ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES
TO CHILD SEXUAL ABUSE

AT SYDNEY

COMMONWEALTH OF AUSTRALIA

Royal Commissions Act 1902

PUBLIC INQUIRY INTO

CHILDREN WITH PROBLEMATIC OR HARMFUL SEXUAL BEHAVIOURS IN SCHOOLS

SUBMISSIONS OF COUNSEL ASSISTING THE ROYAL COMMISSION

<table>
<thead>
<tr>
<th>Introduction</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>About the public hearing</td>
<td>4</td>
</tr>
<tr>
<td>Trinity Grammar School, Summer Hill, New South Wales</td>
<td>7</td>
</tr>
<tr>
<td>History and background</td>
<td>7</td>
</tr>
<tr>
<td>Establishment and governance</td>
<td>7</td>
</tr>
<tr>
<td>Trinity Grammar School today</td>
<td>7</td>
</tr>
<tr>
<td>The experiences of a former Trinity student and his father</td>
<td>8</td>
</tr>
<tr>
<td>The evidence of EAA</td>
<td>8</td>
</tr>
<tr>
<td>CLA’s evidence about problematic or harmful sexual behaviour by other students at Trinity</td>
<td>11</td>
</tr>
<tr>
<td>The response of Trinity</td>
<td>13</td>
</tr>
<tr>
<td>The relevant staff members</td>
<td>13</td>
</tr>
<tr>
<td>Disclosure by CLB on 11 August 2000</td>
<td>14</td>
</tr>
<tr>
<td>Reporting to Mr Cujes</td>
<td>19</td>
</tr>
<tr>
<td>Events between 11 August and 6 September 2000</td>
<td>22</td>
</tr>
<tr>
<td>Changes made at the boarding house</td>
<td>27</td>
</tr>
</tbody>
</table>
Information provided to the school council in 2000/2001 28
Reporting to the Department of Family and Community Services 30
Summary of available findings in relation to Trinity 31

The King’s School, Parramatta, New South Wales 33
History and background 33
   Establishment and governance 33
What this case study considered in relation to King’s 33
The experiences of former King’s students and the father of a former King’s student 34
   CLG’s evidence of problematic or harmful sexual behaviour by students at King’s 34
   John Williams’ evidence of problematic or harmful sexual behaviour by students at King’s 37
   CLC’s evidence of problematic or harmful sexual behaviour by students at King’s 42
   EAEC’s evidence 43
The response of King’s 47
   Incident at cadet camp in April 2013 47
   Incident on 14 May 2013 48
   Disclosure by CLC on 13 August 2013 49
   Investigations by the school 50
   Notification to the Police 54
   DFE 61
   Renaming the schools Wi-Fi networks 61
   Communications with EAG and EAEC 62
   Meeting on 10 October 2013 63
   Historical culture of bullying and problematic or harmful sexual behaviours at King’s 67
   Bullying survey 67
   Changes implemented by the school 68
   Detective Sergeant Munro’s evidence in relation to King’s conducting their own investigations 69
   The experience of CLC at St Ignatius’ College, Riverview 71
Summary of available findings in relation to King’s 72

Shalom Christian College, Townsville, Queensland 73
History and background 73
Shalom Christian College today 73
What this case study considered in relation to Shalom Christian College 74
The experience of the parents of a former student at Shalom Christian College 74
   EAEC’s evidence 75

Submissions of Counsel Assisting the Royal Commission
EAM’s evidence 79
The response of Shalom 83
  The sexual assault of CLF on 23 February 2006 87
  Repeated presentations to the Health and Wellbeing Centre and somatic complaints 92
  CLF’s disclosure of the sexual assault that occurred on 23 March 2006 93
  Reporting to external authorities 96
  Mr Shirley’s actions in response to CLF’s disclosure 100
  Support to Shalom 108
Summary of available findings in relation to Shalom 113
Introduction

About the public hearing

1 The 45th public hearing of the Royal Commission was held in Sydney from 21 October 2016 to 4 November 2016, with additional hearing days held on 14 and 25 November 2016.

2 The scope and purpose of this public hearing was to inquire into:

   a. The response of three public primary schools in New South Wales to allegations of problematic or harmful sexual behaviours by students at those schools.

   b. The response of The King’s School, Parramatta in New South Wales to allegations of problematic or harmful sexual behaviours by students at those schools.

   c. The response of Trinity Grammar School, Summer Hill in New South Wales to allegations of problematic or harmful sexual behaviours by students at those schools.

   d. The response of Shalom Christian College in Queensland to allegations of problematic or harmful sexual behaviours by students at those schools.

   e. The response of St Ignatius’ College, Riverview to a student who is alleged to have been sexually abused at another school.

   f. The systems, policies, procedures and practices for responding to allegations of problematic or harmful sexual behaviours of children within educational institutions promoted and implemented by:

      i. Department of Education NSW

      ii. Association of Independent Schools NSW

      iii. Department of Family and Community Services NSW
iv. The King’s School, Parramatta

v. Trinity Grammar School, Summer Hill

vi. Shalom Christian College, Townsville

vii. St Ignatius’ College, Riverview.

Approximately 4,000 of the contacts to the Royal Commission within terms of reference relate to educational facilities, which is just under 25% of all contacts. Three of the schools the subject of this case study are primary schools operated by the New South Wales State Government. The other three schools are faith based private schools. Almost a quarter of contacts to the Royal Commission about educational institutions refer to Government-based institutions. The vast majority of the remaining contacts relate to faith-based institutions.

These submissions will deal in turn with each of the institutions publicly examined in this case, being Trinity Grammar School, The King’s School and Shalom Christian College. Submissions in relation to the three public primary schools, which were the subject of private hearings, will be dealt with by way of confidential submissions as per His Honour’s non-publication ruling on 27 October 2016.

During the public hearing, Dr Wendy O’Brien gave unchallenged expert evidence about children with harmful or sexual behaviours in schools.

Also during the public hearing, the Royal Commission heard evidence from two panels. The first panel comprised experts who gave evidence about policy issues in relation to children with harmful or problematic sexual behaviours in schools. The panel members were:

a. Mr Dale Toliday, Clinical Advisor, New Street Adolescent Service

b. Ms Tracy Beaton, Chief Practitioner and Director of the Office of Professional Practice, Department of Health and Human Services

c. Ms Robyn Bale, Director, Student Engagement and Interagency Partnerships, NSW Department of Education and Communities
d. Dr Marshall Watson, Child and Adolescent Forensic Psychiatrist, SA Health Women’s and Children’s Health Network

e. Acting Detective Superintendent George Marchesini, Queensland Police Service

7 The second panel gave evidence addressing harmful or problematic sexual behaviours in Aboriginal and Torres Strait Islander boarding schools. The panel members were:

a. Richard Stewart, Head of Boarding, Aboriginal Hostels Ltd

b. Shar Williams, Former Counsellor, Mary Street Adolescent Sexual Abuse Program

c. Lindsay Luck, Principal, St John’s Christian College

d. Lorraine Bennet, Remote Indigenous Parents Association

e. John Morgan, Remote Indigenous Parents Association

f. Steve Florisson, Coordinator, Boarding Training Australia

g. Dan Cox, CEO, Boarding Australia

h. Tony Considine, General Manager, Indigenous Education Review Implementation, Northern Territory Department of Education

i. Selwyn Button, Assistant Director-General, Indigenous Education, Queensland Department of Education and Training

j. Philomena Downey, Principal, Murri School (also known as the Aboriginal and Islander Independent Community School)

k. Valerie Cooms, President, School Council, Murri School (also known as the Aboriginal and Islander Independent Community School)

l. Lois Peeler, Executive Director, Worawa Aboriginal College
Trinity Grammar School, Summer Hill, New South Wales

History and background

Establishment and governance

8 Trinity Grammar School (Trinity) is an independent, Anglican, day and boarding school for boys. It was established in 1913. At that time, Trinity was attached to the Anglican Parish of Holy Trinity, Dulwich Hill. In 1928, Trinity was formally moved under the auspices of the Synod of the Anglican Diocese of Sydney, with the enactment of the Trinity Grammar School Constitution Ordinance 1928.

9 Trinity is governed by a school council appointed under the Trinity Grammar School Constitution Ordinance 1928. The council has 18 members. It is comprised of the Archbishop of Sydney, the Right Reverend Glenn Davies, as ex-officio President, three members appointed by the Synod of the Anglican Diocese of Sydney, and two persons appointed by the council itself. The day to day administration of the school is performed by the headmaster.

Trinity Grammar School today

10 Trinity’s main campus is in Summer Hill. It also has a preparatory school at Strathfield. The school had a rural outdoor education campus in Pine Bluff, New South Wales, until the campus was sold in 2014.

11 Over 2000 boys, from pre-kindergarten to year 12, attend Trinity at the two campuses in Summer Hill and Strathfield. The school accommodates a mixture of day boys and boarders, with boarding commencing from year 7 at the Summer Hill campus. As at the year 2000, which is the year the incidents examined in this public hearing occurred, there were approximately 60 boarders in the boarding house across years 7 to 12.
Mr Milton Cujes is the current Headmaster of Trinity. Mr Cujes has been in that role since 1996. Mr Cujes was educated at Trinity for 12 years and he later taught there from 1972 to 1979. He returned to Trinity in 1996 to take up the headmastership.¹

At that time of the events examined in this case study, the year 2000, Mr James Mills was the chairman of the school council.²

The experiences of a former Trinity student and his father

The evidence of EAA

EAA gave evidence that his son, CLA, started at Trinity as a day boy in year 7 in 1997.³ He said that CLA did well in his studies, was a good sportsman and was well-liked by other boys and staff.⁴ However, EAA said that ‘everything changed’ when CLA became a weekly boarder at Trinity in year 9, in 1999, after EAA and his wife (EAB) moved house.⁵

EAA gave evidence that CLA was suspended for the weekend in August 2000. EAA understood that the suspension arose from CLA’s participation in a ‘rumbling incident’ in the boarding house where he was part of a group of boys that had put boot polish on another boy.⁶ EAA and EAB requested an interview with the boarding house master, Mr Robert Scott. EAA said that Mr Scott described the incident as ‘minor’ and just ‘boys being boys.’⁷ EAA gave evidence that at this time, he was not aware that CLA himself was being abused in the boarding house.⁸

EAA gave evidence that during September 2000, CLA was home for three weeks’ holiday because of the Olympic Games. He said that caught the train with CLA to see Cathy Freeman run. He said that he sensed on the train trip that CLA wanted to bring something up with him, but he did not.

¹ Exhibit 45-005, ‘Statement of George Milton Cujes’, Case Study 45, STAT.1195.001.0001_R at [4]-[7].
² Exhibit 45-054, ‘Statement of James Mills’, Case Study 45, STAT.1250.001.0001 at [1.1].
⁵ Transcript of EAA, Case Study 45, 20 October 2016, 21676:33-34; 21677:16-17.
⁶ Transcript of EAA, Case Study 45, 20 October 2016, 21677:19-23.
⁸ Transcript of EAA, Case Study 45, 20 October 2016, 21677:30-31.
17 EAA gave evidence that the first time he became aware that CLA had been sexually assaulted was when he got a phone call from EAB, who was in an extremely distressed state. EAA said that EAB told him that she had been called by an investigator from the child protection investigation team, who had told her that they believed CLA had been sexually assaulted by other boarders at the school. EAA said that he remembered calling Trinity immediately afterwards and speaking with the acting headmaster at the time, Mr Peter Green. He said that he cannot remember the detail of that conversation because he was in shock.9

18 EAA gave evidence that the following Monday, he and EAB collected CLA from Trinity and took him to Ashfield for an interview with the child sexual abuse investigation team. He said that, while CLA was being interviewed, he and EAB were told by investigators that the school counsellor at Trinity, Ms Katherine Pearce (now Ms Lumsdaine), had provided information and documents to the Department of Community Services about an issue of child safety involving CLA, and that there had been a time lag of about four weeks between that report being made and action being taken by the Department.10

19 EAA gave evidence that he and EAB first became aware of the details and nature of the assaults on CLA when they read the transcript of his police interview at home.11

20 EAA said that he and his wife returned CLA to the school because they were told it was safe. He said that he did not know that the boys who had demonstrated the behaviour towards CLA had only been removed to another part of the school and he could not believe that they had not been immediately suspended.12 EAA gave evidence that he did not feel that the school was proactive in any way. He said that no one ever arranged for EAA or EAB to sit down with Mr Cujes, Mr Green or Mr Scott.13 EAA felt that he and EAB were ‘constantly fobbed off and did not know what was happening.’14

---

10 Transcript of EAA, Case Study 45, 20 October 2016, 21678:29-41.
12 Transcript of EAA, Case Study 45, 20 October 2016, 21680:16-22.
14 Transcript of EAA, Case Study 45, 20 October 2016, 21681:7.
21 EAA said that, in November 2000 - around the time of the first court appearance in the criminal proceedings relating to the assaults - Mr Cujes suggested to him and EAB that they consider a process of ‘transformative justice’. EAA said that he agreed to consider this, but only on the condition that the two boys charged with assaulting CLA admitted their guilt. After EAA and EAB had met with the transformative consultant in a restaurant, EAA was convinced that ‘it was not the way to go.’ After he communicated this to Mr Cujes, EAA said that he and EAB felt pressured by Mr Scott and the transformative justice consultant to engage in that process. EAA said that ‘it felt like the school leadership was only interested in protecting the school.’

