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STATEMENT OF MAX HOWELL

1 I was Headmaster at Brisbane Grammar School from 1965 until my retirement in 1989. For all but my final year at BGS I lived in a residence in the School grounds with my family. That residence is in the close vicinity of the Boarding House.

Appointment of Kevin Lynch

2 Prior to Kevin Lynch's appointment, there had not been a Student Counsellor at the school, and the profession of school counselling did not really exist. Before Lynch, Ernie Logan, who was a former Headmaster of Hamilton College in Victoria, was the School Counsellor, but ^{his} the role related solely to careers counselling, study techniques and other academic issues rather than counselling or assistance with emotional or psychological issues. He had no formal qualifications in counselling, but was appointed to that role because his background in teaching and his rapport with students made him ideal as a careers and academic counsellor. When he retired, ^{in 1975} no formal replacement was appointed.

3 Kevin Lynch was appointed an Assistant Master in 1973, teaching English and History. In about the mid 1970's the University of Queensland introduced a Diploma course in ~~Education~~ ^{SCHOOL} Counselling. In about 1976, Lynch enrolled in that course and did some counselling at the school part-time, whilst ~~also~~ still doing classroom teaching. I kept him under observation and received positive feedback as to his performance as a counsellor for some months. As he was due to complete the diploma course in June 1977, in my report to the Board of Trustees in July 1976, I recommended that he be appointed Student Counsellor on a full-time basis from January 1977. On the basis of my recommendation, he was appointed to that role and thereafter did not have a classroom teaching role.

4 At the end of the 1977 academic year, he submitted a report to me outlining the type of counselling work he had been conducting, the number of students counselled and other



such matters. I do not now recall the specific contents of the report, but a letter I forwarded to him at that time indicates the report was impressive.

5 In 1984 in recognition of his success in the role of Student Counsellor and because of the amount of extra time he was putting into the job, I recommended that Lynch's appointment as Counsellor be upgraded to the status of Subject Master. Had there been any suggestion of impropriety or an inability to carry out the job properly, then the position would certainly not have been upgraded.

6 Towards the end of 1988, amendments to the School Superannuation Scheme were announced by the government which were to mean either increased benefits or earlier access to benefits for some teachers. It was reported to the Board of Trustees at a meeting on 6 December 1988 that the Education Department advised that the Superannuation Scheme had been approved by Cabinet and would be approved by the Governor in Council the following week.

7 Within a few days, Lynch approached me and said that he wanted to take advantage of early retirement, effective as at the end of the 1988 academic year. Some time prior to that, Lynch had separated from his wife. When he approached me to advise his retirement, I recall him saying that he was paying maintenance for his three children and not living in very good circumstances. I enquired what he was going to do and he said that the superannuation would allow him to buy a house and live more comfortably. I do not think he mentioned Gilbert Case or that he was to take a job at St Pauls' School. However, in retrospect, it seems to me unlikely he would have taken early retirement if he had not had a job lined up.

8 My recollection is that he did not start at St Pauls' immediately and may have started some six months later.



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9 I endeavoured to engage someone to fill the role of Counsellor to commence in 1989. However, I had great difficulty in obtaining any applications let alone employing someone.

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Eventually, we were able to recruit Ron Girdham from South Australia. We were only able to secure his services by agreeing to arrange accommodation for him and his family for a period of time. He took up the position of Student Counsellor in July 1989.

Role of Counselling

- 10 I referred a number of students to Lynch for counselling. I would generally refer students when I was concerned about their ability to cope with the school workload or when I thought that their study techniques or practices required improvement. When looking through report cards, if my attention was drawn to any student who was under-performing or underachieving, I might have interviewed those students myself or I might have suggested that they take advice from Lynch.
- 11 Students would also ~~attend~~ ^{visit} Lynch on the recommendation of other staff, or of their own volition.
- 12 At no time did I ever receive any complaint from students, staff, parents or any other person, in relation to Lynch's behaviour or counselling techniques. Had I done so, I would have investigated those complaints and if the type of behaviour now alleged was established, then his contract of employment would have been terminated immediately. There was an occasion in 1969 when I received a report from a parent of alleged sexual misconduct by a teacher. I immediately put the allegation to the teacher, who admitted the allegation and resigned immediately. Had he not resigned, his employment would have been immediately terminated.
- 13 It was an essential feature of the counselling process that counselling be kept confidential. Students could seek counselling on sensitive issues such as family problems or other personal matters. Counselling was also properly intended to provide assistance to students who felt that they had issues with a particular teacher or with me, or who perceived they were being bullied or otherwise badly treated by a member of staff or other students. Students would not have felt able to discuss such matters with the School Counsellor if

there had been a perception that the Counsellor would discuss these issues with the other teachers or with me.

14 For that reason, Lynch did not discuss the specifics of individual students' problems with me, and I did not consider that confidentiality to be inappropriate or suspicious in any way. In fact, I would have been concerned if Lynch had not been preserving the confidentiality of the students he saw.

15 There were, of course, other independent checks and balances to monitor the progress of students. A Personal Record Sheet was completed on each student each term. Subject teachers would provide the academic results for the student and the form teacher would then review the Record Sheet and add a comment with respect to the student's overall performance. The Record Sheet would then be reviewed by the appropriate ^{GROUP} Master (e.g for Year 8 and Year 9 students, the Master of the Lower School), and then, finally, by ^{me} myself.

