



SUBMISSION

“WITHOUT PREJUDICE”

**To: Corrs Chambers Westgarth
Solicitors for the Brisbane Grammar School**

**Prepared by: Shine Roche McGowan Solicitors
On behalf of ex-students of the Brisbane Grammar School**

2 April 2001



SUBMISSION

Between 1977 and 1989, Kevin John Lynch was employed by the Brisbane Grammar School as a teacher/school counsellor.

We act for 38 ex-students of the Brisbane Grammar School, who attended the School between these years and allege that Kevin John Lynch sexually and emotionally abused them during counselling sessions they attended.

Kevin John Lynch left the Brisbane Grammar School, at approximately Easter 1989, He gained employment with another school in the Brisbane area being the St Paul's School, Bald Hills.

On 22 January 1997, Kevin John Lynch was arrested and charged, at 3.15pm, in the Brisbane City Watch House. He was released on bail to appear in the Brisbane Magistrates Court on 4 February 1997. The charges consisted of:-

- One charge of Indecent Dealings of a Child Under 16,
- Seven charges of Procure Indecent Act of a Child Under 16 Years,
- One charge of Aggravated Assault.

The day after these charges were laid against him, Kevin John Lynch was found to have suicided by gassing himself.

It is the assertion of the ex-students who were assaulted by Kevin John Lynch that the Brisbane Grammar School is responsible for what happened to them at the hands of Kevin John Lynch.

THE INCIDENTS

The Brisbane Grammar School introduced Kevin John Lynch to each commencing Year 8 class as the school counsellor, whom students could approach for guidance, or personal counselling. Many students took up this offer over the years that Kevin John Lynch was at the Brisbane Grammar School. The claimants were sexually assaulted or indecently dealt with by him.



The incidents, the subject of the assaults, varied in severity and are set out below:-

- The School Counsellor suggested and encouraged the students to masturbate in front of him including supplying lubricants in the form of gel and baby oil to assist and supplying towels and tissues to clean up the ejaculate.

- The School Counsellor encouraged the students to masturbate him, reassuring them that if they did, it did not mean that they were homosexual.
- The School Counsellor masturbated in front of the students including:-
 - while sitting at his desk when the students were naked on his couch,
 - while leaning over the students and cuddling them.
- The School Counsellor forced the students to masturbate him by using threats of telling:-
 - the student's parents,
 - teachers,
 - friends.
- The School Counsellor forced the students to eat their own ejaculate after capturing it in a spoon.
- The School Counsellor inserted acupuncture needles in various parts of the students' bodies, when the school counsellor had no formal training in acupuncture. For example:-
 - Needles inserted into the webbing between the thumb and forefinger;
 - Needles inserted through the sole of the foot and pushed toward the top of the foot as far as possible;
 - Needles inserted into the perineum and pushed as far as the needle would allow;
 - Needles inserted into the testicles.
- The School Counsellor anally penetrated the students:-
 - with his finger,
 - with his thumb while pushing on the base of the student's scrotum from inside,
 - with a cylindrical object.
- The School Counsellor used hypnosis, hypnotic and relaxation techniques on the students without any formal training in these techniques and without the informed consent of the students or their parents.



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- Furthermore, the School Counsellor represented to the students that the above-mentioned acts were necessary for their treatment and counselling of their problems.

It is also of importance to note that the claimants accessed the services of the school counsellor for help. Many of them having problems with their home life or with being bullied at school. The school counsellor, instead of offering them the help, which he was there to provide, took advantage of their weakened emotional state and sexually and emotionally abused them for his own pleasure.

TIME PERIOD

The abuse of these students occurred throughout every year of the period in which the Brisbane Grammar School employed Kevin John Lynch. Lynch purported to treat the student's "problems" with the use of hypnosis, hypnotic and relaxation techniques, masturbation, acupuncture and sexual release. He represented to the students that these methods would solve or ease their problems. He also represented, or at the very least let the students believe, that the School knew of these techniques and approved of them.

EFFECTS OF THE ABUSE

We believe that the effects of the abuse on different students can be broken down into three (3) categories. These categories are Extreme, Severe and Moderate.