22 Eventually, in November 2000, EAA said that CLA phoned home from the boarding house and told him that he was being bullied. EAA said that it was then that EAA removed CLA from the school. EAA said that in February 2001, he and EAB received a letter requesting a meeting in the Anglican Diocese in Sydney. Mr Cujes and Bishop Robert Forsythe were at that meeting but EAA did not understand the purpose of the meeting. EAA said there was no apology.

23 CLA finally received a written apology from Mr Cujes in February 2001.

24 EAA gave evidence about the civil action that he and his wife commenced against the school. He also described the impact of the events on CLA who he said ‘had a lot of inner turmoil.’ EAA had been worried that CLA would take his own life or turn to drugs. The events also impacted on their daughter who harboured a lot of anger about what had happened to CLA.

---

15 Transcript of EAA, Case Study 45, 20 October 2016, 21681:35-41.
16 Transcript of EAA, Case Study 45, 20 October 2016, 21682:3-4.
17 Transcript of EAA, Case Study 45, 20 October 2016, 21682:6-14.
18 Transcript of EAA, Case Study 45, 20 October 2016, 21682:18-19.
19 Transcript of EAA, Case Study 45, 20 October 2016, 21682:37-47.
21 Transcript of EAA, Case Study 45, 20 October 2016, 21683:38-47.
22 Transcript of EAA, Case Study 45, 20 October 2016, 21684:21-22.
23 Transcript of EAA, Case Study 45, 20 October 2016, 21685:5-19.
CLA’s evidence about problematic or harmful sexual behaviour by other students at Trinity

25 CLA made a statement to the Royal Commission which was tendered without objection. In his statement, CLA said that when he began year 7 at Trinity in 1997, he thought it was an ‘amazing’ school for boys with a great reputation and great facilities. CLA says that he still holds this view today.24

26 CLA said that when he was offered a boarding scholarship by Mr Cujes in 1997, he was proud to accept the offer, but he was also aware that ‘the boarding house had a reputation for being a rough and tough environment for boys’.25 He said that his first few weeks in the boarding house showed the rumours to be true.26 He said that he witnessed many incidents of racial bullying and that violence between boys was ‘endemic’ and part of the ‘boarding house culture’ which imposed a ‘clear hierarchy’ with year 7 and 8 students at the bottom and year 12 students at the top.27 CLA said ‘What amplified this situation was an unspoken culture of silence, as ‘dobbing’ on fellow boarders was a sign of betrayal and ultimately, weakness.’28

27 In his statement, CLA said:29

I remember the first round of assaults by the two perpetrators as incidents where wrestling got out of hand. Every incident mirrored itself in that one of the boys would start to wrestle me, then the other would jump in and pin me down. I believe Mr Green, Mr Scott and Mr Cujes called these ‘rumbling’. As these incidents kept reoccurring, the more violent and invasive they became. This went on for many weeks.

28 On one occasion, his birthday, CLA said that he was ‘tied up and assaulted’ and then ‘left to untie myself, recompose myself, and turn up 20 minutes late to class, without a blink of an eye lid from my class teacher’.30

24 Exhibit 45-064, ‘Statement of CLA’, Case Study 45, STAT.1234.001.0001_R at [4].
25 Exhibit 45-064, ‘Statement of CLA’, Case Study 45, STAT.1234.001.0001_R at [6]-[7].
26 Exhibit 45-064, ‘Statement of CLA’, Case Study 45, STAT.1234.001.0001_R at [8]-[9].
27 Exhibit 45-064, ‘Statement of CLA’, Case Study 45, STAT.1234.001.0001_R at [9].
28 Exhibit 45-064, ‘Statement of CLA’, Case Study 45, STAT.1234.001.0001_R at [9].
29 Exhibit 45-064, ‘Statement of CLA’, Case Study 45, STAT.1234.001.0001_R at [10].
30 Exhibit 45-064, ‘Statement of CLA’, Case Study 45, STAT.1234.001.0001_R at [21].
CLA said in his statement that he thought the abuse would end when, during a morning dorm inspection, a boarding house staff member found one of the wooden implements used in the assaults under another student’s mattress. He recalled feeling ‘despair’ as it was dismissed as a joke by everyone in the room including the staff member. He said that he finds it ‘incomprehensible’ that the staff member did not report the discovery of the wooden implement.

CLA said that he feels offended by the way Trinity has defended its position and that he needs ‘Milton Cujes and the Trinity community to know that this was not an isolated incident’ and that he was ‘offended that he described it like this in a school letter to the Trinity community’. He said:

> What happened to me was not an isolated incident, but manifested itself from a culture of hierarchical bullying, where young vulnerable middle school boys (years 7-9) were subject to assaults and bullying from senior boys (years 11-12) in the boarding school. A culture that was entrenched before I arrived.

CLA gave evidence in his statement that there was a lack of supervision in the boarding house in 2000, and that most of the assaults occurred during periods when no staff members supervised the boys. He said that as a result, ‘toxic behaviours manifested themselves into serious criminal acts’. CLA stated that he believes supervision of student should be the primary objective over the privacy of boys in the school’s care.

CLA also stated that he was not offered any support when he returned to the boarding house at Trinity after the assaults were made public. There were no formal investigations by the school into the incidents. He was left unsupervised to fend for himself and ‘this resulted in a number of senior boarders seeking retribution’. He was bullied and he removed himself from Trinity a few days later. CLA said that Mr Cujes
and Mr Scott, the person his parents put their trust in to be his guardian at school, failed to protect him at Trinity.\textsuperscript{39}

**The response of Trinity**

33 The Royal Commission’s focus in the part of this Case Study which concerned Trinity was on the way in which former and current staff members at Trinity responded to the complaints of problematic or harmful sexual behaviour by students in the boarding house in 2000.

34 In 2000, there was one boarding house at Trinity, which housed 60 boys from years 7 to 12.\textsuperscript{40} The boys were divided into dormitories according to year group. There were no physical restrictions on boys moving between dormitories.\textsuperscript{41} The boys were allowed access to the boarding house during recess and lunch, after Physical Education and during study periods for seniors.\textsuperscript{42}

**The relevant staff members**

35 As noted, Mr Milton Cujes was the headmaster of Trinity in 2000. He remains in that position.

36 In 2000, Mr Robert Scott was the boarding house master.\textsuperscript{43} He commenced as a teacher at Trinity in 1980 and was appointed as the boarding house master in 1998.\textsuperscript{44}

37 Mr Peter Green commenced employment at the school in 1989 as a teacher.\textsuperscript{45} He was appointed as the senior master at Trinity Grammar School in 1998.\textsuperscript{46} In that position, he was responsible for the discipline of the students, the allocation of teaching resources and pastoral care.\textsuperscript{47} Before becoming the senior master, Mr Green held the

\textsuperscript{39} Exhibit 45-064, ‘Statement of CLA’, Case Study 45, STAT.1234.001.0001_R at [24].
\textsuperscript{40} Transcript of P C Green, Case Study 45, 21 October 2016, 21746:28-34.
\textsuperscript{41} Transcript of P C Green, Case Study 45, 21 October 2016, 21746:36-47 – 21748:1.
\textsuperscript{42} Exhibit 45-002, Case Study 45, NSW.COMS.593.2016_R at [6].
\textsuperscript{43} Transcript of R Scott, Case Study 45, 21 October 2016, 21795:32-33.
\textsuperscript{44} Transcript of R Scott, Case Study 45, 21 October 2016, 21795:23-24.
\textsuperscript{45} Transcript of P C Green, Case Study 45, 21 October 2016, 21745:24-25.
\textsuperscript{46} Transcript of P C Green, Case Study 45, 21 October 2016, 21744:37-39.
\textsuperscript{47} Transcript of P C Green, Case Study 45, 21 October 2016, 21744:46 – 21745:1-3.
position of boarding house master for nearly three years. It was his view that the boarding house in 2000 was a ‘very warm and supportive … for many of the boys’. Mr Green is currently the deputy headmaster at Trinity.

In 2000, Ms Katherine (Kate) Lumsdaine (nee Pearce) was the most senior psychologist employed at Trinity. She had been employed at the school since 1997. In 2000, Trinity employed three psychologists – two in the senior school and one in the prep school.

Disclosure by CLB on 11 August 2000

On Friday 11 August 2000, Mr Scott was told by three students that there had been an incident in the boarding house during recess, and that he needed to attend the boarding house. Mr Scott said that when he got to the boarding house, he found CLB on the floor. He was crying and his face was covered in black boot polish and his trousers down.

Mr Scott said that CLB told him that he had been ‘rumbled’ by three boys in the boarding house and he named the boys as CLA, DFD and DFC. Mr Green gave evidence that ‘rumbling’ in the boarding house was ‘[w]hen a boy might decide to grab another one, have a bit of a wrestle around the place. It could be where you’ve got a situation where a number of the boys start playing a game of football and they will develop into a rumble, where they’re tackling each other and whatever.’ He said that

---

50 Transcript of P C Green, Case Study 45, 21 October 2016, 21744:32-33.
53 Transcript of R Scott, Case Study 45, 21 October 2016, 21800:19-23; Exhibit 45-002, Case Study 45, NSW.COMS.593.2016_R at [10].
54 Transcript of R Scott, Case Study 45, 21 October 2016, 21800:42-44.
55 Transcript of R Scott, Case Study 45, 21 October 2016, 21801:3-14.
56 Transcript of R Scott, Case Study 45, 21 October 2016, 21801:25-35; Exhibit 45-002, Case Study 45, NSW.COMS.593.2016_R at [12].
57 Exhibit 45-002, Case Study 45, NSW.COMS.593.2016_R at [12].
58 Transcript of P C Green, Case Study 45, 21 October 2016, 21747:31-40.
rumbling ‘would be a very physical interaction between the boys and both boys come out of it at the end of it laughing and having a good time’.  

41 He acknowledged that some of the rumbles would involve violence, but this was not allowed by the school.

42 After finding CLB in the boarding house on 11 August 2000, Mr Scott took CLB (and another boy who had complained about his treatment in the boarding house that day) to the office of Mr Green.

43 Mr Scott had told Mr Green that there had been an incident in the boarding house. Mr Green returned to his office with Mr Scott, where CLB and the other student were waiting. This was at approximately 11.20 am.

44 Mr Green and Mr Scott asked CLB and the other boy to complete incident reports. CLB completed an incident report while he was in Mr Green’s office.

