



**Crown
Solicitor's
Office**

My Ref: 201302119

T12 Ian Fraser

Tel: (02) 9224-5181

Fax: (02) 8224-5355

Email: ian_fraser@cso.nsw.gov.au



1 August 2014

Mr Tony Giugni
Counsel – Case Studies
Royal Commission into Institutional Responses to Child Sexual Abuse
GPO Box 5283
SYDNEY NSW 2001

By hand

Dear Mr Giugni

**Representation of State of NSW re Child Sexual Abuse Royal Commission
Re: Summonses S-NSW-250 and S-NSW-265**

I refer to the above summonses addressed respectively to the Secretary of the Ministry of Health, and to Adj. Associate Professor Vicki Taylor of the Northern Sydney Local Health District ("NSLHD"), which are returnable at 10:00am today. I advise you as follows.

S-NSW-250

Please find **enclosed** a USB containing the document produced under this summons. The documents have been allocated the documents identifiers commencing NSW.2005.

S-NSW-265

The documents produced in response to this summons are also contained on the **enclosed** USB, and have been allocated the documents identifiers commencing NSW.2006.

I note that whilst not produced as a Ringtail/Relativity export, the documents have been allocated document identifiers in consultation with Ms Rebecca Grant, Chief Information Officer at the Royal Commission. I note that some documents are of poor quality and therefore the clarity of the scanned images is somewhat unclear. Please contact me should there be any issues in this regard.

I am instructed that neither the Ministry of Health, nor the NSLHD, were able to locate any documents relating to allegations of child sexual abuse of Terry Kirkpatrick at Royal North Shore Hospital (paragraph 1 of the summonses). It has been indicated by the Royal Commission that the alleged perpetrator was Dr Stuart Frank Simpson. I am instructed that the medical record of Mr Kirkpatrick, which is produced under S-NSW-265, indicates that he was seen by Stuart Simpson (psychologist), and also S F Stuart (psychologist). My instructions are that no personnel file has been able to be located for Stuart Frank Simpson.

I also note that I am instructed that it is believed that given the time elapsed since the period in the summonses (1955-1970), some records would have been destroyed in accordance with government disposal guidelines. I also note that any records held by the Healthcare Complaints Commission are not captured by either summons, as they are a separate entity from the Ministry of Health.

I confirm that the documents produced are produced under compulsion pursuant to s. 17 of the *Royal Commissions Act 1923*. The production of any document otherwise subject to legal professional privilege does not amount to a waiver of such privilege. I request that the Royal Commission notify me prior to any publication, or proposed disclosure to any third party, of any of the documents produced.

Please contact Ian Fraser of my Office on (02) 9224-5181 should you have any queries.

Yours faithfully



Ian Fraser
A/Special Counsel
for Crown Solicitor

Encl.