ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

STATEMENT OF ANDREW MOORE

I, ANDREW KENNETH MOORE of Geelong Grammar School in the State of Victoria, Commercial Director, state as follows:

1. I am the Commercial Director of Geelong Grammar School (ACN 004971500).

Qualifications and background

2. Prior to taking up my position as the Commercial Director of Geelong Grammar School I was an officer in the Australian Army. I was with the army from 1981 to 2000. During the period 1981 to 1984 I attended the Royal Military College-Duntroon and graduated with an honours degree in mechanical engineering. When I retired from the Army in 2000 I held the rank of Lieutenant Colonel.

3. I have a Master of Science from Cranfield University in the United Kingdom and an MBA from the University of Canberra.

Commercial Director – Geelong Grammar School

4. On 13 June 2000, I commenced as the Business Manager of Geelong Grammar School. At the time Alby Twigg was serving as the interim Principal in between Lister Hannah, who had resigned in late 1999, and Nicholas Sampson who was the Principal from January 2001 to June 2004. Stephen Meek, the current Principal, commenced in October 2004.

5. In about 2003 the title of my position as Business Manager was changed to the current designation of Commercial Director. With the passage of time there have been some changes in my duties as follows:

(a) about 11 years ago (circa 2004) the Human Resources division ceased to report to me and began to report directly to the Principal;

(b) about 6 years ago (circa 2009) the IT division ceased to report to me and began to report directly to the Principal;
In about 2002, I became responsible for retail functions, e.g. the uniform shop and outdoor hiking store which are on campus.

6. As the Commercial Director I am a member of the executive team which comprises Stephen Meek the Principal, Charles Scudamore the Vice-Principal, and Tony Bretherton the Director of Community Relations. The executive team generally meets once per week.

7. My role as the Commercial Director is to provide administrative, financial and operational support to the School's four campuses. A brief overview of the campuses is as follows:

(a) Bostock House - approximately 100 students. Situated in the Geelong suburb of Newtown, this campus caters for day students from Early Learning Centre to Year 4.

(b) Toorak - approximately 300 students. Located in a suburb of Melbourne, it caters for students from Early Learning Centre to Year 6. Toorak is a campus for day students with approximately 50 teaching and support staff.

(c) Corio - with approximately 920 students, offers day, day boarding, weekly boarding and full boarding in Years 5-8 (Middle School), and day and full boarding in Years 10-12 (Senior School). About 80% of Corio students are full boarders. There are approximately 100 staff (nearly all teaching staff) who reside on the campus, with 30 accommodation units being connected to boarding houses, and the remainder consisting of free-standing residences. The campus is a community with its own large kitchen/dining facilities, a medical centre, chapel and maintenance workshops as well as the usual educational infrastructure.

(d) Timbertop - approximately 235 students, is a boarding campus for all Year 9 students, located near Mt Buller in the Victorian Alps. All teaching staff live on the campus. Apart from the educational curriculum, the aim is for personal development of the students with a focus on community service activities, recreational and physical pursuits.

8. My role is to provide the School's executive with the following support and services:

(a) Managing central corporate functions including:
   (i) Management accounting;
   (ii) Financial planning and accounting;
   (iii) Construction management;
   (iv) Insurance;
   (v) Legal;
   (vi) Risk management;
   (vii) Investments;
   (viii) Tax/regulatory compliance, and
   (ix) Contract management.
Managing the execution of support functions including:

(i) Fee administration and collections;
(ii) Property and asset management;
(iii) Catering and domestic services;
(iv) Debtor and creditor management, and
(v) Retail services.

Participating in the School’s strategy formulation, planning and structuring operational processes including:

(i) Long-term financial planning;
(ii) HR strategy;
(iii) IT strategy, and
(iv) Administrative policies and procedures.

My role also encompasses:

(a) in conjunction with the Principal, informing and assisting the School Council as the governing body;
(b) acting as Secretary to the School Council and the Geelong Grammar Foundation Board and sub-committees;
(c) being the School Council nominee on the School’s Default Superannuation Fund Board of Trustees.