Following is a breakdown of the indicia of the three (3) categories.

Extreme

Psychological Effects

- Post Traumatic Stress Disorder.
- Major Depressive Disorder and/or Anxiety Disorder.
- An extreme inability in conducting relationships and an extreme lack of trust in building relationships.
- Addiction to escapist drugs.
- Multiple actual attempts at suicide.
- Continual participation in unusual sexual practices and extreme promiscuity.



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Economic Loss

- Excellent potential at school prior to the abuse.
- Extreme decline in school marks post the abuse.
- Extremely erratic work history.
- Long periods of unemployment due to psychological problems.
- Failure to reach potential.

SeverePsychological Effects

- Major Depressive Disorder.
- Depression and Anxiety.
- Actual attempt/s at suicide and constant thoughts of suicide.
- Severe inability to maintain relationships and no trust in relationships.
- Mild/short addiction to escapist drugs.
- Occasional participation in unusual sexual practices and promiscuity.

Economic Loss

- Moderate potential at school prior to the abuse, eg expected to pursue study at a tertiary level.
- Severe decline in school marks post the abuse.
- Erratic work history.
- Frequent periods of unemployment due psychological problems.
- Failure to reach potential.

ModeratePsychological Effects

- Depression and Anxiety
- Emotional Distress



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- Moderate inability in relationships and no trust in relationships.
- Experimentation with escapist drugs
- Frequent thoughts of suicide, but no actual attempts.
- Thoughts of participating in or experimentation in unusual sexual practices.
- Frequent confusion between displays of affection and sexual advances.

Economic Loss

- Moderate potential at school prior to the abuse, eg marks suggest would have left to find employment after completing Senior year.
- Moderate decline in marks post abuse.
- Some periods of unemployment on medical grounds, however, mostly employed.
- Failure to realise employment potential.

EXAMPLES

The following are examples of actual students in each of these categories.

Extreme

Student 'A'

Incidents

The claimant attended the Brisbane Grammar School from 1979 through to 1983. He saw Kevin John Lynch throughout his first and second year at the Brisbane Grammar School.

The claimant first went to see Kevin John Lynch because he had been raped by three (3) other students of the Brisbane Grammar School. The claimant did not feel that he could report this rape and thus, approached the school counsellor, as he was encouraged to by the School, for problems of this nature.

The school counsellor took advantage of this situation and used hypnosis to induce a trance-like state and then proceeded to, at the very least, masturbate the student and masturbate himself.

Due to the student being highly hypnotisable, he does not remember the exact details of the abuse. However, he is progressively remembering more of the actual incidents. He does remember coming out of a trance-like state with his pants down and his genitals exposed. On



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another occasion, he recalls, coming out of the trance-like state for a short period of time and seeing the school counsellor masturbating.

This claimant was found to have an extremely high IQ prior to entering the Brisbane Grammar School and was expected to take a place at the top academic levels of the School. He was also an extremely talented and keen sportsman.

Effects

As a result of the abuse he suffered, the claimant has an extended psychiatric history including the loss of two (2) years from his memory and his life. He was a 'missing person' for two years and does not remember any of that time. He has been in and out of psychiatric institutions and has seen numerous mental health practitioners throughout his life. He has recently been diagnosed with chronic, severe Post-Traumatic Stress Disorder.

The claimant had a very dysfunctional marriage, which lasted approximately 6 years and still has a dysfunctional relationship with his parents. The claimant has very low self-esteem and has often displayed self-destructive and suicidal behaviour. He has used marijuana and many other non-prescription drugs and has been through many periods of binge drinking. The claimant also suffers extreme nightmares, depression and has trouble interacting with people and society.

The claimant's problem with social interaction has led to a very erratic employment history. The claimant has tried numerous careers including Management Trainee, Police Force and the Armed Forces. The only position the claimant held for any period of time was as an administrative book-keeping position where he did not have to interact with people. The claimant is currently employed in a bookstore repairing and re-binding books, where he does not have to interact with people.

