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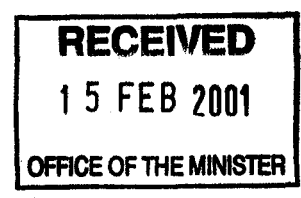


# BRISBANE GRAMMAR SCHOOL

GREGORY TERRACE BRISBANE 4000 · TELEPHONE (07) 834 5200 · FACSIMILE (07) 834 5202

*From the Board of Trustees*

12 February 2001



## PRIVATE AND CONFIDENTIAL

Mr Dean Wells  
Minister for Education  
Office of the Minister for Education  
PO Box 33  
BRISBANE ALBERT STREET QLD 4002

*refer  
A00/13902*

Dear Mr Wells

FILE No.:	300/14 (800)
REG No.:	A01/1491
A.O.:	ADGSPS/DELS
REPLY BY:	<input checked="" type="radio"/> N or .....
TO BE SIGNED BY:	.....
R.M.U.:	.....

**KEVIN LYNCH**

Thank you for your letter of 20 December 2000.

**SCANNED**

*EMAILED  
23/02/01*

Since the allegations in relation to Mr Lynch's conduct first surfaced in the press the School has endeavoured to deal with the issues in an open and constructive manner.

I am not aware that relevant information about the matter has been declined to any student. The School's objectives have been to:

1. Assist any students affected by Mr Lynch's conduct where possible; and
2. Ensure that our current systems are such that the possibility of any such events occurring in the future is minimised to the fullest extent possible.

### Independent Psychiatric Counselling

In order to achieve the first objective, the School has offered to fund counselling by an independent psychiatrist for any former student indicating he has been affected by Mr Lynch and who wishes to take up the offer. The counselling has been structured to ensure confidentiality for any former student making use of that counselling, and the psychiatrist has been given total discretion in relation to all treatment issues, so that issues of cost do not impact on treatment.

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**KEVIN LYNCH**

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The School does not accept it has any legal liability for any inappropriate behaviour by Mr Lynch, or therefore that it was legally bound to offer or fund such counselling. However, the School does acknowledge that it has a moral responsibility to former students who were affected and the decision to arrange and fund counselling was taken in recognition of that responsibility. It has been availed of by a number of students.

### **Review of Protocols for the Prevention of Abuse**

In order to achieve the second objective, an independent panel comprising a leading Queens Counsel, an experienced independent public sector educator and a psychiatrist specialising in child and adolescent psychiatry has been appointed to review the School's current policies relating to protection from sexual abuse. As you will appreciate there may be issues of legal professional privilege relating to the final report of that panel.

The panel has not been asked to interview students affected by Mr Lynch. Their role is to review the School's current policies to ensure they comply with world's best practice in this area, for the benefit of present and future students, not to undertake an investigation into what may or may not have occurred in the past.

### **Investigation into Lynch**

It appears from your letter that the former student who has approached you requests an investigation which involves contact with all past students and staff. It is not appropriate for the School to comply with such a request for the following reasons:

1. Mr Lynch was employed by the School from 1973 until 1988. Approximately 3250 students passed through the School during those years, including boarding students from overseas, as well as a considerable number of staff.
2. The School does not have current contact details for a vast number of those students. The time and expense in contacting each of those students would be immense, and we know from experience from our attempts to do so for purposes quite unrelated to the Lynch matter that the exercise would not be successful.
3. The vast majority of those students would have had no contact with Mr Lynch, but the School now has no way of identifying which students were counselled by Mr Lynch.

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Our first notification of the allegations against Mr Lynch was the airing of those allegations in the Courier Mail last year. When that occurred we issued a public invitation, through the Courier Mail, for any affected former student to contact the School. The level of publicity in both print and electronic media causes us to believe it is unlikely that any affected student still residing in Queensland would not have been made aware of the situation, and the School's offer.

At the same time, the School was formally notified by a firm of lawyers that they are acting for a number of former students and that claims would be made against the School. The School's lawyers conducted investigations in response to that notification. Those investigations are subject to legal professional privilege and the School is obliged to protect that privilege and so cannot release the results of those investigations. As you would appreciate, the School also owes a duty to its present and future students to act in the best interests of the School. The release of privileged investigation material would potentially prejudice the School's legal position and its position with respect to its insurers. Further, the School is concerned to protect the confidentiality of all students who may have been affected by Mr Lynch's conduct.

We appreciate that it may be difficult for the former student who contacted you to accept that investigations might not be made public, but unfortunately it must be so.

### **Section 143 Inspection**

Finally, you have invited the views of the Trustees and the Principal as to the conduct of an inspection under section 143 of the Education (General Provisions) Act 1989.

In my view, the former student's request that all past students and staff be contacted is not a complaint about a matter which could in any way threaten or interfere with the education of students at the School. Mr Lynch left the School's employ in 1988 and died in 1997. The last students having contact with Mr Lynch left the School in the early 1990s. Any investigation into the specifics of what Mr Lynch may or may not have done so long ago would not touch on issues likely to threaten or interfere with the education of students at the School now, which is what it seems to me the section contemplates.

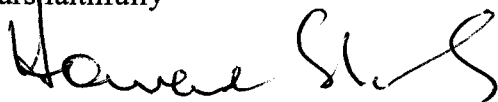
I accept that the School's current procedures and protocols with respect to the protection of students from sexual abuse are relevant to the education of students now and in the future, and the School is happy to make those available for inspection.

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**KEVIN LYNCH**

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I hope that this answers your concerns and enables you to provide an appropriate response to the former student who has contacted you. If I or the School can be of any further assistance, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read "Howard Stack". The signature is written in a cursive style with a large, sweeping flourish at the end.

**HOWARD STACK**  
Chairman – Board of Trustees