

**ANNEXURE 5**

**Letter from Principal to Defendant dated 12 September 2007**

12 September 2007

[REDACTED]  
[REDACTED]  
Toowoomba 4350

Dear [REDACTED]

As a follow up to our conversation on Wednesday 5 September, I wish to place in writing my concerns regarding your recent alleged unprofessional conduct. As you know these concerns emanate from reports sourced from staff and parents of children in your current Yr 4 class.

A summary of these concerns includes:

- The distribution of lollies, by you, to girls, not only in your class, but also to Yr 7 girls. In particular, the placement of a chocolate bar in the desk of a Yr 7 girl.
- Frequent visits by Yr 7 girls to your classroom before and after school.
- The placement of girls, in your class, on your knee.
- The 'attention' of girls around you whilst performing playground duty.

Since our meeting last week, further reports of concern have surfaced. Within the past week, parents of two girls in your class have contacted me to outline their concerns about alleged behaviour that can be seen as inappropriate behaviour. Unfortunately, these parents were unable to provide specific information regarding when these alleged behaviours occurred that gave rise to their concerns. A summary of these concerns (these dot points were outlined directly by a girl in your class) include:

- Kissing a girl on the cheek.
- Placing your hand around a girl and through the buttoned part of the sports uniform shirt which made her uncomfortable.
- Placing your hand on the upper leg of the same girl, that made this girl uncomfortable.
- Frequently on the verge of using inappropriate and unacceptable language.

[REDACTED], the reporting of these incidents follows a pattern of behaviour that is worrying. As outlined in the CEO Student Protection and Risk Management Kit, this alleged behaviour can be seen as inappropriate behaviour. As outlined in this Risk Management Kit, I invite you to reply, in writing to me, with regards to these allegations, by Friday 21 September.

Find attached to this letter, Appendix 7 from Section 3 of this Kit that outlines the discipline procedures for staff. I encourage you to read this article closely. Also, enclosed is Appendix 8 from Section 3 of the CEO Kit which outlines the difference between 'appropriate and inappropriate' touching. Again, your close reading of this article is strongly recommended.

In conclusion, I reiterate my advice from our previous meeting. These are serious accusations about your behaviour. It is your responsibility to amend your professional conduct to be consistent with the requirements outlined in *Integrity in Relationships*.

Touching of any child is only appropriate if there is 'benefit to the child'. The starting point to gauge the appropriateness of any interactions with children is the perception of the child rather than the intention of the adult. Therefore, if the child is uncomfortable then the behaviour of the adult is inappropriate.

**[REDACTED]**, I look forward to your written reply. In the meantime, I request that you evaluate your conduct and amend your actions as necessary so that your professional relationships with students of the school can not be questioned.

In the meantime, you are required to carry out your duties professionally and:

- (a) to maintain strict confidentiality about this matter, and
- (b) not to discuss this matter with other staff, parents or students.

The above directives do not, of course, preclude you seeking assistance from the Union or other legal advice.

Yours sincerely

.....  
Terry Hayes  
Principal

Cc: Christopher Fry, Senior Education Officer, Catholic Education Office.