

Royal Commission into Institutional Responses to Child Sexual Abuse

Case Study 45: Children with Problematic or Harmful Sexual Behaviours in Schools

STATEMENT BY JAMES EDWARD MILLS

This statement is made by me in response to the Solicitor Assisting's request for a statement dated 26 October 2016 (attachment "A") and accurately sets out the evidence which I would be prepared, if necessary, to give to the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) as a witness.

1 My association with Trinity Grammar School

1.1 I was elected to join the Council of Trinity Grammar School Summer Hill ("the Council") as a lay representative of the Sydney Diocese by its Synod in June 1976. I was subsequently re-elected to the Council until my resignation after 38 years of continuous membership. In 1982 I was elected Chairman of the Council and was elected to continue in that my position until my resignation from that office in 2011. I resigned from the Council in 2014.

1.2 The Council operates under an Ordinance of the Synod of the Diocese of Sydney and is empowered to carry on the School.

The Council is composed of seventeen persons:

- a) six Anglican clergy nominees and six lay persons are elected by the Synod of the Diocese;
- b) three members are elected by the Old Trinitarians' Union; and
- c) two members are elected by the Council itself.

The Anglican Archbishop of Sydney is ex officio its President, but the Council will also elect a Chairman. The Headmaster and the Bursar are not members of Council, but by convention attend all Council meetings unless instructed otherwise.

1.3 Pursuant to the *Trinity Grammar School Constitution Ordinance 1928* (as amended), I fulfilled the role and duties as Chairman in accordance with Clause 5B of the Constitution which included, in the absence of the Archbishop of the Diocese, presiding at meetings of the Council. The Chairman was ex officio a member of all committees of the Council and acted in accordance with the settled principles of corporate governance.

2. Circumstances of my and the Council's awareness of the allegations of sexual abuse involving boarding house students in 2000

2.1 I do not recall when or how I first came to be aware of the allegations the subject of the notification made to DOCs on 7 September 2000. I was overseas on holiday between 25 August 2000 and 4 October 2000. To the best of my recollection, I was not informed of the allegations prior to leaving Australia or at any time during the period I was overseas.

2.2 The allegations were not reported to the Executive Committee ("the Executive") when it met on 15 August 2000, which I attended, or to the Council on 24 August 2000, when I chaired the meeting held that evening. During the period I was overseas, there were no Council or Executive meetings.

2.3 As noted above I returned to Australia on 4 October 2000. On 5 October 2000 the Head Master went overseas, and returned to Australia on 15 October 2000. I do not believe I



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had any contact with the Head Master in the time between my return and his departure overseas.

- 2.4 Whilst I do not have any independent recollection of speaking to Mr Green, who was acting Head Master from 5-15 October 2000. It appears I had a telephone conversation with him on 12 October 2000, when I was informed that a search warrant would be executed by the JIT, and that it would be discussed at the Executive meeting that evening¹.
- 2.5 The minutes of the Executive meeting held on 12 October 2000 record that "*a matter involving students in the Boarding House has been referred to the School's solicitor and now involves the Department of Community Services and Police was discussed.*"²
- 2.6 I do not have a detailed recollection of the meeting, but believe that it was the first time the allegations were reported to me and to other members of the Council. I also believe that at the meeting, Mr Green advised that the matter was being investigated by the JIT and that the School was directed not to interview any boys or persons involved.

3 Responses of the Council to the allegations and my involvement in those responses.

- 3.1 The Head Master had returned from overseas on 15 October 2000 and wrote to the School Parent body on 16 October 2000³. I presume he would have informed me of his intention to do so but I have no independent recollection of any discussion with him at that time.
- 3.2 The next council meeting was held on 28 October 2000. As recorded in the minutes of that meeting⁴, the Council discussed the seriousness of the allegations and carried two motions in order to initiate an independent review of the School's disciplinary process and procedures.
- The Head Master expressed great concern at the nature of the allegations which he informed the meeting were still being investigated by the Department and the Police and on which we could not obtain any further information. He was insistent in supporting the motions that the Council must seek to review its practices by the best possible means and would also consider what additional expertise could be brought to the Council.
- 3.3 After I was told by the Head Master that he had attended the final Protection Planning Meeting on 10 November 2000 on the conclusion of the then current investigation, I informed him that I intended to send each member of Council a letter discussing the events flowing from the investigation. I did so on 13 November 2000⁵.
- 3.4 The Executive was given a further report by the Head Master at its meeting on 14 November 2000 on progress of the proposed review process⁶.
- 3.5 The Council was given a further extensive progress report from the Head Master on the matter at its final meeting for the year on 23 November 2000⁷. There was considerable discussion on the means whereby the Council could now take further positive steps to respond to the events which had occurred, including the retention of advisors for the Gatehouse Project under the direction of Ms Gayle di Pietro of the Centre for