45 CLB recorded in his incident report that he had boot polish smeared over his face and he also said this in the report:

At the time of this they one (sic) was trying to rape me by lifting my legs in the air and was pumping at my butt with is (sic) front area he still had his pants on and I had my pants on. then (sic) he stoped (sic) and then they took my pants and shoes off and let me go by this time I was pretty angry and ran into the year 9 dorm and grabbed a plankle (sic) of wood and was swinging it around at them I told them to stop rapeing (sic) people and me and I said this because this wasn’t the first time that they and more have tried to rape me or anyone else.

59 Transcript of P C Green, Case Study 45, 21 October 2016, 21748:10-13.
60 Transcript of P C Green, Case Study 45, 21 October 2016, 21748:17-21.
61 Transcript of R Scott, Case Study 45, 21 October 2016, 21801:37-40; Exhibit 45-002, Case Study 45, NSW.COMS.593.2016_R at [13]; Exhibit 45-002, Case Study 45, TRIN.0006.001.0197_R at [13].
62 Exhibit 45-002, Case Study 45, TRIN.0006.001.0197_R at [13].
63 Transcript of P C Green, Case Study 45, 21 October 2016, 21750:25-29.
64 Transcript of R Scott, Case Study 45, 21 October 2016, 21802:1-47 – 21803:1-47; Transcript of P C Green, Case Study 45, 21 October 2016, 21751:24-40; Exhibit 45-002, Case Study 45, TRIN.0006.001.0197_R at [15]-[16].
65 Exhibit 45-002, Case Study 45, TRIN.0006.001.0022_R.
The people involved in the incident were DFC, CLA, DFD.

One of them made a dildo in wood tech and they use that to stick up peoples (sic) butts but I heven’t (sic) seen them do that for a while and they didn’t use it on me today.

The last paragraph of the report extracted above was added by CLB a short time after he completed the first part of the form.66

Ms Lumsdaine was called in to Mr Green’s office to talk to CLB and the other student, because they were distressed.67 She was told by the boys that DFA and DFB often simulated sex with younger boys in the boarding house,69 that there were particular boys who had had wooden dildos shoved up their bottoms,70 and that CLB said that he had been raped ‘probably 50 times’.72

Ms Lumsdaine said that when Mr Green came back to the office after her session with the boys, she told Mr Green what the boys had told her.73 She said that he responded by saying, ‘if CLB said that something happened 50 times, it was probably only 25. He always exaggerates’.74 Ms Lumsdaine said that Mr Green asked CLB whether he had been ‘face up or face down’ when these events had occurred. CLB responded that he had been ‘face up’.75

67 Transcript of K Lumsdaine, Case Study 45, 20 October 2016, 21694:7-18; Exhibit 45-002, Case Study 45, NSW.COMS.593.0641_R at [4].
68 Transcript of K Lumsdaine, Case Study 45, 20 October 2016, 21697:43-46.
69 Transcript of K Lumsdaine, Case Study 45, 20 October 2016, 21698:15-18.
71 Transcript of K Lumsdaine, Case Study 45, 20 October 2016, 21698:31-34.
72 Transcript of K Lumsdaine, Case Study 45, 20 October 2016, 21698:36-39.
74 Transcript of K Lumsdaine, Case Study 45, 20 October 2016, 21700:5-7.
There is a conflict between the recollections of Ms Lumsdaine and Mr Green about precisely what Ms Lumsdaine told Mr Green when he returned from his meeting. Mr Green said that he understood the reference to ‘50 times’ was to there being 50 different situations in the boarding house, only some of which may have been similar to what had occurred that day. Mr Green accepted that when he was discussing the matter with Ms Lumsdaine that day, she drew his attention to the final paragraph of the incident report (set out above). He said that he asked CLB some questions about the extra lines.

Mr Green could not recall Ms Lumsdaine telling him that DFA and DFB often simulated sex with younger boys. He did not think she said this. However, Mr Green accepted that during his discussion with Ms Lumsdaine, he understood that CLB was alleging that there had been simulated rape or that a dildo had been shoved up boys’ bottoms on multiple occasions.

Mr Green also accepted that he was given a copy of CLB’s incident report on 11 August 2000. He said that when he read CLB’s incident report on that day, he did not understand that there had been an attempted rape. He said that he later spoke to CLB and to other boys and that he did not understand that there had been an attempted rape.

It is submitted that it is not necessary to make findings about the differences between the recollections of Ms Lumsdaine and Mr Green about what Ms Lumsdaine told Mr Green on 11 August. On Mr Green’s evidence, by around lunchtime on 11 August 2000 he had read CLB’s incident report, and he knew that CLB was alleging that there had been simulated rape or that a dildo had been shoved up boys’ bottoms on multiple occasions.

---

76 Transcript of P C Green, Case Study 45, 21 October 2016, 21759:6-12.
77 Transcript of P C Green, Case Study 45, 21 October 2016, 21761:16-25.
78 Transcript of P C Green, Case Study 45, 21 October 2016, 21762:24-32.
80 Transcript of P C Green, Case Study 45, 21 October 2016, 21751:32-33.
81 Transcript of P C Green, Case Study 45, 21 October 2016, 21752:21-23.
82 Transcript of P C Green, Case Study 45, 21 October 2016, 21754:15-17.
Available finding: As at 11 August 2000, the senior master at Trinity, Mr Green, knew of allegations by CLB that other boys in the boarding house had attempted to sexually assault him that day, and that CLB had alleged that other boys in the boarding house had sexually assaulted boys and used wooden dildos on boys in the boarding house on multiple occasions before 11 August 2000.

Mr Scott gave evidence. In his evidence, Mr Scott initially could not recall seeing CLB’s incident report at the time it was made. However, Mr Scott had made a written statement to police on 18 October 2000 in which he referred to CLB’s incident report and its contents. In his police statement, Mr Scott said that Ms Lumsdaine had showed him CLB’s incident report.

Mr Scott accepted that his contemporaneous statement to the police was accurate and that his memory of the incident in October 2000 was likely to be better than his memory by the time he gave evidence at the public hearing. Mr Scott accepted that on 11 August 2000, he was aware of CLB’s allegation of attempted rape, his allegations about previous incidents of attempted rape, and that a student had made a wooden dildo and was using it to insert into other student’s bottoms.

Around lunchtime on 11 August, Mr Scott gathered the boarders together and ‘spoke to them quite severely’. Ms Lumsdaine said that CLA told her that Mr Scott had gone to search for the dildos at that time.

Available finding: As at 11 August 2000, the boarding house master at Trinity, Mr Scott, knew of allegations by CLB that other boys in the boarding house had attempted to sexually assault him that day, and that CLB had alleged that other boys in the boarding house had sexually assaulted boys and used wooden dildos on boys in the boarding house on multiple occasions before 11 August 2000.

---

83 Transcript of R Scott, Case Study 45, 21 October 2016, 21802-21804
84 Exhibit 45-002, Case Study 45, NSW.COMS.593.2016_R; Transcript of R Scott Case Study 45, 21 October 2016, 21794:29-35.
85 Transcript of R Scott, Case Study 45, 21 October 2016, 21803:39-47 - 21804:1-6, 21804:32-34; Exhibit 45-002, Case Study 45, NSW.COMS.593.2016_R.
86 Transcript of R Scott, Case Study 45, 21 October 2016, 21803:15-19.
87 Transcript of K Lumsdaine, Case Study 45, 20 October 2016, 21700:44-47.
Mr Green’s evidence was that while he regarded what he was being told as ‘inappropriate rumbling, sexualised behaviour’, the matter was sufficiently serious to require reporting to Mr Cujes. Mr Green went to see Mr Cujes after he had spoken to Ms Lumsdaine and read the incident report.

**Reporting to Mr Cujes**

Both Mr Green and Mr Cujes accepted that Mr Green saw Mr Cujes on 11 August 2000 and that Mr Green made a report to him about the incident in the boarding house. However, there are significant differences between the evidence of Mr Green and Mr Cujes as to what Mr Green reported to Mr Cujes during that meeting.

Mr Green gave evidence that he met with Mr Cujes after his conversation with Ms Lumsdaine at 1.30 pm on 11 August 2000. He said that he took the completed incident reports (including CLB’s incident report) with him. He said that he gave the incident reports to Mr Cujes, who appeared to read them quickly. Mr Green said that this was consistent with the practice that he and Mr Cujes had developed over the years, whereby Mr Green would take incident reports to the headmaster and they would talk about them. He said that ‘Mr Cujes will at times focus, read as he listens to me as I give an account’.

Mr Green said that Mr Cujes appeared to be taken aback by the incident. He said that they discussed the dildo and that they were both horrified and shocked. He could not recall whether he told Mr Cujes that CLB was alleging that there had been simulated rape or that a dildo had been shoved up boys’ bottoms on multiple occasions.

---

89 Transcript of P C Green, Case Study 45, 21 October 2016, 21765:34-37.
90 Transcript of P C Green, Case Study 45, 21 October 2016, 21766:11-13.
92 Transcript of P C Green, Case Study 45, 21 October 2016, 21766:34-36.
94 Transcript of P C Green, Case Study 45, 21 October 2016, 21769:3-9.
95 Transcript of P C Green, Case Study 45, 21 October 2016, 21769:34-38.
although he believed that it was likely that he did so. Mr Cujes decided during the meeting that the boys involved in that event were to be suspended for the weekend.

Mr Cujes had a very different account of the meeting. Mr Cujes did not recall seeing the incident forms on 11 August 2000. Mr Cujes said that ‘Mr Green reported to me about an incident which had been investigated by three senior staff’. He said that he did not believe that he read CLB’s incident report on that day. He gave evidence that, having been told that the incident had been investigated by Mr Green, Mr Scott and Ms Lumsdaine, he was then asked to rule on the suggested punishment. His impression was that ‘the behaviour was a dorm rumble that got out of hand’. He said that he did not ask for the details, because three trusted members of staff were already involved. He also said that Mr Green did not tell him about the details of the incident and that in those circumstances, Mr Green did not perform his job appropriately.

It is submitted that it is open to prefer the evidence of Mr Green to the evidence of Mr Cujes as to what occurred at this meeting on the basis of the following matters.

First, Mr Green made a statement to the police on 18 October 2000, in which he described the meeting with Mr Cujes. That description was consistent with the account that he gave in evidence to the Royal Commission. Relevantly, Mr Green’s police statement included that he showed the incident reports to Mr Cujes and that he told him about the incident.

Secondly, Mr Cujes’ account in his police statement dated 20 October 2000 was that he had no recollection of being told of these details at the meeting. In that

---

96 Transcript of P C Green, Case Study 45, 21 October 2016, 21770:8-12.
97 Transcript of P C Green, Case Study 45, 21 October 2016, 21770:36-44.
98 Transcript of M Cujes, Case Study 45, 21 October 2016, 21835:11-19.
100 Transcript of M Cujes, Case Study 45, 21 October 2016, 21850:43-45.
101 Transcript of M Cujes, Case Study 45, 21 October 2016, 21833:33-37.
102 Transcript of M Cujes, Case Study 45, 21 October 2016, 21835:6-8.
103 Transcript of M Cujes, Case Study 45, 21 October 2016, 21846:36-47.
104 Transcript of M Cujes, Case Study 45, 24 October 2016, 21853:5-10.
105 Exhibit 45-002, Case Study 45, TRIN.0006.001.0197_R.
106 Transcript of P C Green, Case Study 45, 21 October 2016, 21767:33-41.
107 Exhibit 45-002, Case Study 45, NSW.COMS.593.0449_R at [5].
statement, he made no positive assertion that he believed that he was not told - what he was asserting was a lack of recollection. Mr Cujes said in that statement that he did ‘not recall whether I read any incident reports on this particular incident’.\(^\text{108}\) He went further in his statement to the Royal Commission by stating his belief that he was not told of the details, but that statement was made about 16 years after the event and the police statement is likely to be more reliable. Of course, if Mr Cujes could not recall whether he read the incident reports, he was not in a position to deny Mr Green’s evidence that he did.