The claimant returned to his education, at one point, completing Year 12 with a TE score of 935. He then went on to study Humanities and Behavioural Science at university, however did not complete either degree as he found that he could not contend with the required social interaction.

A psychiatrist and a psychologist, who is also an expert in hypnosis, have at our request, recently assessed the claimant. He has been diagnosed with chronic severe Post-Traumatic Stress Disorder. Copies of the opinions of both practitioners are provided in Appendix "A".

Other Students

Some of the effects on other students in this category include:-



- One claimant cannot cuddle his daughter without thinking, "Is this okay or am I, or will I go too far and eventually abuse her?"
- Another claimant has had a problem with alcohol since leaving school and was addicted to heroin for a period of 5 years. He spent time on the streets as a prostitute in order to help fund his addiction. This claimant has seen many psychiatrists and counsellors since leaving the School. He suffers from extreme social anxiety, depression and has extremely low self-esteem, attempting suicide on a number of occasions.
- Another claimant, who saw Lynch for 5 years, has never had a personal relationship since leaving the School and is still a virgin at the age of 37. He also had extremely low marks at the School throughout his time there. He has been unemployed for a period of 7 years and now drives a taxi, which his parents own. This claimant has suffered from low self-esteem and depression since leaving the School and was been diagnosed with Post-Traumatic Stress Disorder in July 2000.
- Another claimant has held numerous employment positions since leaving the School in 1984, the longest of which was 18 months. This claimant has also been in numerous relationships, which break down as he mistakes emotional affection for sexual advances, which causes severe problems in relationships. The claimant has also seen numerous mental health professionals since leaving the School and has spent many years on medication for depression and mood disorders.

Severe

Student 'B'

Incidents

The claimant attended the Brisbane Grammar School between 1986 and 1990. He saw Kevin John Lynch from the second term of Year 8, in 1986, through to approximately midway through the second term in Year 9, 1987.

The claimant originally accessed the services of the school counsellor, as his sister had a nervous breakdown and the claimant was having problems understanding the situation at home. This claimant went to the school counsellor as his Form Master, Wayne Cochrane, recommended him to the claimant's mother.



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The claimant was subjected to hypnosis and hypnotic techniques from the first appointment with the school counsellor. He has only vague memories of what actually occurred during the sessions. He does, however, remember a comment from the school counsellor about his penis being small. He also remembers cold hands on his upper thigh and groin area and remembers leaving the sessions with a slightly stoned feeling. He also remembers not wanting to go to school on a number of occasions due to what was happening in the sessions.

Effects

This claimant was married for two years and blames the failure of the marriage on his inability to convey and communicate emotions on a personal and intimate level. The claimant has had an alcohol problem since leaving the School and has also used marijuana on a regular basis. He also describes himself as having a very introverted personality.

He has seen a number of mental health professionals over the years, however, he has found the consultations frightening and one psychologist made him extremely uncomfortable due to reminders of his contact with the school counsellor.

As a result of the abuse, the claimant has never reached his employment potential. At primary school he was always considered to be among the top 3% and was expected to perform well at high school. After he saw the school counsellor in Grade 8, the claimant's academic grades fell dramatically. If he had not been subjected to the abuse he would have gained marks high enough to allow him to go to university and eventually enter a profession.

The claimant, after leaving school, worked at a department store for 18 months, initially as a storeman and then as a sales assistant. He then found employment as a builder's labourer for 1 year and then passed a further year as a plumber's apprentice. He then worked as a furniture removalist and subsequently as a sales assistant in hardware. He failed in an attempt to commence his own furniture removal business and currently works for a building maintenance service, gardening and cleaning.

A psychiatrist and a psychologist, who is also an expert in hypnosis, have at our request, recently assessed the claimant. The claimant has been diagnosed with an Adjustment Disorder with Anxious and depressed mood. Copies of the opinions of both practitioners are provided in Appendix "B".