Governance of Geelong Grammar

Legal status

10. On 3 January 1973, Geelong Church of England Grammar School was incorporated under the Companies Act 1961 as a company limited by guarantee. On 2 August 1988, the School changed its name to the present name of Geelong Grammar School. The School is registered as an Australian Public Company Limited by Guarantee.
Governance

11. I refer below to some of the provisions of the School’s Constitution.

12. The School has a School Council consisting of at least 10 and not more than 16 Council Members, clause 7.1. The Council consists of the following persons (clause 7.4):

(i) 3 ex-officio members being:

(A) the president for the time being of the Old Geelong Grammarians Association;

(B) the chairman of the Geelong Grammar Foundation;

(C) the Principal.

(ii) 3 Council members (one of whom must be a priest in the Anglican Church) nominated by the Council and approved by the Archbishop-in-Council;

(ii) up to 11 Council members nominated by the Council and elected by the School in general meeting.

13. The Council is responsible for (clause 8):

(a) the strategic direction of the School;

(b) the general welfare of the School;

(c) the management of the business and affairs of the School;

(d) the custody and control of the funds and property of the School.

14. The Principal is appointed by the Council, clause 12.1. The Principal is required to attend and participate in all meetings of the Council, clause 9.7.

15. The Principal is responsible for the educational leadership and conduct of the School, the appointment and removal of all members of staff, the regulation of their duties and the
planning of the curriculum. The Principal is also responsible to the Council for the general conduct, discipline and efficiency of the School, clause 12.2.

16. As the Commercial Director, I am the Secretary of the School by virtue of clause 14.1 of the Constitution. The Council may vest in the Secretary such power, duties and authorities as it may from time to time determine and the exercise of any powers and authorities by the Secretary is subject at all times to the control of the Council, clause 14.3.

17. The Chairman of the Council is Jeremy Kirkwood, who has held that position since 2004.

18. Pursuant to the provisions of the Corporations Act, the members of Council, including the Principal, are directors of the School, and I am the secretary.

19. As the secretary to the Council, I compile the agendas, and prepare, collate and distribute papers for formal Council meetings. I attend formal Council meetings, which are held 4 times per year, and which are also attended by the Principal, the Vice Principal and the Director of Community Relations. I prepare the minutes of the formal Council meetings. I also perform the same role in relation to Council sub-committee meetings.

20. The Council meets informally by teleconference about 3 times per year also. I do not prepare or circulate agendas or any other papers for the teleconference meetings. I do not attend the teleconference meetings and do not prepare any minutes of the meetings.

21. In my role as Commercial Director of the School I report to the Principal. On a typical day at work, I speak with the Principal a number of times about a whole range of matters that are within my portfolio as outlined above. For example, at any one time there are generally about 20 building projects under way ranging from minor maintenance to major construction projects running to millions of dollars.

22. I also have regular communications with the Chairman, Jeremy Kirkwood, about the sort of matters that are being considered by the Council and the materials that are provided to Council, e.g. long term financial and capital planning and financial analysis. On average I would speak with Jeremy a few times a fortnight in relation to Council business.
Financial matters

23. I am responsible for preparing, for the approval of the Principal and Council, an annual budget based on the strategic direction and operational imperatives dictated by the Council and the Principal.

24. I discuss regularly with the Principal issues concerning the performance of the budget. The budget is discussed at each meeting of School Council.

Recruitment of staff

25. The steps that are involved in the appointment of both teaching and non-teaching staff and the checks that are undertaken as part of that process are summarised in the same document.

26. Ordinarily, the Council is not involved in the selection of staff. However, under the School’s Constitution, the Council appoints the Principal. Also, the Council and the Principal jointly appoint the Commercial Director.

27. My understanding is that the Director of Community Relations is appointed jointly by the Chair of the Geelong Grammar Foundation and the Principal following consultation with the Chair of the Council.

28. My understanding is that the Vice Principal is appointed by the Principal following consultation with the Chair of the Council.

29. The Principal signs all employments contracts for teaching staff and non-teaching management staff, and is directly responsible for all such staff appointments other than the Commercial Director, Vice Principal and Director of Community Relations as explained above.

30. The HR manager reports directly to the Principal.

31. Other than providing financial approval, I am not involved in the recruitment of teaching staff.
32. I sign the employment contracts for all non-teaching staff who are not in management positions.