66 Thirdly, Mr Green gave evidence about his usual practice of reporting matters to Mr Cujes as at 2000. That included showing Mr Cujes’ incident reports.\(^\text{109}\) There was no evidence to contradict Mr Green’s evidence of his usual practice, and there was no evidence which suggested that he was not a reliable employee who would generally do what was expected of him. Mr Green’s account of what occurred at the meeting with Mr Cujes is consistent with his usual practice. Mr Green’s account also accords with the more probable course of events, having regard to the fact that there is no doubt that he attended Mr Cujes’ office with the incident reports, CLB’s incident report contained very serious allegations, and Mr Green was aware of further allegations made by CLB that there were multiple previous incidents of attempted rape and that a student had made a wooden dildo and was using it to insert into other student’s bottoms. It is submitted that it is most unlikely that Mr Green would not have passed on this information to Mr Cujes.

67 Further, Mr Green’s account is consistent with the roles and responsibilities of him and Mr Cujes as at August 2000. At that time, Mr Cujes was responsible for child protection within Trinity.\(^\text{110}\)

68 **Available finding:** Mr Green made a report to Mr Cujes on 11 August 2000 which included giving to Mr Cujes to read CLB’s incident report and informing Mr Cujes that CLB was alleging that there had been simulated rape or that a dildo had been shoved up boys’ bottoms on multiple occasions.

---

\(^{108}\) Exhibit 45-002, Case Study 45, NSW.COMS.593.0449_R at [5].

\(^{109}\) Transcript of P C Green, Case Study 45, 21 October 2016, 21767:43-21768:2.

\(^{110}\) Transcript of P C Green, Case Study 45, 21 October 2016, 21746:4-7.
69 The only response by Mr Cujes to the information he received from Mr Green was to suspend the boys involved for the weekend and to await an informal investigation by Mr Scott.\textsuperscript{111} Mr Cujes was never informed of the results of any investigation. It is submitted that Mr Cujes should have done more to investigate the serious allegations made by CLB with a view to reporting those allegations to the police.\textsuperscript{112}

70 \textbf{Available finding: Mr Cujes did not take steps to investigate the allegations made by CLB in his incident report and the allegations made by CLB to Mr Green on 11 August 2000 or report the matter to the police.}

Events between 11 August and 6 September 2000

\textit{Communications with CLB's grandfather}

71 Ms Lumsdaine said that on 11 August 2000, she and Mr Green decided that someone should call CLB's grandfather (who was his primary carer) to come to the school to talk about the incident.\textsuperscript{113} Mr Green gave evidence that after he had spoken with Mr Cujes, he contacted CLB's grandfather.

72 Ms Lumsdaine said that she attended the meeting with CLB's grandfather, with Mr Scott and Mr Green.\textsuperscript{114} Mr Green said that when he met with CLB's grandfather, the grandfather told him that CLB had been unhappy for some time and that he had been particularly worried about him because he had come home with carpet burns on him.\textsuperscript{115} CLB's grandfather also told Mr Green that he was worried that he might have been sexually interfered with while at school.\textsuperscript{116}

73 Mr Green said that he briefly explained the incident of 11 August 2000 to CLB's grandfather,\textsuperscript{117} and that this included the details about the boot polish that had been put onto CLB's face. Mr Green accepted that he did not tell CLB's grandfather about

\textsuperscript{111} Transcript of M Cujes, Case Study 45, 24 October 2016, 21862:1 – 21863:18.
\textsuperscript{112} Transcript of M Cujes, Case Study 45, 24 October 2016, 21868:38-41.
\textsuperscript{113} Transcript of K Lumsdaine, Case Study 45, 20 October 2016, 21701:19-23.
\textsuperscript{114} Transcript of K Lumsdaine, Case Study 45, 20 October 2016, 21701:44-46.
\textsuperscript{115} Transcript of P C Green, Case Study 45, 21 October 2016, 21774:25-31.
\textsuperscript{116} Transcript of P C Green, Case Study 45, 21 October 2016, 21774:33-35; Transcript of K Lumsdaine, Case Study 45, 20 October 2016, 21702: 26-34.
\textsuperscript{117} Transcript of P C Green, Case Study 45, 21 October 2016, 21774:45-47.
any of the other details in CLB’s incident report or the incident reports of the other boys. CLB’s grandfather was not given a copy of the incident report. Mr Green said that at the time, they were allegations and that he did not believe that there had been dildos placed up ‘boys’ bottoms. He said that he did not think that there had been attempted rape and that if he had told CLB’s grandfather, it would have added to the grandfather’s stress and this would have made the situation worse.

Mr Green said that if more information became available, he intended to give that information to CLB’s grandfather.

Available finding: Mr Green and Mr Scott did not inform CLB’s grandfather about his allegations that he had been sexually assaulted, and they should have done so.

Trinity’s investigations after 11 August 2000

Mr Green said that DFA and DFB were interviewed on 12 August 2000 and that they had confirmed a lot of what CLB had been saying.

Mr Green also said that following these accounts from DFA and DFB, he did not investigate further. In his mind, having obtained those accounts, the investigation was at an end. He said that things were being put into place in the boarding house to ensure that these types of events would not take place again and that making sure the boarding house was safe was a priority.

Mr Scott said that it was partly his responsibility and partly Mr Green’s responsibility to conduct any subsequent investigation. Mr Scott could not recall any specific investigations that had been conducted after 11 August 2000, but said that he had

---

118 Transcript of P C Green, Case Study 45, 21 October 2016, 21777:3-13.
119 Transcript of P C Green, Case Study 45, 21 October 2016, 21775:22-35.
120 Transcript of P C Green, Case Study 45, 21 October 2016, 21776:37-42.
121 Transcript of P C Green, Case Study 45, 21 October 2016, 21778:24-26.
122 Transcript of P C Green, Case Study 45, 21 October 2016, 21779:19-21.
123 Transcript of P C Green, Case Study 45, 21 October 2016, 21779:35-36.
124 Transcript of P C Green, Case Study 45, 21 October 2016, 21780:12-13.
125 Transcript of P C Green, Case Study 45, 21 October 2016, 21780:17.
126 Transcript of P C Green, Case Study 45, 21 October 2016, 21785:39-42.
127 Transcript of R Scott, Case Study 45, 21 October 2016, 21812:15-19.
numerous meetings with the boys at which a number of things were discussed, ‘the substance of that is lost in the mists of time’.  

79 Mr Scott gave evidence that he did not go to each boy in the boarding house to talk to them about what had happened but he said he had a number of meetings with the boys.  

80 **Available finding: Despite having knowledge of CLB’s allegations on 11 August 2000, Mr Scott did not conduct a proper investigation into those allegations or make any notification to the Department of Family and Community Services.**

81 Mr Green accepted that had Ms Lumsdaine not carried out her own investigations (as to which see below), it is unlikely that any of the allegations would have come to light.  

82 **Available finding: Despite having knowledge of CLB’s allegations on 11 August 2000, Mr Green did not conduct a proper investigation into those allegations or make any notification to the Department of Family and Community Services.**

**Investigations by Ms Lumsdaine**

83 Ms Lumsdaine gave evidence that she spoke to another psychologist employed by the school, Mr Paull Mayne, about what she had been told on 11 August 2000, and that she believed that neither Mr Green nor Mr Scott would do anything about the events that had occurred. Mr Mayne suggested that she gather all of the information and give it to Mr Cujes.

84 Ms Lumsdaine commenced her investigations on 14 August 2000 by speaking to CLB. She was told by CLB that CLA had been the main victim of DFA and DFB most of the time.

128 Transcript of R Scott, Case Study 45, 21 October 2016, 21813:2-5.
129 Transcript of R Scott, Case Study 45, 21 October 2016, 21815:24-29.
131 Transcript of P C Green, Case Study 45, 21 October 2016, 21786:8-12.
132 Transcript of K Lumsdaine, Case Study 45, 20 October 2016, 21705:8-32.
133 Transcript of K Lumsdaine, Case Study 45, 20 October 2016, 21706:1-2.
Ms Lumsdaine said that between 14 August and 24 August 2000, the boys were sitting exams. She made a decision that she would not continue interviewing the boys until after that time.\(^\text{135}\)

Ms Lumsdaine again interviewed CLB on 29 August 2000 and he made a written account of what had occurred to him.\(^\text{136}\) Ms Lumsdaine subsequently flew to Queensland because her mother had died and she returned to school on 4 September 2000. On 5 and 6 September 2000, Ms Lumsdaine saw CLA.\(^\text{137}\) She said that CLA wrote six pages of notes\(^\text{138}\) in which he recounted his experiences of being assaulted in the boarding house.\(^\text{139}\)

After Ms Lumsdaine had interviewed a number of the boys, on 7 September 2000, she wrote a covering letter to Mr Cujes and enclosed a number of the written accounts she had obtained from boys.\(^\text{140}\) She put the letter and the written accounts in a packet marked ‘Urgent’ and gave the packet to Mr Cujes’ secretary who took it straight to him.\(^\text{141}\) Later that day Ms Lumsdaine attended a meeting with Mr Cujes, Mr Scott, Mr Green and Mr Mayne.\(^\text{142}\) She said that Mr Cujes was ‘shocked and distressed’.\(^\text{143}\)

Mr Cujes said that when he read the information provided by Ms Lumsdaine he was shaken ‘to discover the anguish expressed in [CLA’s] diary’.\(^\text{144}\)

Although Mr Cujes knew that there had also been incident reports from 11 August 2000, he did not immediately call for them. He said that he:\(^\text{145}\)

... viewed the two matters that we had been discussing as being distinct. The matters on 11 August, as I’ve tried to explain, were matters of a dormitory
nature that had been ruled upon and that had been concluded and action was taken up. This was something that related to something far more than the one 20-minute incident during recess. I did not feel it appropriate at that time to try to go back to the original incident forms, which I didn’t sight, of another matter.

Shortly after reading Ms Lumsdaine’s memo and the enclosures to her letter, Mr Cujes arranged to notify the (then) Department of Community Services. He did so on 7 September 2000 orally and then in writing on 8 September 2000. 146

On 10 November 2000, a Protection Planning Meeting was held in Ashfield between members of Trinity Grammar School, the Department of Health and the Department of Community Services. One issue discussed at this meeting was ensuring services were in place to address the personal and psychological safety of the victims and witnesses. 147

A report summarising the outcomes from this meeting was prepared by Ms Cheryl McDuff from the Joint Investigation Team, Ashfield, which noted that: 148

It would appear that appropriate services have been put in place for the victims, witnesses and their families to assist them both in the interim and in the future. The school has taken the appropriate measures to ensure the students safety and well being.

Criminal proceedings were commenced against four boys in relation to assaults which occurred in the boarding house in 2000. Both DFA and DFB entered guilty pleas in relation to charges of indecent assault against CLA, in February 2001. DFA and DFB were sentenced in March 2001 in Lidcombe Children’s Court. The sentences were non-custodial and they were released on conditions.

146 Transcript of M Cujes, Case Study 45, 24 October 2016, 21876:38-47 - 21877:1.
147 Exhibit 45-002, Case Study 45, TRIN.0006.001.0309.
148 Exhibit 45-002, Case Study 45, TRIN.0006.001.0309 at 0311.
Changes made at the boarding house

93 Ms Lumsdaine’s view about the culture of the boarding house was expressed to Mr Cujes in her memo to him dated 7 September 2000 in which she wrote, ‘there is much to be done to change the culture of the Boarding House so that all the students can live together happily without tension or fear’.

94 Mr Scott described the culture of the boarding house in 2000 as ‘generally a very happy place. It was generally a place where boys I think enjoyed being.’ He gave evidence that there were some elements of that culture that needed adjusting and that the adjustment was happening at that time.

95 One of the elements he said that needed adjusting was the ‘code of silence’ in the boarding house, which he described as boys never dobbing on their mates even where dangerous or threatening behaviour was taking place. He described instances of bullying that had occurred without his knowledge. He also said that before 2000, the staff had been working on the issues ‘of servant leadership’ and ‘on the principles of social responsibility for one another and the welfare, particularly, of those that were weak and vulnerable’.