Other Students

Some of the effects on other students in this category include:-



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- One claimant relates stress levels to sex as a result of his sessions with the school counsellor. The more stressed this claimant becomes, the more he has to have sex whether it be an affair or utilising the services of a prostitute. Thus, he has had a number of unsuccessful relationships due to this problem. This claimant suffers from anxiety and depression and has a low self-esteem. He has been taking anti-depressants regularly since he left the School and has attempted suicide on a number of occasions. He has seen numerous psychologists and counsellors over the years and has spent approximately \$15 000 on these professionals. He has also spent a similar amount on medication.
- Another claimant is extremely over-protective of his children. When he is with them he will not let them out of his sight for fear of their safety as a result of what happened to him at Grammar. This affects his whole family. This claimant suffers from low self-esteem, and is very insecure. Since realising he was abused he has suffered from nightmares and flashbacks and he has an ongoing problem with alcohol. He has only recently sought the help of a counsellor as prior to this time, his experiences with the school counsellor have kept him from doing so.
- Another client experimented with homosexual sex for years and has suffered great anxiety over this fact. He only had his first heterosexual sex with his wife when he was 28 years old. This claimant has suffered with severe nightmares since the school counsellor died in 1997. He has also suffered from severe depression
- Another client constantly has flashbacks and thoughts of the school counsellor every time he engages in sexual activity. This puts enormous pressure and strain on his marriage.

Moderate

Student 'C'

This claimant is, in fact, an ex-student of the St Paul's School, Bald Hills, at which Kevin John Lynch was employed after leaving the Brisbane Grammar School. However, he is typical of claimants from the Brisbane Grammar School who fall within the moderate category. We have included him in this submission, as he has been assessed by a



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psychiatrist and psychologist and we have not, at this stage, had any of the Brisbane Grammar claimants, who fit into this moderate category, assessed at this stage.

The claimant attended the School from 1989 through to 1996. The claimant consulted the school counsellor over a two (2) year period from 1989 through to 1991.

The claimant initially consulted the school counsellor, as his fellow students were bullying him. Students at this School, like Brisbane Grammar School, were told that these were the types of situation for which the school counsellor could provide help.

During the period the claimant was consulting the school counsellor, he was under the impression, reinforced by the school counsellor through various techniques, that what was being done to him was therapy and was beneficial to him. As a result of realising that his trust had been breached, by who he thought was an authority figure and confidante, he suffered from an Adjustment Disorder of an unspecified type over the six (6) months subsequent to realising he had been abused.

A psychiatrist and a psychologist, who is also an expert in hypnosis, have at our request, recently assessed the claimant. The claimant has been diagnosed with an Adjustment Disorder. Copies of the opinions of both practitioners are provided in Appendix "C".

The incidents have impacted lightly on his employment history and he should recover fully.

Other Students

Some of the effects on other students in this category include:-

- One claimant's grades and overall demeanour suffered a dramatic drop after being abused by the school counsellor. When he arrived at the School he was in the top 5% of students on an IQ test. After the incidents with the school counsellor, he missed a lot of school as he was suffering from bouts of depression. He is employed in the profession he always intended to pursue, however, he did not reach the heights of the profession, which were forecast for him prior to the abuse.
- Another claimant saw the school counsellor in year 11. For a number of years after the incidents the claimant suffered severe nightmares, which have returned since the media coverage in early 2000. The claimant has an ongoing problem with alcohol and suffers from low self-esteem. He has contemplated suicide a number of times.



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- Another claimant saw the school counsellor for a year during grade eight. He was subjected to relaxation techniques and masturbation during his sessions with the school counsellor. This claimant has worked a string of low paid labouring jobs since leaving the School. He has an inability to sustain relationships of any kind due to a severe lack of trust. He has a problem with alcohol and has experimented with escapist drugs . He has, since leaving the School suffered from a lack of self-confidence as well as low self-esteem and has contemplated suicide on a number of occasions.
- Another claimant states that he left Grammar due to the incidents with the school counsellor. If he had remained there his academic results would have enabled him to pursue a university course. However, his work history is poor, although, he is now attempting to study. He has a distrust of relationships and thus, an inability to sustain them and has experimented with homosexuality. The claimant has seen numerous psychiatrists and psychologists over the years suffering from low self-esteem, anxiety and has had severe nightmares and flashbacks. He has experimented with escapist drugs. In May 2000, he was hospitalised in Royal Brisbane Hospital Mental Health Clinic for 4½ weeks as a result of anxiety and depression.