¹ TRIN.0006.001.0139

² TRIN.0007.001.0001

³ TRIN.0006.001.0175

⁴ TRIN.0007.001.0005

⁵ TRIN.0005.001.0230

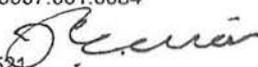
⁶ TRIN.0007.001.0010

⁷ TRIN.0007.001.0011



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- Adolescent who would arrange for an appropriate presentation to a senior staff conference on 25 January 2001.
- 3.6 On 12 December 2000, at the last Executive meeting held that year, the Head Master reported that 5 students had been expelled from the School⁸.
- 3.7 On 22 January 2001 the Head Master recommended to a meeting of the Executive that a letter be sent to parents concerning the Boarding House allegations and his draft letter as amended was approved together with a direction to the School's Bursar to seek advice and information from the School's solicitor and insurer broker⁹.
- 3.8 The Executive met again the following day 23 January 2001 to finalise the content of the proposed letter from the Head Master with the School's media advisor in attendance and the letter was sent to parents. I sent a copy of the letter to Archbishop Goodhew as President of the Council.¹⁰
- 3.9 A meeting of the Council on 30 January 2001 was brought up to date by the Head Master on the use of the Gatehouse Project material and other possible expertise as part of the School's response to the events that occurred¹¹. The Council was informed that the boys who had been charged with criminal offences would be brought before Burwood Court the following month.
- 3.10 On 6 February 2001, an open letter to parents of the School was issued, and was signed by me, the Head Master, and the president of the P & F Association¹².
- 3.11 The Executive met again on 8 February 2001¹³ and resolved to hold a further meeting on 13 February 2001 to which all Council would be invited as some staff members would be present to respond to questions and clarify points of concern. There was considerable debate and discussion after hearing the responses of the staff members, reviewing the process of the investigation, the advice of its lawyers and the planned response to the events. The meeting resolved to express its full confidence in the Head Master and Staff¹⁴.
- 3.12 On 12 February 2001, an open letter addressed to the community was sent on behalf of the Head Master and the Council¹⁵.
- 3.13 Further Council meetings were held on 19 and 22 February 2001 to discuss the Boarding House allegations and the proposed review of the School's procedures were fully discussed at each of them¹⁶. The Council's solicitor also attended the meeting of 19 February 2001 and advised that the School had followed the correct course of action in reporting the incident under the existing legislation.
- 3.14 The Council met again on 23 March 2001¹⁷ and there was an opportunity to discuss the review of the Boarding House and general issues of bullying and adolescent behaviour then being conducted by Tim Holgate, Director of the British Boarding Schools' Association. Mr Holgate also conducted an in-service meeting for Trinity staff, and senior boarding staff from 8 other Sydney independent schools attended at the School's invitation.

⁸ TRIN.0007.001.0024⁹ TRIN.0007.001.0028¹⁰ TRIN.0007.001.0029; TRIN.0006.001.0377¹¹ TRIN.0007.001.0030¹² TRIN.0006.001.0430¹³ TRIN.0007.001.0039¹⁴ TRIN.0007.001.0049¹⁵ TRIN.0005.001.0298¹⁶ TRIN.0007.001.0054; TRIN.0007.001.0056¹⁷ TRIN.0007.001.0084


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Mr Holgate had been engaged by the School as recommended by the Head Master in his wide range of available options to improve the School's practices in response to the recent events.

An additional progressive step at the meeting was to review the draft submission to the request for details of that response made by the Standing Committee of the Sydney Diocese.

- 3.15 A Report by Mr Holgate was tabled at the Council meeting held on 23 August 2001¹⁸. The Headmaster advised the Council that Mr Holgate had spent some days in the previous week at the School to review current practice and procedures after his earlier visit relating to pastoral care and welfare, particularly with regard to the boarding house. He reported his favourable findings and made a further 21 recommendations to continue to enhance School's activities and care and referred to positive discussions had with students who expressed strong support for the School.
- 3.16 From 2001 until I retired from the Council in 2014, the Gatehouse Project and the report by Mr Holgate were a reference point. Both the Headmaster and Council regularly discussed and referred to that material as part of the Headmaster's objective in the continuous improvement of the policies, procedures and practice of School in relation to pastoral care and the protection of students.



James Edward Mills

Dated 28 October 2016.

¹⁸ TRIN.0007.001.0159, specifically TRIN.0007.001.0167 onwards