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**FILE NOTE**

**TO: FILE NOTE** **12 October 2000**  
**FROM: DAVID FORD**  
**MATTER: 1054**  
**RE: TRINITY GRAMMAR SCHOOL & DOCS**  
**SUBJECT: 12.54 PM - 1.36 PM**  
**PHONE FROM PETER GREEN**

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Peter was returning my call. I had rung him to respond to the questions he put to Bronwyn earlier today. However, I first reported on yesterday by saying that it took a long time - probably twice as long as it need have taken. I said that the main problem was that the lady taking the statement from Kate was a slower typist than I am and I am no speedster. On top of this, she had no idea of the features of the Word word-processing program that she was using. She was painfully slow in every respect.

I said that in one sense I need not have been there because there was no occasion when I needed to intervene to protect Kate or the School. On the other hand, I felt that it had been a worthwhile exercise from the School's point of view to have me there as I was able to reinforce the fact that the School was seeking to co-operate in every respect with the investigation.

In relation to any future interviews with staff members such as himself or Rob Scott, I felt that it would be unnecessary for me to be there as long as I could have a 10 minute chat on the phone to such people before they went. Clearly, if the line of questioning in the course of any interview changed then the person being interviewed should feel free to indicate that they wanted a lawyer to be present.

In relation to the search warrant, I said I saw no problem with that but that he might want to liaise with the police as to exactly when they exercised the warrant. He said they wanted to come this afternoon and he was trying to have them come while the boys were in afternoon classes. The police were prepared to co-operate in this regard as long as they could get the warrant from the magistrate in time.

He has been asked by Cheryl McDuff to go down to the JIT office tomorrow at 11.30 am. I said that I did not need to be there as long as they were planning just to bring him up to date with the investigation. Again, if things changed, he should feel free to call upon me. However, I had no inkling that they were likely to try to bring any charges against any staff member at the School. Rather, I suspected that they would have a fair idea by tomorrow whether or not they want to bring charges against the two boys who are presently suspended. I told him I had a gut feeling that they would have that evidence and are likely to want to bring charges even though I wasn't sure if the DPP would do so in due course. I told him that it was in his interests to hear what they had to say as it may make it easier for the School to justify expulsion of these boys if what was alleged had in fact happened. Indeed, I felt that even if part of what was alleged had happened then the boys deserved to be expelled. I gave him examples of the allegations that the boys had:

- punched other boys intermittently and without reason;

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- tied boys up with tape, <sup>er to</sup> brought ladders, blindfolded them, stripped them, poked them with objects;
- put them in laundry bags and hung them up.

I told him that my opinion of this behaviour was that it was abhorrent. Peter seemed surprised at the list [which in turn surprised me because I thought he would have read the statements which he delivered to me the other night].

At first, he felt that the boys probably should be expelled but didn't seem too convinced. After a little while, I think he thought that there was good reason for doing so - again, subject to the results of the JIT investigation.

He had been talking to <sup>EAC</sup> last night and <sup>EAC</sup> was expressing the view that there must have been other boys involved other than <sup>DFB</sup> and <sup>DFA</sup> <sup>EAC</sup> was by implication suggesting that other boys should be punished as well. I replied to Peter that <sup>EAC</sup> was understandably upset as a result of <sup>DFB</sup> involvement. However, the School's obligation to <sup>DFB</sup> and to Mr & <sup>EAC</sup> was to be fair in their treatment of <sup>DFB</sup>. In one sense, it was no concern of the <sup>REDACTED</sup> that the School may act in different ways in relation to other boys. I said that in these matters as in matters in the Courts there are often many reasons why different offenders are treated in different ways. On the other hand, I said that the behaviour, if it is more wide spread than presently thought, may well warrant many boys being removed from the School.

I also said that something was going to have to be done to change the culture which allowed this sort of behaviour. Peter indicated that steps had already been taken in this regard and that more would be done.

I asked whether Campbell Dungan knew about matters and he said he did. I was going to suggest that Campbell look at their insurance policy but Peter told me that Campbell had already notified the insurer of the events.

I told him that my view was that it was unlikely that anybody on staff would be charged for failing to report when a report was in fact made about three weeks after the very first incident came to light. It seemed to me that one could not argue that there was an unreasonable delay and that it was reasonable for further inquiry to be made before there were reasonable grounds to suspect that there had been any sexual assault. I also noted that DOCS could hardly say there had been unreasonable delay when it took their officer a month before he read the information that the School provided. I said that Pauline seemed embarrassed about that when it came to light yesterday.

However, I made the point that if it came to light that some member of staff was aware of things before the August incident then that member of staff may be in some trouble for having failed to report.

He ended the call to go to see a parent who had called in. He will contact me if he needs further help.