

Royal Commission into Institutional Responses into Child Sexual Abuse
 Australian Institute of Music (AIM)
 Statement of Professor Ian Bofinger to Royal Commission

Statement to the Royal Commission into Institutional Responses into Child Sexual Abuse dated 27 January 2016

Professor Ian Bofinger
Executive Dean
Australian Institute of Music

1. I am a Professor currently employed by the Australian Institute of Music (**AIM**) as the Executive Dean. I have held this position since September 2009. Prior to my role as the Executive Dean, I was the Head of Academic Studies and Information Services at AIM from January 2005 until March 2009. In between these two roles I was a Manager TEL at the University of Western Sydney College from March 2009 until September 2009.
2. Before my employment at AIM I was the Deputy Director at Central Queensland Conservatorium of Music and I held that role from January 2000 until December 2004.
3. In my role as the Executive Dean of AIM, I have the following responsibilities:
 - a. Provide expert counsel to AIM's board of directors and other leadership bodies concerning any matters which may affect AIM including staff promotion and employment.
 - b. Identify opportunities for growth and innovation within complex physical and academic programs undergoing transition;
 - c. Engender the collaborative spirit and skills required to forge a shared vision for the performing arts and to create alliances with other performing arts providers in order to achieve that vision;
 - d. Promote interdisciplinary goals and partnerships across AIM and with off-campus organisations;
 - e. Offer guidance in directing, supporting and advocating for the teaching and educational activities within AIM;
 - f. Provide leadership to AIM staff including by identifying and establishing the configuration that will bestow AIM with local, national, and international visibility;
 - g. Assist in the management of AIM's budget (including computer modelling), and coordinate the functions of AIM's academic full-time, fractional and sessional staff members;
4. On or about 21 December 2015, I received a letter from the Royal Commission into Institutional Responses into Child Sexual Abuse (**Royal Commission**). A copy of that letter is annexed to this statement and marked 'A'.
5. This letter requests that I furnish a statement to the Royal Commission addressing and responding to six questions put to me by the Royal Commission.
6. On 27 January 2016 I caused a letter to be sent to the Royal Commission. A copy of my letter is annexed and marked "B".
7. For ease of reference, I set out below the questions from the Royal Commission and my responses to those questions.

Question 1: When and in what circumstances AIM became aware of allegations of child sexual abuse made against Professor Victor Makarov (date of birth [REDACTED] 1953) (Professor Makarov) by:

- (a) [CAA] (date of birth [REDACTED] 1989);
- (b) [BZZ] (date of birth [REDACTED] 1991);
- (c) [BZW] (date of birth [REDACTED] 1984);
- (d) [BZX] (date of birth [REDACTED] 1982); and
- (e) [BZY] (date of birth [REDACTED] 1982).

Question 2: Actions taken by AIM in response to the allegations against Professor Makarov including:

- (a) *any meetings, internal and external correspondence, legal correspondence, and sharing of information with the NSW Police and other public agencies;*
 - (b) *any meetings or correspondence with the individuals referred to in item 1 (a) – (e) above and/or their parents;*
 - (c) *any risk assessment conducted in relation to Professor Makarov’s teaching at AIM;*
 - (d) *any supervision conditions imposed on Professor Makarov, and the process of implementing any such conditions; and*
 - (e) *the decision to have Professor Makarov continue to teach at AIM during the police investigation in or around 2004, without suspending him and the reason for that decision.*
8. In response to questions 1 and 2 as set out above, I was not employed by AIM at the time of the allegations against Professor Makarov and his subsequent conviction.
9. I therefore only have a limited hearsay or “second-hand” knowledge of the circumstances in which AIM became aware of the allegations of child sexual abuse made against Professor Makarov and the actions taken by AIM.
10. The information I possess in relation to the allegations against Mr Makarov arises out of:
- a. the documents which have been produced by AIM to the Royal Commission on 20 November 2015 and 27 November 2015, pursuant to a Notice to Produce dated 28 October 2015 issued by the Royal Commission; and
 - b. information passed on to me by other employees over the years since I have been employed as the Executive Dean. I do not believe that the information passed to me by other employees of AIM adds to the documents produced to the Royal Commission.
11. As such, other than to refer to the documents produced by AIM to the Royal Commission, I am unable to comment on questions 1 and 2.