33. The HR manager coordinates, on my behalf, the employment of all non-teaching staff who are not in management positions. I am involved directly in the employment of the non-teaching staff who are directly accountable to me, e.g. finance and administration manager, property manager, risk manager, retail manager, financial controller and management accountant.

34. A committee known as the Principal's Advisory Committee meets from time to time to consider a range of issues. Generally, issues that are relevant across all campuses are discussed at these meetings. The Committee comprises approximately 14 senior members of staff and includes the Principal (who is the Chair), the Vice Principal and me. I have been a member of the Committee since my arrival in 2000.

**Victorian Institute of Teaching**

35. I am aware of the role of the Victorian Institute of Teaching. I understand that the Institute is responsible for the registration of teachers and has an oversight role in relation to the teaching profession in Victoria.

36. My role does not encompass dealing with the Victorian Institute of Teaching.

**Pastoral care, the School's policies, practices and procedures and implementation**

37. My understanding is that the following policies concerning wellbeing of students were in place at the School prior to my arrival at the School in 2000:

(a) Form acknowledging receipt of School's policy on sexual harassment (undated);

(b) Memo to Heads of Campus and others dated 25 January 1994 with notes in relation to mandatory reporting and policy on sexual harassment;

(c) Notes on mandatory reporting of child abuse dated 10 August 1994;

(d) Notes on mandatory reporting of child abuse (undated);
38. The School's current pastoral policies include policies in relation to preventing the occurrence of sexual abuse of students and the School's response to any such complaints.

39. My understanding is that:

   (a) the School's policies in relation to preventing the occurrence of sexual abuse of students and the School's response to any such complaints have been formulated having regard to its own experience and the experience of other institutions, industry best practice and legislative changes;

   (b) the School keeps abreast of best practice and developments and practices in other schools through information exchanges with other schools, and its membership of Independent Schools of Victoria.

40. Along with other staff members I have been involved in the development of the following 3 key policies:

   (a) Policy for obligation to disclose sexual offence committed against a child dated 1 February 2015, which is at page 24 of the School's current pastoral policies. I coordinated the preparation of this policy, the majority of which was written by the School's lawyers;

   (b) Mandatory reporting policy dated 26 March 2015, which is at page 26 of the School's current pastoral policies. I was involved in the process to update the policy which had been in place for some time;

   (c) Failure to protect policy dated 1 July 2015. I coordinated the preparation of this policy, the majority of which was written by the School's lawyers.

41. My involvement as the Commercial Director in the development of the 3 policies mentioned in the previous paragraph was due to the fact that they concern a legal reporting requirement and I was therefore responsible for coordinating the legal input into the policies.
42. The School appoints a Chief Medical Officer, whose role is to provide advice on a wide range of issues. Dr John Court is a paediatrician who was the Chief Medical Officer from January 1995 to December 2010. Professor Fergus Cameron, who has extensive experience as a paediatric endocrinologist, is currently the Chief Medical Officer, having commenced in the role in March 2011.

43. The position of Director of Student Welfare was established in about 2002. The current Director of Student Welfare is John Hendry who commenced in that role in about 2005. Mr Hendry has been a staff member since 1980 and has fulfilled a wide range of roles.

44. Those primarily responsible for developing and drafting pastoral policies are the Chief Medical Officer, Vice Principal and the Director of Student Welfare. The policies are implemented after having been approved by the Principal.

45. I understand that there are a number of means by which teaching staff are made aware of the School's policies concerning child protection, e.g. at staff meetings, e-learning modules and policies accessible on the School's portal. However, I am not personally involved in the dissemination of the policies to the teaching staff.

46. Approximately 2 meetings are held each year for the School's non-teaching staff including the School's two main contractors, Alliance Catering and Cleaning (part of the Spotless Group), and Computerlec. I conduct these meetings and address a number of topics concerning administrative and operational issues. The meetings are also addressed by the Principal or the Vice Principal who explain the School's child protection policies from time to time as required.

Response to allegations of child sexual abuse

47. Given my responsibility for legal matters, during the time I have been the Commercial Director I have had the day to day management of nearly all the claims for sexual abuse which have been brought against the School. That role has included assisting the Principal in the initial response to any notification of abuse, which is often made to the Principal, in ascertaining what material the School holds which is relevant, liaising with the solicitors
appointed by the School in relation to any compensation claim and, where there is 
insurance cover available with respect to the claim, liaising with representatives of the 
relevant insurer. In addition I attended, on behalf of the School, mediations or other forms 
of settlement discussion which were undertaken with a view to settling a claim.

