

10 SEP 2012 15:14

RULE 29.04

FORM 29B

AFFIDAVIT OF DOCUMENTS**(Pursuant to the Initial Orders filed 17 July 2012)****IN THE COUNTY COURT OF VICTORIA
AT MELBOURNE****2012 No. CI-11-03121**

BETWEEN

BIW

Plaintiff

and

GEELONG GRAMMAR SCHOOL

Firstnamed Defendant

and

PHILIP TRUTMAN

Secondnamed Defendant

Date of document: 7 September 2012
 Filed on behalf of: The Defendant
 Prepared by: GADENS LAWYERS
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I, ANDREW KENNETH MOORE, c/o Geelong Grammar School, 50 Biddlecombe Aveue,
 Corio, Victoria, 3214 Commercial Director make oath and say as follows:

1. I am the Commercial Director of the first defendant and am, authorised to make this affidavit on its behalf. The first defendant has in its possession, custody or power, the documents enumerated in Schedule 1 which are required to be discovered.
2. The documents enumerated in Part 2 of Schedule 1 are privileged, and the first defendant objects to produce them. The documents are privileged on the ground that

they are confidential communications between the first defendant and its advisors in their professional capacity and are solely for the preparation of its case in this proceeding.

3. The first defendant has had, but no longer has, in its possession, custody or power, the documents relating to the questions in the proceeding enumerated in Schedule 2.
4. The date on which any documents of that sort referred to in Schedule 2, were last in the first defendant's possession, custody or power is not known to me..
5. To the best of my knowledge, information and belief neither the first defendant nor its solicitors nor any other person on its behalf has now, or ever had, in its or their possession, custody or power, any document relating to any question I the proceeding, other than the documents enumerated in the said Schedules 1 and 2.

SCHEDULE 1

PART 1

1. Geelong Church of England Grammar School, Corio Staff Handbook - 1987.
2. Statement by BIZ dated 18 April 2005.
3. Statement by Catherine Ann Parsons dated 21 June 2005.
4. Statement by Antony James Inkster dated 20-21 January 2006.
5. Statement by Robert John Bugg dated 21 June 2005
6. Article from page 1 of the Geelong Advertiser of 30 September 2011

PART 2

1. File of papers and briefs comprising instructions to my Solicitors and Counsel, memoranda, drafts, notes, letters, notices, correspondence, certificates, and other reports or enquiries and sundry documents made or obtained by the first defendant, its servants and agents and legal advisors for the purposes of obtaining and giving legal advice (as the case may be) in reference to legal proceedings arising out of the incident the subject of this proceeding.

SCHEDULE 2

1. School Records relating to the Plaintiff.

Sworn by **ANDREW KENNETH MOORE** at *Geelong*,
in the State of VIC the *11th*
day of September 2012:



ANDREW KENNETH MOORE

Before me: *Sonia Louise McCabe*

SONIA LOUISE McCABE
70 Gheringhap St, Geelong
An Australian Legal Practitioner (within
the meaning of the Legal Profession Act 2004.)
Harwood Andrews Lawyers