

## Annexure "A"

### Statement of FACTS

#### Regina v Adrian Nisbett

The accused is presently charged with five counts alleged to have been committed against four male students at the Knox Grammar School (Knox) between 1975 and 1987. The accused was employed as a teacher at the school at the time the offences were alleged to have been committed.

#### 1976

ARL

– counts 1 and 2 – Indecent assault on male

ARL

was born on the REDACT 1960 and in 1976 he was a student at Knox Grammar Senior School for one year. He was in year ten. He was fifteen years of age turning sixteen in April 1976. The victim was a weekly boarder but would go home on weekends and holidays.

The victim recalls boarding at Knox in MacNeil/Gillespie House. At the time of boarding the accused was his boarding master. The victim was aware that the accused was a teacher at the school however he did not teach the victim and only had day to day dealings with the accused in his capacity as a boarding master.

Early in 1976 the victim had only been at school for a month or two when one week day night before dinner the accused spoke to the victim about running in the corridor and asked him to attend his office later that evening. The victim attended the accused's office after dinner and was directed to sit at the front of the desk where the accused spoke to him about running in the corridor.

After the conversation, the accused directed the victim into an adjoining room that appeared to be a residence where he spoke to him about self defence moves. The accused moved behind the victim and placed his arm around his neck and pushed his groin into the victim's buttocks. The victim felt something hard from the accused's groin area against his buttocks. The victim said, "I would do this," and elbowed the accused gently in the abdomen area.

The accused moved so he stood in front of the victim and said, "What would you do if I grabbed you like this?" The accused put his left hand over the victim's groin area and held the victim's genitals in a cupping motion. He gently squeezed both the victim's penis and testicles. The victim stated he was shocked and pushed the accused's hand away and left the room feeling scared.

In July-August 1976, the accused summoned the victim to his office where he indicated he wished to discuss the previous incident. When they were both seated the accused placed his left hand on the victim's right leg and said, "ARL you seem like a nice boy I know you wouldn't do anything to hurt your future here at the school". As the accused said this he slid his arm up the victim's leg towards his genitals. The victim believed the accused was going to touch his genitals again so he grabbed the accused's wrist and removed it from his leg.

The victim complained to another boarding master, a Mr Hassard who told him he would make some inquiries but the victim never spoke to him again about it. The next person he told was his wife shortly before or after they married in 1986.

### 1984

ARG [REDACTED] – count 3 – assault and commit act of indecency

ARG [REDACTED] was born on [REDACTED] 1970. In 1983 the victim moved into year seven at Knox Senior School having completed Preparatory school at Knox. In 1984 he was in year eight and was thirteen years old. At that time the accused was the victim's year master.

In the first term of year 8, the victim was waiting outside a classroom in the corridor when the accused spoke to him as to why he was outside the classroom. The victim told the accused it was because he was misbehaving in the classroom. The accused told the victim to come with him to his office. The victim followed the accused to the accused's office.

The accused closed the office door behind the victim who sat on a chair inside the office near the accused's desk. The accused sat on the side of the desk facing the victim. The accused then spoke to the victim about him misbehaving in class. After a while the accused told the victim to return to his class and as the victim stood up from his seat he realised he had an erection and attempted to cover it up. The accused is alleged to have noticed it and is alleged to have said, "*What's that?*" as he pointed the victims pants.

The victim felt embarrassed and the accused is alleged to have said, "*I know how to fix that. Undo your pants.*" The victim felt numb and embarrassed and didn't know what to do so he started to undo the front of his pants. The accused moved towards the victim and is alleged to have begun to undo his pants also.

The accused is alleged to have pulled the victims' pants and underpants down to his ankles as he stood in front the victim. The victim's shirt was hanging over the front of his penis. The accused took hold of the victim's erect penis and started to pull it. The accused stroked it a couple of times and as he did so he said, "*It is perfectly normal boys of your age quite often have this happen.*"

The accused instructed the victim to remain standing while he obtained a Polaroid camera that was sitting on a near by bench behind his desk. The accused said, "*Pull your shirt up*". The victim pulled his shirt up exposing his erect penis while standing with his pants and underpants around his ankles. The accused is alleged to have taken a photograph of the victim in this position. The victim saw the photograph come out of the Polaroid camera before accused placed the camera on the desk. The accused placed his hand on the victim's shoulder and said, "*I am doing this to help you to stop getting erections. Just remember it is our little secret.*" The accused helped the victim to dress before excusing him from his office. The victim returned to class.

### 1986

**Adrian Steer – count 4 – assault and commit act of indecency**

Adrian Douglas Steer was born on **REDACTED** 1969.