SETTLEMENT

Following is an approximate breakdown of the number of claimants in each category.

- 6 students in the extreme category.
- 17 students in the severe category.
- 13 students in the moderate category.

N.B There are still 2 students from whom we are awaiting further details.

Below we have suggested monetary sums for the broad bands of compensation corresponding to the categories of damage.

Extreme Category	\$200,000.00 to \$500,000.00
Severe Category	\$100,000.00 to \$250,000.00
Moderate Category	\$75,000.00 to \$150,000.00



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These amounts cover all damages including:

- Pain and Suffering
- Special Damages (both past and future)
- Past Economic Loss
- Future Economic Loss

OTHER OPTIONS

Outlined above is one settlement model which we have successfully used in the past in cases similar to this. As was flagged at the meeting on 27 March 2001, a more traditional method of having each claimant assessed by an independent medical panel and then by an independent legal panel is another option.

We suspect that this second method may produce a more certain result, however, it would be extremely time consuming and costly when pursued for 38 claimants.

LITIGATION

As flagged at the meeting on 27 March 2001, we are ready to issue proceedings.

We again point out that this solution, and any settlement negotiations entered into on behalf of the claimants, would negate the necessity for long, costly and public litigation. If the matter were to proceed to litigation, the plaintiffs would be exercising their right to a jury trial with the prospect of far more generous awards in light of the decision in *Hogan v Trustees of the Catholic Church*.

We have spent the past eight (8) months investigating these claims on behalf of the claimants. We have amassed evidence that the Brisbane Grammar School knew, or ought to have known, of the incidents, which occurred between the school counsellor and the claimants.

COSTS

Each of the claimants seek the costs of pursuing this action.

LIMITATION PERIODS

We do not believe that the school will be successful in mounting a valid argument in pleading any limitation of actions. The cause of action in these claims arose in May 2000. This is when the students became aware of the damage.



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In the event the Courts find that the cause of action arose at the time of the abuse, we believe that the claimants will be able to secure an extension of the limitation period on the following grounds:-

Hypnosis

There are a number of claimants who are highly hypnotisable and did not remember the abuse of the school counsellor, as he used Post Hypnotic Suggestion Techniques so that they would not remember the incidents, which occurred. The incidents were subsequently recalled in or around May 2000 following various media releases. We have retained a psychologist, who is an expert in hypnosis, who supports this contention.

Realisation

Other students have been aware of the incidents and behaviour of the school counsellor for a number of years. However, to their mind it was part of the therapy, which the school counsellor administered and the school sanctioned. Thus, to the claimant's minds, it was not sexual abuse, but part of the therapy that was prescribed for them. It was only when the claimants read in the Courier Mail of May 2000, that what happened to them also happened to other students and it was sexual abuse, that they realised that they had been abused.

MEDIA

Various media outlets have requested a press release in respect of the claims made by the claimants. We have advised our clients to avoid contact with the media during the course of these settlement negotiations.

OFFER TO SETTLE

Based on this submission we invite your clients to make a reasonable offer of settlement.

TIME

We require an answer to this submission within 14 days. That is by 4.00pm 4 May 2001.

DATED at Brisbane this 18th day of April 2001

SHINE ROCHE MCGOWAN



APPENDIX A



A.

7

Summary and opinion

was the victim of frequent sexual abuse between the age of 13 and 15, initially on a weekly basis and subsequently on a fortnightly basis.

He presented on a self-referred basis because he had been sexually assaulted by older students at the school. He was then sexually abused by the counsellor.

The general indicators of lack of scholastic performance, poor peer relationships, social isolation, anger and reported unhappiness indicate that he was suffering with an emotional disorder throughout his adolescence. The onset of this is almost certainly due to being the victim of a sexual assault and then perpetuated by ongoing sexual abuse by the school counsellor and the failure to receive help when sought.