96 Mr Scott gave evidence that the changes that were being put in place were directed to eradicating the idea that you could never ‘dob on your mates’. Mr Scott also said that by 2000 there had been ‘a gradual, in some cases reluctant, willingness to report things’ but that this cultural change was still in ‘the formative stages’. He gave evidence that there was no formal system in place other than his own encouragement for them to come forward within the boarding house to identify when boys were being bullied or assaulted.

---

349 Exhibit 45-002, Case Study 45, TRIN.0006.001.0056_R.
350 Exhibit 45-002, Case Study 45, TRIN.0006.001.0056_R.
351 Transcript of R Scott, Case Study 45, 21 October 2016, 21796:4-8.
352 Transcript of R Scott, Case Study 45, 21 October 2016, 21796:11-18.
353 Transcript of R Scott, Case Study 45, 21 October 2016, 21797:26-32.
354 Transcript of R Scott, Case Study 45, 21 October 2016, 21798:34-37.
355 Transcript of R Scott, Case Study 45, 21 October 2016, 21799:42-47.
356 Transcript of R Scott, Case Study 45, 21 October 2016, 21799:7-10.
357 Transcript of R Scott, Case Study 45, 21 October 2016, 21800:16-17.
Despite these changes, Mr Scott did not know that boys in his boarding house were committing sexual assaults.\(^{158}\)

Mr Green gave evidence that changes were made to the system of supervision within the boarding house sometime after the 11 August 2000 incident. He said that there was an increase in supervision, so that it would be less likely that such incidents would happen again.\(^{159}\) He said that as at August 2000 the situation was that senior students in the dormitories had not reported what had been happening in the boarding house. Mr Scott was having discussions with these senior students to ensure that they were present more regularly.\(^{160}\)

Mr Scott said that at some stage after the incident, the school arranged for an expert to review the practices and systems within the boarding house and that the expert had made suggestions on those practices.\(^{161}\) Mr Cujes also said that experts were subsequently called in to conduct an audit of the standards within the boarding house.\(^{162}\)

Information provided to the school council in 2000/2001

The Chairman of the school council in 2000, Mr James Mills, gave evidence at the public hearing. He was first elected to the school council at Trinity in June 1976.\(^{163}\) He served continuously on the school council until 2014, and served as chairman between 1982 and 2011.\(^{164}\)

Mr Mills said that there was a meeting of the executive committee of the school council on 15 August 2000 and a council meeting on 24 August 2000.\(^{165}\) He said that Mr Cujes normally attended executive meetings of the school council (although he was

\(^{158}\) Transcript of R Scott, Case Study 45, 21 October 2016, 21800:2-4.
\(^{159}\) Transcript of P C Green, Case Study 45, 21 October 2016, 21780:44-47.
\(^{160}\) Transcript of P C Green, Case Study 45, 21 October 2016, 21787:3-10.
\(^{161}\) Transcript of R Scott, Case Study 45, 21 October 2016, 21827:6-10.
\(^{162}\) Transcript of M Cujes, Case Study 45, 21 October 2016, 21843:6-19.
\(^{163}\) Transcript of J E Mills, Case Study 45, 3 November 2016, 22800:41-46.
\(^{165}\) Transcript of J E Mills, Case Study 45, 3 November 2016, 22803:24-27; Transcript of J E Mills, Case Study 45, 3 November 2016, 22804:5-6.
not a member of the executive itself)\textsuperscript{166} as well as council meetings as a matter of course.\textsuperscript{167} Mr Green would only attend the executive meetings of the school council if he was acting headmaster.\textsuperscript{168}

102 At a meeting on 19 February 2001, the School Council discussed the ‘Boarding House allegations’ and passed the following resolution:\textsuperscript{169}

Following considerable deliberation on this matter it was unanimously resolved that School Council, based on all the information available to it, including interviewing the Head Master and above staff, believes existing procedures were properly followed. The Council expresses its full confidence in the Head Master and Staff in this regard.

103 Mr Cujes gave evidence that he would ‘more than likely’ have attended this meeting.\textsuperscript{170} Staff members, including Mr Scott, were present to answer questions and clarify points of concern.\textsuperscript{171}

104 Mr Mills said that he could not recall being told at the time that the council made that resolution that Mr Green and Mr Scott were aware of the allegations made by CLB in his incident report from 11 August 2000.\textsuperscript{172} He also could not recall the council being told that Mr Cujes was aware of the allegations in that incident report from that time. The effect of Mr Mills’ evidence was that it is unlikely that the council would have passed that resolution if it had been disclosed at the meeting that Mr Green, Mr Scott and/or Mr Cujes were aware from 11 August 2000 of the contents of CLB’s incident report.\textsuperscript{173}

105 Mr Mills said that if it was the case that Mr Cujes was aware of the contents of CLB’s incident report from 11 August 2000, he should have revealed that to the council. He

\textsuperscript{166} Transcript of J E Mills, Case Study 45, 3 November 2016, 22803:38-43; Transcript of J E Mills, Case Study 45, 3 November 2016, 22804:1-3.
\textsuperscript{167} Transcript of J E Mills, Case Study 45, 3 November 2016, 22804:8-11.
\textsuperscript{168} Transcript of J E Mills, Case Study 45, 3 November 2016, 22803:45-46 - 22804:1-3.
\textsuperscript{169} Exhibit 45-002, Case Study 45, TRIN.0007.001.0054 at 0054.
\textsuperscript{170} Transcript of M Cujes, Case Study 45, 24 October 2016, 21891:13-21.
\textsuperscript{171} Exhibit 45-002, Case Study 45, TRIN.0007.001.0054 at 0054.
\textsuperscript{172} Transcript of J E Mills, Case Study 45, 3 November 2016, 22807:17-32.
\textsuperscript{173} Transcript of J E Mills, Case Study 45, 3 November 2016, 22807:34 – 22808:15.
said that if Mr Cujes had that knowledge and did not disclose it, the effect of that was that the council had been misled.174

Available finding: Mr Cujes was present at the council meeting on 19 February 2001 and did not inform the Council that he, Mr Green and Mr Scott were all aware of the allegations made by CLB from 11 August 2000. The effect of Mr Cujes not disclosing that information to the council is that the council was misled as to the adequacy of the response of Mr Cujes, Mr Green and Mr Scott to the incident in the boarding house on 11 August 2000.

Reporting to the Department of Family and Community Services

The Royal Commission heard evidence from Ms Deirdre Mulkerin, a deputy secretary with the NSW Department of Family and Community Services.175 Ms Mulkerin said that in her role she is responsible for the delivery of child protection and out of home care across NSW. She also is responsible for some specialist units within the Department such as the Helpline and the Joint Investigation Response Teams and that she also gives strategic policy and practice advice to the Minister for Family and Community Services.176

Ms Mulkerin gave evidence that almost a month after receiving written notification from Trinity about the boarding house assaults, the Department referred the matter to the Joint Investigation Team (JIT) for investigation on 5 October 2000 and that JIT commenced an investigation on 6 October 2000.177 Ms Mulkerin did not have firsthand knowledge of the Department’s response to Trinity’s written notification on 8 September 2000. She gave helpful evidence based on her review of the documents and hearing the evidence. Ms Mulkerin could not explain from the Department’s records why there were was a delay between receiving the notification and JIT

175 Transcript of D Mulkerin, Case Study 45, 24 October 2016, 21916:33-34.
176 Transcript of D Mulkerin, Case Study 45, 24 October 2016, 219616:34-40.
177 Transcript of D Mulkerin, Case Study 45, 24 October 2016, 21914:35-40.
commencing its investigation.\textsuperscript{178} She said that she would expect the response in current times to be ‘more timely’.\textsuperscript{179}

109 Mr Cujes gave evidence that when Community Services was notified, a representative informed him that ‘we needed to wait and that we shouldn’t take further investigation’.\textsuperscript{180} Mr Cujes said that he then was absent from the country around that time.\textsuperscript{181} Mr Green was the acting headmaster.\textsuperscript{182}

Summary of available findings in relation to Trinity

110 It is submitted that the following findings are available.

111 \textbf{AF 1 - As at 11 August 2000, the senior master at Trinity, Mr Green, knew of allegations by CLB that other boys in the boarding house had attempted to sexually assault him that day, and that CLB had alleged that other boys in the boarding house had sexually assaulted boys and used wooden dildos on boys in the boarding house on multiple occasions before 11 August 2000.}

112 \textbf{AF 2 – As at 11 August 2000, the boarding house master at Trinity, Mr Scott, knew of allegations by CLB that other boys in the boarding house had attempted to sexually assault him that day, and that CLB had alleged that other boys in the boarding house had sexually assaulted boys and used wooden dildos on boys in the boarding house on multiple occasions before 11 August 2000.}

113 \textbf{AF 3 – Mr Green made a report to Mr Cujes on 11 August 2000 which included giving to Mr Cujes to read CLB’s incident report and informing Mr Cujes that CLB was alleging that there had been simulated rape or that a dildo had been shoved up boys’ bottoms on multiple occasions.}

\textsuperscript{178} Transcript of D Mulkerin, Case Study 45, 24 October 2016, 21917:42-46.
\textsuperscript{179} Transcript of D Mulkerin, Case Study 45, 24 October 2016, 21918:5-9.
\textsuperscript{180} Transcript of M Cujes, Case Study 45, 24 October 2016, 21877:14-17.
\textsuperscript{181} Transcript of M Cujes, Case Study 45, 24 October 2016, 21877:17-18.
\textsuperscript{182} Transcript of M Cujes, Case Study 45, 24 October 2016, 21877:18-19.
114 AF 4 – Mr Cujes did not take steps to investigate the allegations made by CLB in his incident report and the allegations made by CLB to Mr Green on 11 August 2000 or report the matter to the police.

115 AF 5 - Mr Green and Mr Scott did not inform CLB’s grandfather about his allegations that he had been sexually assaulted, and they should have done so.

116 AF 6 – Despite having knowledge of CLB’s allegations on 11 August 2000, Mr Scott did not conduct a proper investigation into those allegations or make any notification to the Department of Family and Community Services.

117 AF 7 – Despite having knowledge of CLB’s allegations on 11 August 2000, Mr Green did not conduct a proper investigation into those allegations or make any notification to the Department of Family and Community Services.

118 AF 8 – Mr Cujes was present at the council meeting on 19 February 2001 and did not inform the Council that he, Mr Green and Mr Scott were all aware of the allegations made by CLB from 11 August 2000. The effect of Mr Cujes not disclosing that information to the council is that the council was misled as to the adequacy of the response of Mr Cujes, Mr Green and Mr Scott to the incident in the boarding house on 11 August 2000.
The King’s School, Parramatta, New South Wales

History and background

Establishment and governance

119 The King’s School, Parramatta (King’s) is a prestigious independent Anglican boys’ school located in Parramatta in New South Wales. The school was founded in 1831. It is Australia’s oldest independent school. With the exception of a period between 1864 and 1868 when it was closed, it has operated continuously since 1831.

120 The Council of the King’s School is responsible for governance of the school. The majority of council members are appointed by the Anglican Church Diocese of Sydney. The President of the School Council is the Archbishop of Sydney, the Right Reverend Glenn Davies. Other Council members are appointed by the Old Boys’ Union.

121 The Headmaster is responsible to the Council for the management of the school. Dr Timothy Hawkes has been the Headmaster since 1998.

122 In 2015, King’s had 1592 students from kindergarten to year 12. There were 360 boarders, starting from year 5. The school is divided into a preparatory school from kindergarten to year 6, and a senior school from years 7 to 12.