In 1986 the victim was sixteen years of age turning seventeen in July and was in year eleven at Knox Grammar Senior School. In 1986 the accused was a Boarding House Master for Ewan House which was situated on the premises of the Knox Grammar Preparatory School. This was where year eleven and twelve students boarded. The victim was a boarder in Ewan House.

During this time the victim started to have trouble concentrating at school. The victim had a good rapport with the accused and the accused offered to help the victim with this concentration problem. The accused was a photographer and in his residence within Ewan House was a dark room.

On one occasion the accused invited the victim into his dark room on the basis of assisting him with his focus. The victim had entered the room and noticed a piece of dark room equipment that was mounted on a tripod. The accused was looking through this equipment adjusting it for focus. The lights in the dark room were switched off. At this time the victim was standing behind the accused waiting for his turn on the equipment. The accused was crouched over the equipment and moved his elbow backwards against the victim's groin. Whilst in contact with the victim's groin the accused moved his elbow up and down and in a circular motion on the victim's genitals which the victim stated felt uncomfortable. The victim stated that he froze and was in shock and the accused did not say anything to him. The victim left the room.

ARS **REDACTED** – count 5 – assault and commit act of indecency

ARS **REDACTED** was born on **REDACTED** 1969.

The victim first attended Knox Senior School in 1982 when he was twelve years old and in year seven. In 1986 the victim was in year eleven and was sixteen years old. The accused was the victim's English teacher.

In year eleven the victim began to take extra maths tuition in the evening. These tuition lessons took place in a room on the ground floor of Ewan house and would start between 5:00pm and 6:00pm and last for one or two hours after which time the victim would be collected by his parents. The victim attended these tuition classes for a period between six and twelve months prior to sitting his Higher School Certificate.

During one of these tuition sessions the victim's tutor told him the accused wanted to see him in his residence which was upstairs in Ewan house after the tuition. After the tuition the victim went to the accused's residence and was invited in. The victim and the accused sat down at a desk within the accused's residence for a while and talked. During this conversation the accused brought up the subject of photography and asked if the victim wanted to see his dark room. The accused then took the victim to a small room just off his office and closed the door behind them. The accused turned off the main light and turned on a light from the photographic enlarger which was located on a bench within the darkroom.

At that stage the victim was on the left hand side of the accused. The accused leaned forward over the enlarger as if to adjust the enlarger lens. As the accused did so, the victim noticed that there was no negative in the enlarger or paper under the enlarger to develop an image. While the accused pretended to adjust the lens his left elbow came into contact with the victim's groin area. The accused's left elbow continuously rubbed the victim around his groin area in a circular motion for between thirty and sixty seconds. The victim was shocked by the accused's actions but was

unable to move away from the accused as he was sandwiched between the rear wall and the accused who was blocking his exit. After the accused stopped rubbing the victim's groin, the accused opened the door to the darkroom and the victim left the darkroom and the accused's residence.

The victim also recalls discussing the incident with his friend ASF in the mid 1990's in the context of the arrest of ARS's general practitioner and scout leader for child sexual assault offences.

ASF

ASF was born on REDACTED 1969.

After completing Preparatory School in 1981 the victim moved to year 7 at Knox Senior School in 1982 when he was twelve years old. In 1985 or 1986 when the victim was fifteen or sixteen years old he developed an interest in photography and began to help out with the school students' news letter. The victim was responsible for the taking, developing and printing of the photographs for the school's news letter.

The accused approached the victim and invited him to use his darkroom to print and develop some photographs. The accused's darkroom was located at his private residence within Ewan House at the preparatory Junior School. The victim met with the accused one afternoon at Knox Senior School and the accused drove the victim from Knox Senior School to Knox Junior School. He took the victim to his residence within Ewan house and into the darkroom.

The victim saw that the darkroom was small in size and was lit by an orange light which allowed the victim to see the accused standing in front him. Inside the room was a table which had a photographic enlarger on it. The victim stood behind the accused on the left hand side as he did so the accused appeared to be moving a plate at the bottom of the enlarger on the table. The victim alleges the accused's left elbow brushed up against the victim's groin area. At first the victim thought that this was accidental however the accused's left elbow continued to rub the victim's groin area in a slow up and down motion on the outside of his school clothing for about one minute.

At this stage the victim was in shock and left the darkroom and the accused's residence. He did not tell anybody about the incident other than his good friend ARS also an ex Knox boy, in about 1993.

Although this conduct does not give rise to a count on the indictment, the Crown may call this witness.