



A0014

## SUPREME COURT OF QUEENSLAND

REGISTRY: BRISBANE  
 NUMBER: S3739 of 2001

Plaintiff:

REDACTED

AND

Defendant:

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

## AFFIDAVIT

**DAVID JOHN ABERNETHY** of 1 Eagle Street, Brisbane in the State of Queensland, Solicitor, states on oath:

- 1 I am a partner in the firm Corrs Chambers Westgarth and have the day to day conduct of this action on behalf of the defendant.
- 2 I am informed by Dr Peter Lennox, current headmaster of the Brisbane Grammar School, and verily believe, that the School's records indicate that Kevin Lynch was an employee of the Brisbane Grammar School between 1977 and 1988, and further that they indicate that during that period, the School operated with a management structure in which the senior staff consisted of:
  - (a) Headmaster;
  - (b) Deputy Headmaster;
  - (c) Master of the Middle School; and



CCW.118.0064

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Signed: **DAVID JOHN ABERNETHY**

Taken by: Solicitor/Barrister/Justice of the Peace

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

**CORRS CHAMBERS WESTGARTH**  
 Lawyers  
 Waterfront Place  
 1 Eagle Street  
 BRISBANE Q 4000  
 Tel: 3228 9333  
 Ref: DJA/7545873

(d) Master of the Lower School.

3 I am further informed by Dr Lennox and verily believe that the School's records indicate that the persons holding those positions during the years Kevin Lynch was an employee of the school, were as follows:

(a) Headmaster – Dr Max Howell;

(b) Deputy Headmaster – Mr Baker-Finch (1977/78), David Coote (1979-1983) and Ray Hill (1984-1988);

(c) Master of the Middle School – Barry Montague; and

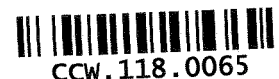
(d) Master of the Lower School – Ray Cross (1977-1981), Wayne Cochrane (1982-1986) and A J Byron (1987/1988).

4 With the exception of Mr Baker-Finch and Mr Byron, either I or solicitors in the employ of Corrs Chambers Westgarth, have spoken individually to each of those persons. Each has advised, and I verily believe, that during the period of Kevin Lynch's employment with the School:

(a) at no stage did he receive any report, complaint or comment from any student, parent or other person of improper behaviour by Kevin Lynch;

(b) at no stage did he receive any report or comment from any student, parent, or other person, of such a kind as would raise a suspicion about improper conduct by Kevin Lynch.

5 In addition, either I or solicitors in the employ of Corrs Chambers Westgarth have individually interviewed a total of thirty teachers employed at the School during those years. Each has independently advised that during the period of Kevin Lynch's employment with the School:



B/546742

*DAVID JOHN ABERNETHY*

DAVID JOHN ABERNETHY

*James*

Solicitor/Barrister/Justice of the Peace

- (a) at no stage did he or she receive any report, complaint or comment from any student, parent or other person of improper behaviour by Kevin Lynch;
- (b) at no stage did he or she receive any report or comment from any parent, student or other person of such a kind as would raise a suspicion about improper behaviour by Kevin Lynch.

6 In his affidavit sworn 4 March 2002, the plaintiff asserts that:

- (c) **REDACTED**
- (d) during that time, he was a well behaved pupil, had a large group of friends and was always in the top 10% of the class; and
- (e) it was predicted by teachers at **REDACTED** Primary School that he would do well in High School.

7 In that affidavit, the plaintiff asserts he underachieved academically at the Brisbane Grammar School as a result of the activities of Kevin Lynch.

8 The plaintiff did not disclose in his List of Documents any documents in the nature of school reports from the **REDACTED** Primary School, or other documents confirming his academic achievements and/or ability prior to attending the Brisbane Grammar School.

9 On 6 February 2002, I caused a Notice of Non-Party Disclosure to be issued from this Honourable Court directed to the **REDACTED** Primary School, which was served on the **REDACTED** Primary School on 8 February 2002.

10 Julie Cameron, a partner of Corrs Chambers Westgarth, has advised and I verily believe that on or about 18 February 2002, she was telephoned by **REDACTED**, the Principal of **REDACTED** State School, who advised her

B/546742



*David John Abernethy*

DAVID JOHN ABERNETHY

*James*

Solicitor/Barrister/Justice of the Peace

that:

- (a) the School held no records in respect of the plaintiff;
- (b) it is the School's policy to destroy student records once the student turns 21 years of age; and
- (c) in response to questioning by her, he advised that there is no staff member currently employed at the school who was employed there at the time the plaintiff attended.

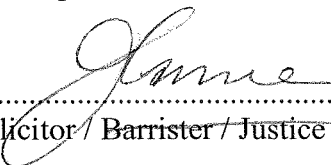
11 My firm subsequently received a letter dated 18 February 2002 confirming that information. Now produced and shown to me and marked with the letter "A" is a true copy of the said letter.

12 All the facts and circumstances herein deposed to are within my own knowledge save such as are deposed to from information only and my means of knowledge and sources of information appear on the face of this my Affidavit.

Sworn by **DAVID JOHN ABERNETHY** on  
 ..... *16 April* ..... 2002  
 at ..... *Blackburn* .....  
 in the presence of:



.....  
**DAVID JOHN ABERNETHY**

  
 .....  
 Solicitor / ~~Barrister~~ / Justice of the Peace