The school counsellor was negligent in failing to report the sexual assault and negligent in failing to offer appropriate assistance and treatment.

gives a description of being the subject for relaxation techniques which are similar to the induction techniques of hypnosis. Whilst in a trance state, he was sexually abused. The counsellor masturbated the patient and at times himself.

His work record has been erratic. His history of relationships has been poor. He has developed a sadomasochistic pattern of sexual behaviour.

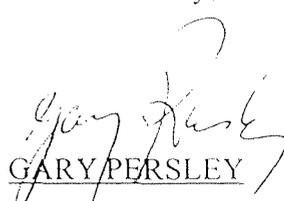
He has undergone investigations for rage and the possibility of temporal lobe epilepsy has been raised.

He describes a period of time which he is unable to remember events for 2 years. This may be consistent with the development of a **Disassociative Fugue State**. This could be directly related to the combination of the induction of trance and sexual abuse whilst under trance. His long term instability in work and relationships and suicidal behaviour suggest a personality disorder such as borderline. Borderline personality disorder is associated with sexual abuse during the developmental years. His sexual behaviour is likely to be related to his experience of sexual assault and abuse.

past work has been impaired and his future earning capacity would still be regarded as potentially impaired.

He has recently commenced regular psychiatric treatment on a weekly basis. It is likely that he will continue to have regular weekly treatment for 5 years. He will no doubt continue to require psychiatric treatment following this. He is more vulnerable to the development of specific psychiatric disorders such as depression in his lifetime.

Yours sincerely,


GARY PERSLEY

Dr. G.V.Persley



12th September, 2000

A,,

OPINION

claims to have remembered the protracted sexual abuse with use of hypnosis, by Kevin Lynch, school counselor in Brisbane Grammar School, after having been exposed to media coverage in May 2000. He experienced shock and claims that his consciousness was invaded by memories of the abuse. From the data available, I find this claim quite credible. The symptoms claimed, the life history and the current symptoms suffered are all consistent with this claim by a highly hypnotizable man.

My diagnosis is that of chronic, severe Post-Traumatic Stress Disorder with accompanying Anxiety and Depression, resulting (1) from being raped by three older school colleagues and (2) from the gross abuse of power, professional role and trust by the school counselor, Kevin Lynch, to whom went for counseling (as the person the school had offered as the one to go to when a pupil was in trouble.) I cannot differentiate the effects of the rape and the abuse by Lynch, but the abuse by Lynch would certainly have intensified and made permanent the effects of the rape. The child deserved appropriate treatment when he had the courage to go to a counselor. It is my opinion that account of the origins of his pathology are parsimonious and credible. His early life, before he went to Brisbane Grammar, was apparently functional. His reported fear of telling his parents is reasonable. He would seem in need of effective and sympathetic psychiatric treatment for a period of years. I would further comment that his account to Dr. Persley was consistent with his account to me.

Yours sincerely,



WENDY-LOUISE WALKER
CONSULTANT CLINICAL AND FORENSIC PSYCHOLOGIST

⁹ References: "Absorption: Nature, Assessment and Correlates," Roche, S.M. & McConkey, K.M., *Journal of Personality and Social Psychology*, 1990, Volume 59, Number 1. Tellengen, A. & Atkinson, G. (1974) "Openness to absorbing and self-altering experiences ("absorption") a trait related to hypnotic susceptibility." *Journal of Abnormal Psychology*, Volume 83.



APPENDIX B



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B,

Summary and opinion

has been the victim of sexual abuse by Kevin Lynch in his capacity as school counsellor at the Brisbane Grammar School. The abuse occurred when was in grade 8 and 9 (aged between 13 and 14). At the time of referral, he was experiencing emotional distress related to family difficulties and having experienced the death of his father when 5 years of age.

Lynch did not address the presenting problems. His failure to do so was clearly negligent.

In addition, he sexually abused a young adolescent who was emotionally vulnerable due to current circumstances and also due to the death of his father.

Under the guise of a relaxation technique, was abused.

From his description, he entered into a trance-like state which he recalls waking up from feeling detached. Due to the induction of the trance-like state, he would be susceptible to suggestions which would lead to the suppression or repression of experiences. This would be one factor in not consciously recalling the events once he stopped seeing him. There would also be an act of suppression or denial which is common in teenagers and also is a mechanism for dealing with emotionally difficult issues or traumas.