What this case study considered in relation to King’s

123 The focus of the Royal Commission’s examination of King’s related to complaints of harmful or problematic sexual behaviour by children at a cadet camp and the school’s response to that incident along with the events which followed it.
The experiences of former King’s students and the father of a former King’s student

CLG’s evidence of problematic or harmful sexual behaviour by students at King’s

124 CLG gave evidence of a dysfunctional home life.\[^{183}\] He explained that both his mother and father were alcoholics and were violent towards one another, and that his father was emotionally distant.\[^{184}\] CLG explained that going to King’s was considered to be a privilege and that he was continuing the family legacy as both his father and grandfather attended King’s.\[^{185}\]

125 In January 1972, CLG commenced at King’s as a boarder. He was 11 years old and started in year 7, then called first form.\[^{186}\] On his first weekend at the school, CLG was physically abused by an older boy at the school.\[^{187}\] CLG described being pushed off a wooden bench seat and then being punched in the face and body by the older boy.\[^{188}\]

126 A few weeks later, CLG was sexually abused by this same boy when he came across the older boy in the boarding house dorm room. The older boy was naked on his bed reading a porn magazine and masturbating.\[^{189}\] CLG said that the older boy would not let him leave until he had finished masturbating.\[^{190}\] The older boy told CLG he was ‘gay, a poofter’ and that if he told anyone the older boy would beat him up.\[^{191}\]

127 Afterwards, CLG gave evidence that he cleaned the older boy’s room. He also cleaned the older boy’s shoes, military brass, spit and polished his parade boots and did the same for other senior boys.\[^{192}\] CLG said that he had been made the older boy’s ‘frat’.\[^{193}\]

\[^{183}\] Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [3].
\[^{184}\] Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [3].
\[^{185}\] Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [4].
\[^{186}\] Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [5].
\[^{187}\] Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [10].
\[^{188}\] Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [10].
\[^{191}\] Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [11]-[12].
\[^{192}\] Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [12].
\[^{193}\] Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [12].
128 CLG said that the older boy found him later that day and punched him to ensure he did not say anything to anyone.\textsuperscript{194} CLG described this incident as being the first in a number of instances of abuse that included ear slapping, nipple twisting, ball grabbing and blackballing, which involved having black boot polish applied to your testicles.\textsuperscript{195}

129 In the same term in 1972, CLG recalled walking along the Bishop Barker track at King’s and being attacked by the older boy, as well as three or four other boys.\textsuperscript{196} CLG was pushed into the bush and covered in mud. CLG was held down and mud and sticks were pushed into his shorts and underwear. CLG was then rolled over and the older boy inserted his thumb into CLG’s anus. Throughout this incident the older boys called him a ‘faggot’.\textsuperscript{197}

130 CLG said he was subject to many more assaults during his time at King’s. CLG said that these assaults included being left tied up, often naked, in the drying room on a chain wire cage.\textsuperscript{198} CLG was tied up, naked, to a tree out the front of the boarding house during a water fight.\textsuperscript{199} CLG also described being tied up to a beam in the showers and being made to have a cold shower while having an erection.\textsuperscript{200} Other boys showed him pornography in efforts to keep his erection up.\textsuperscript{201}

131 Further, CLG said that he was threatened with a knife many times, including being injured by a knife blade, as well as being attacked with a stock whip resulting in injuries to his back.\textsuperscript{202} CLG noted that while these assaults were mainly perpetrated by other students, he was also physically assaulted by the Sports master as punishment for not running fast enough. CLG explained that the Sports master hit CLG across the bottom with one of CLG’s running shoes.\textsuperscript{203}

\begin{flushright}
\textsuperscript{194} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [13].
\textsuperscript{195} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [14].
\textsuperscript{196} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [15].
\textsuperscript{197} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [15].
\textsuperscript{198} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [18].
\textsuperscript{199} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [19].
\textsuperscript{200} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [22].
\textsuperscript{201} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [22].
\textsuperscript{202} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [19]-[20].
\textsuperscript{203} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [23].
\end{flushright}
In 1975, when CLG was in year 10, another student ‘set up’ CLG by asking some girls to invite him to meet them in the city.\textsuperscript{204} CLG left the school grounds to meet up with the girls, however the arranged meeting spot did not exist and the girls were not there.\textsuperscript{205} When CLG arrived back at school his locker had been ransacked and notes sent around the school describing what had happened to him.\textsuperscript{206}

CLG told the Royal Commission that in response to this and the other abuse, he had a breakdown which resulted in him attempting suicide.\textsuperscript{207}

CLG gave evidence of a further physical assault by the Cox of the first eight and the captain of the football team.\textsuperscript{208} Following the assault CLG was subsequently asked by a member of staff to explain why he appeared beaten up. While it is not clear whether CLG informed the staff member about who assaulted him, the boys who did assault him were called into the staff member’s office.\textsuperscript{209}

CLG said that later that night, after bed check, he was dragged from his bed, had a blanket thrown over him, and physically assaulted.\textsuperscript{210}

CLG said that he did not feel like he could tell any of the teachers or boarding masters because of repercussions from the other students. He also did not think he could tell the Chaplain, or his parents because he felt ashamed.\textsuperscript{211}

At the end of term, CLG told his mother that he did not want to go back to school. CLG said that his mother said that she would not be sending him to another school and that he needed to improve as he was becoming a disgrace to his heritage and to King’s.\textsuperscript{212} CLG went back to King’s, spending his last day there on 17 November 1977.

\textsuperscript{204} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [26]-[27].
\textsuperscript{205} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [27].
\textsuperscript{206} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [27].
\textsuperscript{207} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [28].
\textsuperscript{208} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [30].
\textsuperscript{209} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [30].
\textsuperscript{210} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [32].
\textsuperscript{211} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [32].
\textsuperscript{212} Exhibit 45-013, Case Study 45, ‘Statement of CLG’, STAT.1209.001.0001_R at [33].
In or around 2012 or 2013, CLG approached King’s for his school records. CLG gave evidence that he was told by the bursar that he was not able to have them. CLG also gave evidence that the bursar’s office told him that if he wanted to get those records he should bring a very good lawyer. CLG said that he was not well at the time so did not pursue the matter.

CLG told the Royal Commission that the impacts of his abuse include Post Traumatic Stress Disorder, nightmares, panic attacks, depression, flashbacks, self-loathing, feelings of hopelessness and abandonment. CLG has been on suicide watch several times.

CLG said that he has been addicted to drugs and alcohol. CLG’s wife and his father-in-law have been a source of comfort to him.

John Williams’ evidence of problematic or harmful sexual behaviour by students at King’s

John Williams gave evidence to the Royal Commission of a happy childhood and family life. Mr Williams said that he was excited to go to King’s as his father and brother had both been to the school and he wanted to make his father proud.

In 1965, Mr Williams started at King’s as a year 7 boarder. Mr Williams said that when he arrived at King’s he was surprised by how hierarchical it was, with boys in year 12 being called ‘sir’. He described how the year 12 students would tell the other students what to do, and would punish the younger students.

Mr Williams gave evidence of rituals being performed by the older boys, including ‘socking’ and ‘blackballing’. ‘Sock’ involved the year 12 boys putting socks into a tennis shoe and then belting the younger boy across the backside. Mr Williams said...
that this occurred to him at least 8 times.\textsuperscript{222} ‘Blackballing’ involved being tied to a tree and having raven oil, which was used for polishing their shoes, applied to their testicles. Mr Williams said this happened to him at least once.\textsuperscript{223}

144 In March 1965, Mr Williams’ brother passed away in a motor vehicle accident. Mr Williams returned to school after the funeral and no one talked to him about it.\textsuperscript{224}

145 In April 1965, CLI, a year 12 student, approached Mr Williams on the lawn and told him that he knew his brother.\textsuperscript{225} CLI told Mr Williams to go with him to his room. Mr Williams went with CLI as ‘if a year 12 boy told you what to do, you did it’.\textsuperscript{226}

146 Mr Williams followed CLI back to his room. CLI locked the door and started masturbating in front of Mr Williams.\textsuperscript{227} CLI then started to masturbate Mr Williams. Mr Williams gave evidence that CLI said he had to masturbate him and that his brother had done the same. CLI gave Mr Williams a lolly as he left the room.\textsuperscript{228}

147 Mr Williams told the Royal Commission that the sexual abuse by CLI continued until September 1965.\textsuperscript{229} CLI would come up behind Mr Williams and tell him to go to his room, and try and kiss him. Mr Williams said that CLI did things which suggested he wanted to have sex. CLI made Mr Williams masturbate him.\textsuperscript{230}

148 Mr Williams said that he started to fear CLI, and that CLI said that he was not to tell anyone about what was happening.\textsuperscript{231} Mr Williams was aware that CLI was abusing other boys who both left King’s. The father of one of the boys arrived at school and was very upset.\textsuperscript{232}

\textsuperscript{222} Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [8].
\textsuperscript{223} Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [9].
\textsuperscript{224} Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [11].
\textsuperscript{225} Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [12].
\textsuperscript{226} Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [12].
\textsuperscript{227} Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [12].
\textsuperscript{228} Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [12].
\textsuperscript{229} Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [13].
\textsuperscript{230} Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [14].
\textsuperscript{231} Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [14].
\textsuperscript{232} Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [17].
Mr Williams gave evidence that in August or September of 1965, Mr Cuff, the House Master of Forrest House, made an announcement that no one was to go near CLI.233

The abuse stopped and CLI left the school at the end of that year.234

Mr Williams said that he thought it must be common knowledge at the school as older students would laugh at him and say ‘CLI got to you too’.235

Mr Williams recalled that when he went home over summer he was unable to discuss the abuse with his parents because he thought that he had done something bad and felt guilty.236

In 1966, Mr Williams went back to King’s. However, he felt like everyone knew what happened to him.237 Mr Williams described how he was no longer comfortable in closed rooms, and that his grades fell and he lost his interest in team sport.238

In either 1966 or 1967, Mr Williams said that he saw a year 12 student sexually abusing a year 7 student in the dormitories.239 Mr Williams said that he saw the year 7 boy with his pants down and crying and Mr Williams started to attack the year 12 boy.240

In 1968, Mr Williams said that he started to have suicidal thoughts and when he went home to his family his father knew that something was wrong.241 His father went to speak with the then headmaster, Mr Stan Kurrle, but Mr Kurrle said he did not have time to speak with him.242 Mr Williams’ father pulled him out of King’s.

Mr Williams went to Cranbrook School for years 11 and 12.243

---

233 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [18].
234 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [18].
235 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [19].
236 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [21].
237 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [22].
238 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [22]-[23].
239 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [24].
240 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [24].
241 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [26].
242 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [26].
243 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [27].
Mr Williams told the Royal Commission that impacts of the abuse included needing to see a psychologist in 1969. He was sectioned under the Mental Health Act in Sydney Hospital in 1971 following an overdose of sleeping pills. He was transferred to a clinic where he received electro-shock therapy.

In 1974, at the age of 22, Mr Williams told his father about what had happened with CLI at King’s. Mr Williams said that his father told him that he suspected so, and that he suspected that was why Mr Kurrle had not spoken with him in 1968. His father pulled a handgun out of the drawer and said that he would shoot them all. Mr William’s mother ran in and made Mr Williams tell his father that he had not been abused to calm him down. Mr Williams and his father did not speak about it again.

Mr Williams told the Royal Commission that in or around 1987 his mother showed him a letter from a House Master at King’s written in 1956. Mr Williams said that the letter disclosed the House Master’s view that Mr William’s older brother, who would have been 9 years old in 1956, had ‘homosexual tendencies.’ Mr Williams said that his mother asked him about the letter, and Mr Williams responded by saying that he thought it was clear that the House Master was making excuses for having sexually abused his brother. Mr Williams said that his mother replied that she thought the same thing when she received the letter.

Mr Williams said that he did not tell his mother about the abuse at King’s even though she asked whether this had happened. Mr Williams said that she was quite sick and he did not want to hurt her.

In 2002, Mr Williams disclosed his abuse to King’s in a meeting with Dr Tim Hawkes.

Mr Williams said that Dr Hawkes said he understood what had happened to him when

---

244 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [28].
245 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [31].
246 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [32].
247 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [32].
248 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [32].
249 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [33].
250 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [33].
251 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [34].
252 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [36].
he was at school. Mr Williams said that Dr Hawkes was concerned about the story
being made public and affecting the school’s image.253 Mr Williams gave evidence that
Mr Hawkes also talked about the school not having any money to help Mr Williams.

