



A0035

SUPREME COURT OF QUEENSLAND

REGISTRY: BRISBANE
NUMBER: S8003 of 2003

Plaintiff:

REDACTED

AND

Defendant:

**THE BOARD OF TRUSTEES OF THE
BRISBANE GRAMMAR SCHOOL**

AFFIDAVIT

WAYNE COCHRANE of Level 7 Inns of Court, North Quay, Brisbane, Barrister-at-Law, states on oath:

- 1 I am a Barrister at Law admitted to practise in the State of Queensland.
- 2 I was employed at the Brisbane Grammar School between the beginning of 1973 and the end of the 1986 School Year. In that period, I held the following positions:
 - (a) between 1972 and 1986 I was a teacher in Economics and History, also teaching some English;
 - (b) from 1982 until 1986 I was Master in Charge of the Lower School;
 - (c) for a term in the late 1970's I was appointed acting Master in Charge of the Middle School.


 Signed: **WAYNE COCHRANE**

 Taken by: Solicitor/Barrister/Justice of the Peace

Affidavit
 Filed on behalf of the defendant
 Form 46 - R.431

CORRS CHAMBERS WESTGARTH
 Lawyers
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 1 Eagle Street
 BRISBANE Q 4000
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 Ref: David Abernethy/7653532



CCW.085.0433

3 Mr Kevin Lynch commenced employment at the Brisbane Grammar School
as a teacher in the same year that I started. For the first couple of years, we
taught many of the same subjects.

4 I cannot recall the date, or approximate time, that Mr Lynch became the full
time School Counsellor, but I recall he was working in that position at the
time I became Master in Charge of the Lower School in 1982.

5 I referred students to Mr Lynch from time to time, particularly when I was
Master in Charge of the Lower School. The types of issues for which I
would refer students to Mr Lynch would be, for example:


- (a) If a student had behavioural problems which I thought may be a
consequence of some personal or family problem which the student
did not wish to discuss with me;
- (b) If I thought the student had a particular issue with me such that I
could not effectively provide pastoral care to that student;
- (c) If a parent advised me that their son had particular problems which
required counselling;
- (d) If I became aware a student was having difficulty dealing with a
family problem such as the death of a parent or grandparent.

6 Generally the option of going to Mr Lynch for counselling was presented to
students as an opportunity to speak to someone who would treat the
information given to them confidentially and would, in particular, not carry
details of conversations back to me, the Deputy Headmaster or the
Headmaster Mr Max Howell.



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WAYNE COCHRANE



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Solicitor/Barrister/Justice of the Peace

- 7 During my period at the school, Mr Lynch never said anything which gave me any indication that he may have been involved in any improper conduct.
- 8 There was nothing which he said to me which, even in retrospect, I thought to be unusual or suspicious.
- 9 I regarded myself as a personal friend of Mr Lynch and his wife. My wife and I were friendly with him and his wife, and we were aware when their marriage broke up.
- 10 On several occasions, Mr Lynch babysat my two children, who would have been aged approximately 5 to 6 and 7 to 8 at that time. I did not have the slightest concern about leaving my children with him.
- 11 Had I been aware of any allegations of misconduct by Mr Lynch I would not have let him into my home let alone to babysit my children.
- 12 I first heard the allegation that Mr Lynch had behaved inappropriately towards students after his death.
- 13 Until that time, I was not aware of any parent, student, or other person ever making a complaint against Mr Lynch. I recall the occasional parent or student who said that they thought seeing the Counsellor had been a waste of time, but there was never any suggestion of impropriety.
- 14 I recall many parents and students who said that the counselling provided by Mr Lynch had been very helpful.



CCW.085.0435


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WAYNE COCHRANE


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Solicitor/Barrister/Justice of the Peace

15 I am informed by Mr David Abernethy, Solicitor for the defendant, and verily believe, that a medical report has been prepared in respect of the plaintiff in which it is suggested that the plaintiff's mother at some time had a meeting with a "Mr Cochrane" at the School. At the time there was also a Mr Ron Cochrane at the School who was the Master in charge of the boarding house.

16 I do recall both the Plaintiff, REDACTED and his brother REDACTED who I recall was about 3 or 4 years older than REDACTED REDACTED and REDACTED were quite different boys.

17 I recall meeting both Mr and Mrs REDACTED at various times. In particular I recall having some discussions with Mrs REDACTED about REDACTED's progress because he seemed to be unsettled at school. I cannot recall with any precision a particular meeting with Mrs REDACTED although I have a faint recollection that she may have come to see me in my position as Master in Charge of the Lower School.

18 I do not recall saying to Mrs REDACTED that either I or Chui Lee, the Chinese teacher, thought REDACTED was not the kind of child wanted at the Brisbane Grammar School. It is not the kind of comment I would make and it would have been unusual for me to have conveyed a comment in those terms from another teacher.

19 My recollection is that if I did speak to REDACTED's parents it was only to his mother but I cannot be absolutely certain about that.

20 My recollection of REDACTED is of a generally happy child, eager to please but not really settled into his classwork. I can recall him as a child who was keen to be one of the crowd but who did not really stand out from the other students in any particular respect.



21 All the facts and circumstances herein deposed to are within my own knowledge save such as are deposed to from information only and my



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means of knowledge and sources of information appear on the face of this
my Affidavit.

Sworn by WAYNE COCHRANE on
30th October 2003
at Brisbane
in the presence of:


WAYNE COCHRANE


Solicitor / Barrister / Justice of the Peace