However, as describes, he carried with him a sense of there being a "dark side to him" which he was unable to understand. He underachieved at school. The revelation of Lynch's behaviour in the newspaper resulted in an immediate flooding back of the memories of these events and accompanied by a high level of emotional distress.

He became depressed and was tearful.

Dr. G.V. Persley

11th September, 2000



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He received referral to psychologist _____ whom he found too uncomfortable to continue consulting due to reminders of his contact with Lynch. Previously, he had seen a psychiatrist who used an EMDR technique which he also found frightening.

He now reports feeling that a weight has been lifted off his shoulders and feels more able to be motivated in terms of education and employment.

Although _____ did experience the death of his father in his early life which was traumatic, he reports performing quite well academically during primary school and enjoying good peer relationships. This suggests that there was an initial adjustment to this loss.

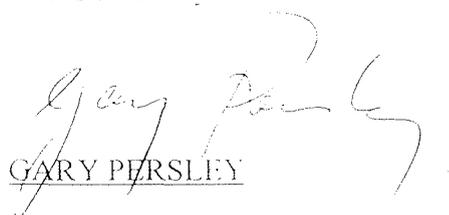
His performance during high school is obviously compromised. Although adjusting to a new private boys' school may have been difficult, it is reasonable to suggest that the abusive contact with the school counsellor contributed to emotional distress and poor adjustment during that period.

This compromised adjustment has continued into adult life and is reflected in his employment being below his potential.

From May 2000 for approximately 3 months, he gives a description of symptoms consistent with an **Adjustment Disorder with anxious and depressed mood**. His degree of impairment during this period of time has been of moderate severity.

He may benefit from psychological treatment. However, his trust in counsellors is quite poor due to his experiences. If he were to enter treatment, he would probably attend treatment for 6 to 12 months, initially weekly for a period of 6 months and then perhaps tailoring off to once per fortnight to once per month over the next 6 months. This would amount to approximately 50 visits in a 12 month period of time at the cost of \$160.00 a visit.

Yours sincerely,


GARY PERSLEY



B11

OPINION

It is highly probable that [redacted] was hypnotized by Kevin Lynch and that, as in other victims, his genitals were fondled and masturbation involved. It is also highly probable that [redacted] is still responding to the likely repeated post-hypnotic suggestions of not remembering or revealing the content of therapy. His recall of having been said to have a very small penis reflects a demeaning, cruel and most unprofessional approach by the counselor.

At the time of the abuse, indeed long before, there existed clear professional guidelines for the use of hypnosis with juveniles. These included obtaining informed consent from the client and his/her parents. Any touching of a sexual nature was forbidden and touching in general was to be limited (or avoided) in order to avoid perception of sexual predation. The security measures reportedly followed by Mr. Lynch, including locking of the door and a lit-up sign outside, were extreme; I have never heard of such measures and I am sure the locking of the door was both psychologically inappropriate for the students and unacceptable in terms of fire safety.



Use of hypnosis in schools is typically and quite properly very limited, often forbidden by the school. It is not the job of a school counselor to do in-depth psychotherapy and it is often considered that, if hypnosis would be useful, a school pupil should be sent to an outside expert. If hypnosis is properly used in the school setting, it should be by a properly qualified psychologist, bound by the code of conduct and ethics of his/her registration board, the Australian Psychological Society and/or the Australian Society of Hypnosis, and then only with the knowledge and consent of client, parents and school principal. In these cases, treatment of difficulties with anxiety and low self-esteem are typical goals. A school counselor using hypnosis for such limited goals in the school should have formal qualifications in the use of hypnosis. In Australia, this is provided by the Australian Society of Hypnosis, which has a two-year training programme for medical practitioners, dentists and psychologists, provides a Diploma of Clinical Hypnosis and provides training, academic and practical, at an appropriate tertiary level.