161 In November 2002, Mr Williams engaged a lawyer and met with the bursar, Kevin Lee,
and Dr Hawkes for a second time. Mr Williams said that he was told that they would do
everything to help him and put things in place so it would never happen again.254

162 Although initially optimistic that he would be able to run a civil case against the school,
Mr Williams was informed by his lawyer that it would not be possible.255 This was on
the basis that the lawyers of King’s had informed Mr William’s lawyer that King’s had
conducted enquiries into CLI and no one knew about him abusing other students.256

163 In 2003, Mr Williams made a statement to the Waverley police Station and provided
them with a handwritten statement. Mr Williams said that he followed up with them in
2010 however they had no copy of the statement and no investigation had
occurred.257

164 In late 2015, Mr Williams engaged a solicitor and is currently looking at commencing
civil proceedings against King’s.

165 Mr Williams explained the impact the abuse has had on his life, including years of
consultations with psychiatrists, using a range of medications and not being able to sit
in a closed room until 1999. Mr Williams said that that he was traumatised by sex and,
while he is heterosexual, he said that his sexual contact with women has been
splintered by the abuse. Mr Williams has used writing, poetry, painting and music to
express some of the things which he had experienced.258

253 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [36].
254 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [37].
255 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [37]-[38].
256 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [38].
257 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [39].
258 Exhibit 45-014, Case Study 45, ‘Statement of John Williams’, STAT.1198.001.0001_R at [41]-[49].
CLC’s evidence of problematic or harmful sexual behaviour by students at King’s

CLC started at King’s as a boarder in 2010, in year 7. CLC gave evidence that he found the system in the boarding houses to be very hierarchical – it was called a ‘frat’ system.\(^{259}\)

In April 2013, CLC went on a cadet camp attended by other boys from the school from years 9 through to 12.\(^{260}\) CLC said that, on the second night of the camp, CLC went to sleep in the same area as another student, DFE, and some other boys.\(^{261}\) DFE was sleeping on a hammock above CLC. During the night, CLC woke up to hear one of the other boys saying: ‘Did you really do that? That’s disgusting.’ He heard DFE laughing. CLC gave evidence that, initially he did not know what had happened, but he then rolled over in his sleeping bag and saw that DFE had ejaculated onto his sleeping bag. CLC immediately grabbed something to try and wipe off the ejaculate.\(^{262}\)

The following day, CLC told a few of his friends what had happened. By the end of the day, boys at the camp were making fun of CLC about what had happened.\(^{263}\) He says he did not report the incident to any teacher at that time, because he felt that reporting the incident would make the situation worse.\(^{264}\) On the bus ride back to the school after the camp, other boys were calling CLC ‘cum rag’ and ‘cum dumpster’.\(^{265}\) CLC said that he did not tell his parents about what had happened at the camp, because he was worried that they would think the incident was weird or that they would tell the school.\(^{266}\)

CLC said that he hoped that, after the school holidays which followed the camp, the other students would forget about what had happened. However, during those

---

\(^{259}\) Transcript of CLC, Case Study 45, 24 October 2016, 21929:41 – 21930:12.

\(^{260}\) Transcript of CLC, Case Study 45, 24 October 2016, 21931:19-22.

\(^{261}\) Transcript of CLC, Case Study 45, 24 October 2016, 21931:29-32.

\(^{262}\) Transcript of CLC, Case Study 45, 24 October 2016, 21931:34-41.

\(^{263}\) Transcript of CLC, Case Study 45, 24 October 2016, 21932:2-5.

\(^{264}\) Transcript of CLC, Case Study 45, 24 October 2016, 21932:7-11.


\(^{266}\) Transcript of CLC, Case Study 45, 24 October 2016, 21932:18-22.
holidays, CLC started receiving Facebook and text messages from other students which contained comments like ‘cum rag’ and ‘cum dumpster’. 267

170 When CLC returned to school for the next term, he said that he was the subject of significant bullying by other students about the incident. 268

171 CLC said that in May 2013, he was having a fight with a student, and the other boy complained to the House Master, Mr Andrew Mansfield. In dealing with this fight, Mr Mansfield saw text messages that CLC and the friend had been exchanging. CLC said that some of these messages referred to the incident at the camp. 269

172 The bullying of CLC continued and in August 2013 he ran away from school. 270 The school’s response to this and other incidents which followed is examined below.

173 CLC was taken out of King’s in year 10 and finished year 10 at a different high school. 271 In year 11, he moved to St Ignatius’ College, Riverview. 272 CLC said that he felt that everyone at Riverview was there to help each other. 273 On one occasion, a student made fun of CLC and called him ‘cum rag’, but CLC’s friends immediately stood up for him and reported it to staff, who made sure that he was okay. The student later apologised. 274 CLC was offered counselling, and he took up that offer and enjoyed his relationship with the school counsellor. 275 CLC finished school at Riverview in September 2015. 276

EAE’s evidence

174 EAE is an old boy of King’s. He enjoyed his time at the school and found it to be a logical decision to send his youngest son, CLC, to the school. 277

---

268 Transcript of CLC, Case Study 45, 24 October 2016, 21932:30-45.
269 Transcript of CLC, Case Study 45, 24 October 2016, 21933:5-26.
270 Transcript of CLC, Case Study 45, 24 October 2016, 21933:37-38.
271 Transcript of CLC, Case Study 45, 24 October 2016, 21935:22-23.
272 Transcript of CLC, Case Study 45, 24 October 2016, 21935:26-27.
273 Transcript of CLC, Case Study 45, 24 October 2016, 21935:32-33.
274 Transcript of CLC, Case Study 45, 24 October 2016, 21935:37-43.
275 Transcript of CLC, Case Study 45, 24 October 2016, 21935:45 – 21936:5.
276 Transcript of CLC, Case Study 45, 24 October 2016, 21936:7.
277 Transcript of EAE, Case Study 45, 24 October 2016, 21945:18-21.
EAE gave evidence that in 2011, when CLC was in year 8, CLC told him that he had been identified in an annual anonymous peer review survey as a bully. EAE did not receive a formal notification from the school. CLC told him that he had been spoken to by the school counsellors, one of who was Greg James, and that he ‘felt threatened’.

In April 2013, EAE’s evidence was that CLC returned home for the school holidays after the cadet camp and did not appear different, except that he did not see any of his friends from school. CLC returned to school in term two, and EAE noticed that CLC was withdrawing.

EAE said that in August 2013 he received a text message from CLC saying that he was on his way home. He rang CLC and found him to be ‘absolutely inconsolable’. EAE rang the House Master, Mr Andrew Mansfield, and left a message that CLC was leaving the school grounds and was distraught. EAE’s evidence was that he did not receive a call back, so his wife called Mr Mansfield’s private residence. Mr Mansfield called back later and requested that EAE and his wife attend the school hospital.

At the school, Mr Mansfield told EAE and his wife that, while CLC was on cadet camp, another student at the school had masturbated and ejaculated on CLC and on his sleeping bag. Mr Mansfield said that this was the first he had heard of the incident. CLC went home that evening.

Two days later on 15 August 2013, EAE and his wife attended a meeting with the Deputy Headmaster, Dr Andrew Parry, the school counsellor, Mr Greg James, and Mr Mansfield. EAE said he was told by Dr Parry that the behaviour at the camp was disgusting, and that King’s had spoken to a number of the boys involved, the Castle Hill Police, Community Services and that the school was seeking legal advice.

---

278 Transcript of EAE, Case Study 45, 24 October 2016, 21945:44-3.
279 Transcript of EAE, Case Study 45, 24 October 2016, 21946:4-9.
280 Transcript of EAE, Case Study 45, 24 October 2016, 21946:26-33.
281 Transcript of EAE, Case Study 45, 24 October 2016, 21946:41-46.
282 Transcript of EAE, Case Study 45, 24 October 2016, 21947:5-8.
283 Transcript of EAE, Case Study 45, 24 October 2016, 21947:9-15.
284 Transcript of EAE, Case Study 45, 24 October 2016, 21947:17-25.
286 Transcript of EAE, Case Study 45, 24 October 2016, 21947:32-34.
287 Transcript of EAE, Case Study 45, 24 October 2016, 21947:36-40.
that he was told there was some conjecture that the substance was condensed milk and not ejaculate, but they did not think that that was true.\textsuperscript{288} EAE said Dr Parry told him that regardless of whether it was condensed milk or ejaculate, it was still a criminal offence in his view.\textsuperscript{289}

180 EAE’s evidence was that he left that meeting believing that King’s had reported the matter to police.\textsuperscript{290} He emailed Dr Parry stating that if CLC was going to be questioned by the authorities, then a legal representative or he and his wife should be present.\textsuperscript{291}

181 EAE was not aware at that meeting that CLC had ‘disclosed the assault to Mansfield prior to 13 August’.\textsuperscript{292}

182 On the way home from the meeting, CLC told EAE that he was being harassed at school about the cadet camp incident ‘24/7’. CLC also told EAE that he had told Mr Mansfield about what happened on cadet camp when Mr Mansfield had resolved an incident between CLC and another boy.\textsuperscript{293} EAE emailed Dr Parry that afternoon advising him of this information.\textsuperscript{294}

183 CLC returned to the boarding house on 18 August 2013. Mr Mansfield told EAE that CLC had a good roommate who could help support him, and Mr James, the counsellor, was available for CLC.\textsuperscript{295}

184 After a couple of meetings between CLC and Mr James, EAE emailed the school telling them to give CLC ‘some breathing space’.\textsuperscript{296} CLC had told EAE that he felt harassed by Mr James sending him text messages, emails and calling CLC to see him during class. CLC told EAE that the entire school knew about the camp incident and he was being continuously bullied.\textsuperscript{297}

\textsuperscript{288} Transcript of EAE, Case Study 45, 24 October 2016, 21947:40-44.
\textsuperscript{289} Transcript of EAE, Case Study 45, 24 October 2016, 21948:4-7.
\textsuperscript{290} Transcript of EAE, Case Study 45, 24 October 2016, 21948:2-4.
\textsuperscript{291} Transcript of EAE, Case Study 45, 24 October 2016, 21948:11-15.
\textsuperscript{292} Transcript of EAE, Case Study 45, 24 October 2016, 21948:14-15.
\textsuperscript{293} Transcript of EAE, Case Study 45, 24 October 2016, 21948:17-27.
\textsuperscript{294} Transcript of EAE, Case Study 45, 24 October 2016, 21948:29-30.
\textsuperscript{295} Transcript of EAE, Case Study 45, 24 October 2016, 21948:35-39.
\textsuperscript{296} Transcript of EAE, Case Study 45, 24 October 2016, 21948:44-46.
\textsuperscript{297} Transcript of EAE, Case Study 45, 24 October 2016, 21948:44 – 21958:4.
On 22 August 2013, EAE’s wife emailed either Dr Parry or Mr Mansfield with the names of students who were harassing CLC, including some boy whom he had gone through school with since preschool.298

On 19 September 2013, students established two Wi-Fi networks on the school’s network. They named the networks ‘come wrack’ and ‘CLC’s a cum rag’.299 CLC sent EAE a text message saying, ‘It’s still happening, they’re putting stuff on the school Wi-Fi network’. EAE rang Dr Parry and sent him an email with a screen shot of the network names, outlining that he was furious that the bullying had not been stamped out.300

That was CLC’s final day at King’s.301

On 1 October 2013, EAE demanded a meeting with Dr Hawkes. EAE’s evidence was that, at this point, he and his wife had not heard anything from Dr Hawkes and could not understand how their son could be indecently assaulted while in the school’s care and bullied to the extent he was, and that the school’s headmaster had not been involved.302

On 10 October 2013, EAE and his wife met with Dr Hawkes. EAE’s evidence is that he made an audio recording of that conversation.303 EAE’s evidence was that, during the meeting, Dr Hawkes said that CLC bore some of the blame and responsibility for the bullying because he did not report the camp incident when it happened.304 Dr Hawkes also indicated that he was looking out for CLC, but up to that point he had had no involvement in the matter.305

EAE left that meeting feeling like the school was more interested in protecting its reputation than helping CLC.306

299 Transcript of EAE, Case Study 45, 24 October 2016, 21949:30-35.
300 Transcript of EAE, Case Study 45, 24 October 2016, 21949:36-41.
301 Transcript of EAE, Case Study 45, 24 October 2016, 21949:41-43.
303 Transcript of EAE, Case Study 45, 24 October 2016, 21950:15-17.
304 Transcript of EAE, Case Study 45, 24 October 2016, 21950:24-29.
305 Transcript of EAE, Case Study 45, 24 October 2016, 21950:29-31.
306 Transcript of EAE, Case Study 45, 24 October 2016, 21950:31-33.
191 EAE believed that if the school had taken more decisive action earlier, the bullying would not have escalated. EAE said that Dr Hawkes vigorously claimed the school dealt with the assault and bullying adequately, which EAE heavily disputed.  