Question 3: Knowledge and understanding of the policies, procedures and practices of AIM applicable in February 2004, in relation to:

- a) *receiving and handling complaints if child sexual abuse;*
 - b) *conduct of any internal investigations and requirements to report or refer such matters to any public agencies; and*
 - c) *access to information, referral and support services offered to complainants who were victims of child sexual abuse, including adult complainants who were also employed by AIM, and a description of what that entails.*
12. Whilst I have read the policies and procedures currently held by AIM (and those which have been put in place during the term of my employment) I do not have any direct knowledge of the policies which were applicable in 2004.
13. Despite searches being undertaken by AIM's staff, AIM cannot locate the policies which were in place in 2004. However, AIM has located policies which appear to have been applicable in 2005 (which have also been produced to the Royal Commission). AIM's child sexual abuse policies as at 2005 were set out in the following documents:
- a) Section 18.3 'Child Protection Policy and Procedures' from the AIM Handbook 2005 (Royal Commission document number AIMU.0001.001.0108) contained behind Tab 38 of the documents produced by AIM to the Royal Commission on 20 November 2015).
 - b) Complaints and Appeals Policy contained behind Tab 36 of the documents produced by AIM to the Royal Commission on 20 November 2015).
 - c) AIM High: Senior Secondary College, Student Welfare & Discipline Policy (Royal Commission document number AIMU.0001.001.0189) contained behind Tab 39 of the documents produced by AIM to the Royal Commission on 20 November 2015).

Question 4: The relationship between AIM and the following public agencies in respect of governance frameworks and the development and implementation of policies in relation to child safe practices:

- a) *Department of Education; and*
 - b) *The NSW Ombudsman*
14. In response to question 4, it is the current policy of AIM to:
- a. maintain registration and accreditation through the Board of Studies, which requires compliance with the Board of Studies Teaching & Educational Standards NSW (**BOSTES**). In considering whether to provide accreditation to AIM, the Board of Studies conducts inspections at AIM. The most recent inspection was completed on 16 July 2015 by Marianne Millan, a Lead Investigator. Following that inspection, AIM received a fully compliant audit and a recommendation that the school be registered and accredited until 31 December 2020. A copy of the accreditation certificate is annexed and marked "C".
 - b. notify the NSW Ombudsman of any allegation of child sexual abuse or conviction against an employee, including the results of any investigation or action of reportable conduct as required by the New South Wales Mandatory Reporter Guide. A copy of the Mandatory Reporter Guide was produced to the Royal Commission on 27 November 2015 and is contained behind tab 20 of the bundle of documents produced.

The Mandatory Reporter Guide also assists AIM by detailing the appropriate course of action to take when dealing with child sexual abuse allegations. There has not been any occasion since the allegations were made against Victor Makarov to give effect to the procedures contained in the Mandatory Reporter Guide.

Question 5: The current policies, procedures and practices applied by AIM in relation to:

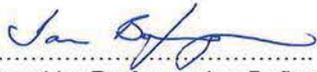
- a) child protection and the prevention of child sexual abuse;**
- b) receiving and handling complaints of child sexual abuse;**
- c) conduct of any internal investigations and requirements to report or refer such matters to any public agencies; and**
- d) access to information, referral and support services offered to complainants who were victims of child sexual abuse, including adult complainants who were also employed by AIM, and a description of what that entails.**

15. In response to question 5, AIM's current policies and procedures relating to prevention, handling and receiving of complaints, conducting investigations, access of information and reporting of child sexual abuse are set out as follows:
- a. The NSW Mandatory Report Guide is issued to all staff of the AIM Senior Secondary College and a copy is also kept in the HSC staff breakroom. A copy of the Mandatory Reporter Guide appears behind Tab 20 of the documents produced by AIM to the Royal Commission on 27 November 2015.
 - b. The AIM Senior Secondary College Operations Manual 2014/2015 - Child Protection & Student Welfare, as produced to the Royal Commission on 27 November 2015. (Royal Commission document number AIMU.0002.001.0073). This manual sets out the general operations protocol for the Senior Secondary College. The Child Protection & Student Welfare section details the current policies and procedures relating to child sexual abuse
 - c. The AIM Senior Secondary College Critical Incident Policy. (Royal Commission document number AIMU0002.001.0491) The critical incident policy governs AIMs responsibilities in relation to a critical incident. The policy confirms that a 'critical incident' includes instances of sexual assault.
16. In addition to the matters described in the above policies, AIM's practices relating to prevention, handling and receiving of complaints, conducting investigations, access of information and reporting of child sexual abuse are described as follows:
- a. The presence of security cameras in corridors and common areas for the general protection and safety of AIM students, staff and facilities.
 - b. It is a mandatory practice at AIM for all prospective employees to provide a clear 'Working with Children Check' before they commence employment. Prior to this current practice, AIM procured these 'Working with Children Checks' on behalf of prospective employees however, the practice changed in 2015 to require prospective employees to provide a clear check to AIM which is then retained on its HR files.
 - c. AIM's High School staff are required to complete an annual workshop as a component of their professional development. The most recent workshop took place in 2015 and

covered the topic of mandatory reporting and child protection. Staff attendances at the workshop are recorded by AIM management.

Question 6: Any other matter or issue in relation to which you think that your evidence may be of assistance to the Royal Commission

17. I do not have any other matter or issue which I think may be of assistance to the Royal Commission.



Signed by Professor Ian Bofinger
28 January 2016