16 With that process of review, there was a good opportunity to assess whether a student's performance was consistent, and whether the student was performing up to his expected potential.

17 Generally, I would expect ^{that} the form teacher and the ^{GROUP} Master would know if particular students were seeing Lynch. As I did not have day to day contact with each student, I would not expect to have been specifically aware of which students were seeing Lynch, or the reasons for their attendances with Lynch. Also, as outlined above, I considered that information properly confidential.

18 Form teachers and ^{GROUP} Masters were available to discuss problems with students. I would have expected that if a student had a problem which he wished to report to the School, either concerning another student or concerning a teacher, the student would have approached his form teacher or ^{GROUP} Master in the first instance. Had a complaint been made to a form teacher or ^{GROUP} Master of the nature of the matters now alleged against Lynch, that teacher would have immediately reported it to me.



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19 At no time during Lynch's employment with the school did I receive any such complaint from a form teacher, other staff member, any student or parent, or any other person.

BQF

20 I am aware it is alleged a complaint about Lynch's behaviour was made to Ron Cochrane. The first ¹ of knew of this was when it was reported in the Courier Mail. Ron Cochrane never reported to me that any complaint had been made to him regarding Lynch. Had such a complaint been reported to me, I would have dealt with it in the same way that I dealt with the complaint I received in 1969.

21 I have no doubt that the staff of the School would have known what the outcome would have been had they reported to me anything to do with the allegations now being made against Lynch. Knowing Ron as I do, I would find it difficult to believe that he would not have passed on to me a complaint of such a serious nature. He and his family lived in the Boarding House and my wife and I had a lot of interaction with Ron and his wife. Ron regularly discussed Boarding House and other school matters with me.

BQP

8 I recall BQP partly because he came from a problem family. His father was a REDACTED and he had a brother at REDACTED who was the "apple of his father's eye".

BQP

BQP interest was in the theatre and stage lighting, and I had the impression that this was not his father's area of interest. I also recall that BQP went home on one occasion and found his father in bed with a woman who was not BQP mother and that this upset him a great deal.

9 My wife, Betty, was heavily involved with the school theatre, and through that, had quite a bit to do with BQP. They always got on well.

10 I recall some ^{time} years after BQP left school, he contacted my wife and told her that he was assisting with the lighting for a stage production of The Tempest which was being held at the amphitheatre in Albert Park. He suggested that Betty and I might like to go along. My

wife and I attended the production and afterwards we saw [BQP] and I congratulated him on the show. He seemed pleased to see us and pleased with the compliment. That was the last time I saw him.

11 I cannot understand the allegation which he now makes that he approached me about improper behaviour by Kevin Lynch. He never made any such complaint to me whilst at the school, or at any other time.

12 Had he done so, I would most certainly have mentioned it to Betty because of her involvement with the boy. I would have put the allegation to Lynch. If he had denied the allegation, I would have sought [BQP] permission to involve his parents in a meeting with Lynch, [BQP], [BQP] parents and myself.

13 If at the end of that process I came to the conclusion that the allegations were true, or even that they may be true, I would have dismissed Lynch immediately.

[BQA]

15 I completely deny the allegations made in the letter from [BQA] solicitors dated 24 August 2000. At no time was I ever made aware of any inappropriate behaviour by Lynch toward [BQA].

16 David Coote was Deputy Principal of the School from 1979 until 1984. At no time did he approach me with concerns as to Lynch's behaviour. I consider it most unlikely that David Coote would have had any concerns about Lynch's behaviour. They were very close friends whilst they were both on staff at the school. Coote delivered the eulogy at Lynch's funeral. It is impossible to think that they would have remained friends had Coote had any concerns about Lynch acting improperly towards students.

17 I do recollect [BQA] as a student at the school. I remember that his father was a [REDACTED] I also recall that he had an extremely difficult family situation and was a child who did not cope very well with that situation.



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18 I have no specific recollection of whether he ~~attended~~ ^{visited} Lynch, but it is likely that he would have done so given the problems which he was experiencing.

19 It is not impossible that I had meetings with [BQA] about his school performance. However, I most certainly did not discuss his "relationship" with Lynch, nor describe it as "disturbing and inappropriate", as I was not aware of any suggestion of Lynch dealing inappropriately with any student until after Lynch's death, and was not aware of any suggestion of Lynch dealing inappropriately with [BQA] until I was shown a copy of his solicitors' letter of 24 August 2000.

20 It is possible that I had discussions with [BQA] parents concerning [BQA] school performance and his future. I do not now have any specific recall of any such meetings. I do not believe that I would have had discussions with [BQA] about him leaving the School without his parents being present.

21 I do not believe that I would have advised [BQA] or his parents that [BQA] should repeat Grade 10. [BQA] was an intelligent child whose performance did not match his potential ability. I believed this to be because of emotional problems related to family issues. Since it was not academic difficulty which resulted in his poor performance in Grade 10, there would have been no point in having him repeat Grade 10. I do not believe I would have made that recommendation.

DATED the *Tenth* day of *September* 2000

Max Howell
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MAX HOWELL



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