response was inadequate in the circumstances and indicates a poor understanding by all the professionals involved, including you, of appropriate risk management practices in matters of student protection.

Further, you did not remove Gerard Byrnes from the position of Student Protection Contact at REC the prima, following you receiving the information, even though:

- (a) you (and you alone of the professionals involved in the matter) suspected sexual abuse;
- (b) you have control and authority over the staff at the primary who are assigned the position of Student Protection Contact;

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- (c) Gerard Byrnes admitted to engaging in questionable touching practices (including exchanging hugs with female students and allowing female students to sit on his lap during class) in his letter of reply to you dated 20 September 2007.

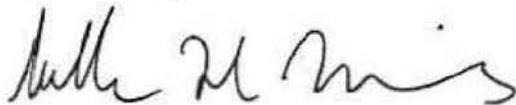
You have confirmed that you did not undertake any additional monitoring or supervision of Gerard Byrnes after September 2007. Senior Education Officer Fry states he recommended that you monitor Gerard Byrnes. You deny this. However even without such a recommendation by Senior Education Officers Fry and Hunter, I consider you were sufficiently experienced in matters of student protection to apprehend independently the need to monitor Gerard Byrnes to ensure that he had ceased, at the very least, his admitted questionable contact practices. Indeed the Student Protection Contact formed this view independently and commenced entering classrooms at the primary randomly after September 2007.

There is also the matter of the second parent complaint received by the Assistant Principal Religious Education on 7 September 2007. The Assistant Principal prepared a written report of this complaint and provided it to you. This complaint contained further allegations of a sexual nature against Gerard Byrnes. You did not report this complaint to police, contrary to your legislative responsibilities to do so. You did not provide the Assistant Principal's written report to Senior Education Officers Fry and Hunter.

Terry, it brings me no pleasure to take this step. I have carefully reflected and deliberated. Your admission during the hearing that you suspected sexual abuse came as a great shock to me and one which has caused me considerable distress and anguish. I have now lost all trust and confidence in your ability to properly discharge your duties and obligations as Principal of a school within my diocese. Nothing you can say will change that view.

I will arrange for John Borserio, Director of Catholic Education, to write to you separately as to payment of your leave and other statutory entitlements.

Yours faithfully



Most Rev William M Morris, DD
BISHOP OF TOOWOOMBA