48. In managing the claims on behalf of the School I kept the Principal informed about the 
progress of the claims as required.

49. The Council was also kept informed about claims which had been made, their progress 
and settlement. The Principal's reports provided to the meetings of Council contained an 
update on these matters. My recollection is that at the Council meetings there was not 
discussion about the amounts that had been paid to settle individual claims or prospective 
settlement sums.

50. Although the Principal and the Council were kept informed in relation to claims and their 
settlement, I always had general authority on behalf of the School to settle the claims in 
accordance with advice from the School's lawyers.

51. Except in relation to the claims made against the School by BKR and [BLN] on behalf of the School and with the School's lawyers, I attended all the formal and informal 
settlement discussions with the claimants and their lawyers.

52. In relation to each legal proceeding that has been brought against the School since I 
became the Commercial Director:

(a) the claimant has been represented by lawyers, sometimes including counsel;

(b) the claim has been settled by agreement; and

(c) At the settlement discussions which I attended, I offered to provide an apology 
from the School to the claimant. In almost all cases the offer of an apology has 
been accepted and in almost all cases where an apology has been given by me on 
behalf of the School the claimant has expressed gratitude for it. In most cases I
provided the apology in the company of the claimant only and in the absence of the lawyers.

53. When handling litigated claims on behalf of the School I understood that the desire of Council and the Principal was that the claims be settled, and settled on an equitable basis. Any sum paid in settlement of a claim was negotiated with the claimant's lawyers, and had regard to the School's legal advice as to the appropriate parameters for settlement by virtue of the facts of the particular case, the evidence as to the claimant's circumstances, evidence from the claimant and medical experts relating to the effects of the assault upon the claimant, and any submissions from the claimant's lawyers.

54. Except as referred to in the following paragraphs, I am not aware of any incident of child sexual abuse by a member of the School staff that has occurred since I commenced working with the School in 2000.

Stefan Van Vuuren

55. On 9 November 2007 I took the minutes of a hearing conducted at the School in relation to an allegation that a teacher, Stefan van Vuuren, had engaged in misconduct by taking photographs up the skirts of girls from the School during a School excursion to the Queenscliff Marine Centre on 30 October 2007.

56. At the conclusion of the hearing the Principal, Stephen Meek, decided that Mr Van Vuuren had engaged in gross professional misconduct, that the misconduct precluded him from remaining at the School, and that his employment was terminated effective immediately.

Christopher Stitt

57. I am aware that in 2009 Christopher Stitt, a teacher who was employed at the School's Early Learning Centre in Toorak, was dismissed because images of child pornography were found on his home computer. I understand that the images did not include any images of students from the School. I was not involved in the School's investigation concerning Mr Stitt's conduct or the processes that led to his dismissal.
58. On or about 13 May 2011, I was requested by Mr Meek to investigate an allegation of inappropriate conduct towards a female student by a sessional music tutor at Timbertop.
For reasons of confidentiality I refer to the teacher as BKD. The allegation was that during music lessons BKD had inappropriately touched a female student's thigh and used inappropriate language.

59. On 13 May 2011, I wrote to BKD and informed him that I had asked Roger Herbert, the Head of Timbertop Campus, to investigate the allegations against him. The letter also stated that BKD had been placed on leave with pay and that he should not contact students, other staff members, parents of students or other members of the school community. The letter stated that any questions about the investigation process or the Discipline and Misconduct Policy should be referred to Malcolm Leigh-Smith, the Human Resources Manager.

60. My understanding is that BKD resigned upon receipt of the letter from me dated 13 May 2011.

61. On 15 June 2011, I wrote to BKD and informed him that I had received the report of the investigation from Mr Herbert and that, based on the findings of the investigation, I would have convened a hearing into the allegations if BKD had not resigned. In the letter I also stated although I could not conduct a hearing because BKD was no longer an employee, I was nevertheless obliged to notify VIT where the School believed that there was evidence of misconduct by a VIT registered individual.

62. I believe that Malcolm Leigh-Smith, the Human Resources Manager, informed VIT of the allegations against BKD.