Yours sincerely,



WENDY-LOUISE WALKER
CONSULTANT CLINICAL AND FORENSIC PSYCHOLOGIST

APPENDIX C



CCW.072.0296

C,

Summary and opinion

gives a clear history of being the subject of sexual abuse in the form of genital fondling/masturbation by Kevin Lynch, the school counsellor. This occurred when was placed in an induced state of deep relaxation or possibly hypnotic trance.

He did not perceive this as being abuse at the time or for many years afterwards. This is perhaps related to the susceptibility at the age of 10 to the influence of trusted authority figures and the use of subconscious or subliminal suggestion when in a trance state. He was also developmentally motivated to "get on with his life". Consequently, when the difficulties with his peers (which had failed to be directly addressed in counselling sessions) resolved, he ceased contact and forgot about it.

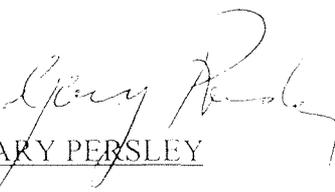
In recent times, he has felt angered and betrayed by the retrospective recognition of the meaning of the abuse which occurred when he was 10 years of age. In response to this, he has felt angry and experienced some distress as he thinks about the events that have occurred and experiences the associated anger.

Fortunately, has been relatively unscathed by the sexual abuse. It does not appear to have interfered with the course of his education. It does not appear that it will interfere with his future work prospects.

During the past 6 months, he would be described as suffering with **an Adjustment Disorder of an unspecified type**. The degree of impairment associated with this has been mild.

He does not require specific treatment.

Yours sincerely,


GARY PERSLEY

Dr. G.V.Persley

11th September, 2000



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OPINION

told me that he always remembered genital fondling in the context of general body massage carried out by Kevin Lynch in the context of counseling. However he did not know that this was improper. He had a relationship of deep trust and gratitude with Mr. Lynch. Gossip at Mr. Lynch's funeral made a brief intrusion on awareness, but he put this aside, as Mr. Lynch had initially taught him to do with the teasing and bullying in his early days at St. Paul's. The explicit media coverage of accusations against Mr. Lynch, clearly labeling his behavior sexually abusive, forced to confront what had happened to him and to evaluate this more accurately. This is a quite reasonable and credible story. It fits with his life history of absence of significant psychopathology. is likely highly hypnotizable and it is entirely possible that suggestions made repeatedly during hypnotic sessions over two years increased his denial in not registering the counselor's behavior as abusive.

Realising that his good friend and mentor had, in fact, been exploiting and abusing him caused a great shock to . I concur with Dr. Persley in his diagnosis of Adjustment Disorder – Unspecified. I do believe, however, that would benefit from a brief course of counseling to deal with his current concerns. He may never be as trusting again, but his long-term prognosis is good.

Many aspects of Mr. Lynch's "treatment" were unusual or improper by current standards and by standards of 36 years ago when I began using hypnosis in the Department of Psychiatry of the University of Sydney. His security measures, with lights and locked doors, were most unusual (I have never seen or even heard of such measures) and would seem to be aimed at protecting him, the abuser, not the privacy of the client. It is (and was) improper to use hypnosis on juveniles without the fully informed consent of the parents as well as the child. Indeed, use of hypnosis in the school setting is unusual and when it is used, it is mostly focused on learning skills necessary for coping at school, like anxiety management in exam situations. Many schools do not permit the use of hypnosis. When hypnosis is used in the education system, it should be done by a properly qualified professional (doctor or psychologist) who has specialized training in use of hypnosis. The Australian Society of Hypnosis teaches and guides psychologists, dentists and medical practitioners in the use of clinical hypnosis. Its code of conduct is consistent with those of the three individual registered professions. The combination of use of hypnosis with physical touching or massage is not accepted. Sexual touching of any kind



is strictly prohibited; indeed even non-sexual touching by the hypnotist during hypnosis is frowned upon because of the possibility of its being misinterpreted (at the time or later) as sexually predatory. These guidelines were in place since the beginning of the Australian Society of Hypnosis in the early 1970's and have become more strict and explicit with the passage of years, as have the Codes of Conduct of the registered health professionals who use hypnosis responsibly.

Yours sincerely,



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