192 EAE said that the school was putting financial pressure on his family. EAE received communications from the school bursar who said that the payment of outstanding school fees and the assault were separate matters.  

193 EAE withdrew CLC from King’s in October 2013.  

194 EAE found CLC’s experience at Riverview to be fantastic. EAE felt that Riverview put in place a number of strategies, including advising him when CLC was out of sorts, or if he missed classes. EAE felt that he had more contact with Riverview in CLC’s two years there than he did during his four years at King’s. EAE felt that teachers and counsellors at Riverview took a daily interest in CLC and how he was coping.  

195 In 2014, EAE received a telephone call from Detective Sergeant Matthew Munro from the NSW Police. Detective Sergeant Munro advised that the police were conducting an investigation in relation to King’s and had requested an interview with CLC. EAE said that he was told by Detective Sergeant Munro that King’s had not reported the incident involving CLC to the police.  

The response of King’s  

Incident at cadet camp in April 2013  

196 Mr Mansfield attended the cadet camp in April 2013. He gave evidence that approximately 40 members of staff were responsible for the supervision of the boys at all times and that these teachers stayed within a few hundred metres of the boys at night.
As noted, during the camp boys were making fun of CLC about what had happened to him. CLC said he did not report the incident to any teacher at that time, because he felt that reporting the incident would make the situation worse. CLC said that on the bus ride back to the school after the camp, other boys were calling him ‘cum rag’ and ‘cum dumpster’. CLC said that he did not tell his parents about what had happened at the camp, because he was worried that they would think the incident was weird or that they would tell the school.

CLC said that he hoped that, after the school holidays which followed the camp, the other students would forget about what had happened. However, during those holidays, CLC started receiving Facebook and text messages from other students which contained comments like ‘cum rag’ and ‘cum dumpster’.

When CLC returned to school for the next term, he said that he was the subject of significant bullying by other students about the incident. This involved a number of boys calling him names, always being pushed to the back of the queue for showers, and students opening the door to his room to yell insults at him.

Incident on 14 May 2013

On 14 May 2013, CLC emailed Mr Mansfield and informed him that a stink bomb had been thrown into his room in the boarding house and that he had been bullied. In the course of investigating the matter, Mr Mansfield spoke to CLC and looked at some text messages which had been exchanged between CLC and another boy. CLC gave evidence that Mr Mansfield pointed out the term ‘cum rag’ in those messages, and asked CLC why that appeared, and that CLC told Mr Mansfield what happened at camp and that boys were now calling CLC by that name. CLC said that Mr Mansfield said that the event was disgusting and the conversation returned to the text messages. CLC said that Mr Mansfield did not ask him any other questions, or conduct any investigation or take any other action.

---


314 Transcript of CLC, Case Study 45, 24 October 2016, 21933:5-22.
Mr Mansfield gave evidence that his recollection is ‘firm’ that there was no mention of the cadet camp incident when he spoke to CLC in May 2013.\(^{315}\)

Mr Mansfield said that he had reviewed the text message exchange and that he could recall discussing some of the text messages with CLC.\(^{316}\) Mr Mansfield said that while he could not recall whether some messages contained the phrase ‘cum rag’, he accepted it was possible that it was mentioned amongst the messages.\(^{317}\) Mr Mansfield could not recall discussing that phrase and the use of it in the text message exchange with CLC, although he accepted that it was possible that he did.\(^{318}\) He denied that he was told about the incident at the camp.\(^{319}\)

It is submitted that it is unnecessary to resolve this conflict between the evidence of Mr Mansfield and CLC.

**Disclosure by CLC on 13 August 2013**

During a house meeting on 13 August 2013 at approximately 6.45pm, a year 9 student stood up in front of all the boys and the teachers in the house and said ‘CLC is a cum rag’. The other students started laughing. The student who made the announcement later told Mr Mansfield that he was ‘put up to do it by some of the year 12 boys’.\(^{320}\)

Mr Mansfield accepted in his evidence that the year 12 boys organized for this Year 9 student to make the comment in front of the house in order to humiliate CLC.\(^{321}\) Mr Mansfield also accepted that the fact that year 12 boys had asked the year 9 boy to say something designed to humiliate CLC at the meeting may be indicative of a cultural problem with bullying within the boarding house.\(^{322}\) Mr Mansfield said that, while he

---


\(^{317}\) Transcript of A Mansfield, Case Study 45, 25 October 2016, 22011:4-7.


\(^{320}\) Exhibit 45-010, Case Study 45, TUD.0020.001.0324_R.


did not appreciate at the time that there was a cultural problem with bullying in the boarding house, he now accepts that there was such a problem.\footnote{Transcript of A Mansfield, Case Study 45, 25 October 2016, 22016:19-33.}

206 At approximately 7.20pm, a teacher at King’s, Mr Kavanagh, saw CLC at a bus stop outside King’s. Mr Kavanagh notified Mr Mansfield. At approximately the same time, Mr Mansfield received a message to call EAG, CLC’s mother, as she had been told that CLC was apparently on a bus heading home. Mr Mansfield then drove to the bus stop and found CLC there. Mr Mansfield sat talking with CLC for approximately 5 minutes before returning with him to the Health Centre at King’s.\footnote{Exhibit 45-010, Case Study 45, TUD.0020.001.0324_R.}

207 During this conversation, CLC disclosed to Mr Mansfield what had occurred at the cadet camp, and that stories then spread around the platoon and as a result, CLC was called names such as ‘cum rag’ and ‘cum dumpster’. CLC also said that the bullying was occurring at the boarding house and at school. CLC identified the main perpetrators of the bullying.\footnote{Exhibit 45-010, Case Study 45, TUD.0020.001.0324_R.}

208 Mr Mansfield then telephoned EAG and EAE to discuss the events with them. Shortly afterwards, EAG and EAE arrived at the school to pick up CLC and Mr Mansfield met with them.\footnote{Exhibit 45-010, Case Study 45, TUD.0020.001.0324_R.}

209 Mr Mansfield promptly notified Dr Parry of what CLC had disclosed to him.\footnote{Exhibit 45-010, Case Study 45, TUD.0020.001.0324_R.}

\textbf{Investigations by the school}

210 On 14 August 2013, Dr Parry started conducting interviews and making inquiries about both the camp incident and the bullying.\footnote{Transcript of A Parry, Case Study 45, 25 October 2016, 22053:19-22.} Dr Parry, Mr Mansfield and Mr Greg James, the school counsellor, interviewed a student who attended the cadet camp who was sleeping in close proximity to CLC and DFE.\footnote{Exhibit 45-010, Case Study 45, NPF.074.002.0048_R.} This student said that DFE was
masturbating, and that DFE positioned himself on the hammock so that his ejaculate would land on CLC.\textsuperscript{330}

211 In his oral evidence, Dr Parry said that the interview with this student on 14 August 2013 broadly confirmed CLC’s account.\textsuperscript{331} Dr Parry said that, based on the accounts of this student and CLC, he knew what had occurred was very serious.\textsuperscript{332} Dr Parry said that in his mind at this time, he knew that this could be a matter for the police\textsuperscript{333} and that the question of whether the police should be notified was something that he needed to consider.\textsuperscript{334}

212 On 15 August 2013, a meeting was held involving CLC’s parents, Dr Parry, Mr Mansfield and Mr James. Dr Parry made a file note of this interview, which recorded that ‘Yesterday, 14 August, [CLC] was informed for the first time that this was condensed milk’.\textsuperscript{335}

213 The suggestion that what had landed on CLC’s sleeping bag was condensed milk rather than ejaculate originally was made by DFE.\textsuperscript{336}

214 At a later date, Dr Parry spoke with DFE about the condensed milk story\textsuperscript{337}, and while that story seemed unlikely to Dr Parry, he wanted to be fair to DFE and hear his story. Dr Parry considered that what had occurred was extremely serious and was going to have extremely serious ramifications upon DFE and his position at the school.\textsuperscript{338}

215 On 16 August 2013, Dr Parry and Mr James interviewed two students. The first student interviewed was a boy with whom Dr Parry had not previously spoken.\textsuperscript{339} Dr Parry said that the account given by this student broadly confirmed CLC’s version.\textsuperscript{340} The second

\textsuperscript{330} Exhibit 45-010, Case Study 45, NPF.074.002.0048_R.
\textsuperscript{331} Transcript of A Parry, Case Study 45, 25 October 2016, 22057:34-41.
\textsuperscript{332} Transcript of A Parry, Case Study 45, 25 October 2016, 22054:24-27.
\textsuperscript{333} Transcript of A Parry, Case Study 45, 25 October 2016, 22054:29-31.
\textsuperscript{334} Transcript of A Parry, Case Study 45, 25 October 2016, 22054:33-36.
\textsuperscript{335} Exhibit 45-010, Case Study 45, NPF.0019.001.0133_R.
\textsuperscript{336} Transcript of A Parry, Case Study 45, 25 October 2016, 22056:2-14.
\textsuperscript{337} Transcript of A Parry, Case Study 45, 25 October 2016, 22056:16-17.
\textsuperscript{338} Transcript of A Parry, Case Study 45, 25 October 2016, 22056:30-39.
\textsuperscript{339} Exhibit 45-010, Case Study 45, NPF.0019.001.0131_R; Transcript of A Parry, Case Study 45, 25 October 2016, 22057:47-22058:3.
\textsuperscript{340} Transcript of A Parry, Case Study 45, 25 October 2016, 22058:5-9.
student interviewed on that day was the same student who had been interviewed on 14 August 2013.\textsuperscript{341} Dr Parry said that this student slightly changed his account from the one given earlier, in that the student now said that, because it was dark, he could not see whether DFE was masturbating or not.\textsuperscript{342} However, Dr Parry said that this student was very clear that something happened, and the student certainly thought it did happen from the reaction of CLC, and because the student could hear DFE masturbating.\textsuperscript{343}

216 Dr Parry said that by this time, he had some doubt that the incident happened as CLC had said. Dr Parry said that he thought it quite possibly could have happened, but he found it hard to believe because it was so disgusting.\textsuperscript{344} Dr Parry also said that it was important to have a clear understanding of what happened before the school took any action.\textsuperscript{345}

217 On 16 August 2013, Mr Mansfield sent an email to Mr Greg James, the school counsellor, in which he recorded some of the steps he had taken to protect CLC in the boarding house.\textsuperscript{346} As at this time, CLC was taking some leave from the school to be at home with his parents. The steps taken by Mr Mansfield included speaking to two boys, including CLC’s roommate, and asking them to look out for CLC when he returned to the boarding house; speaking to the four boys who Mr Mansfield understood had been responsible for the bullying and telling them they need to stop bullying CLC; and speaking to the two house captains and asking them to keep an eye out for CLC.\textsuperscript{347}

\textsuperscript{341} Exhibit 45-010, Case Study 45, NPF.0019.001.0132_R; Transcript of A Parry, Case Study 45, 25 October 2016, 22058:11-15.
\textsuperscript{342} Transcript of A Parry, Case Study 45, 25 October 2016, 22058:27-35.
\textsuperscript{343} Transcript of A Parry, Case Study 45, 25 October 2016, 22059:1-6.
\textsuperscript{344} Transcript of A Parry, Case Study 45, 25 October 2016, 22059:8-23.
\textsuperscript{345} Transcript of A Parry, Case Study 45, 25 October 2016, 22059:8-23.
\textsuperscript{346} Exhibit 45-010, Case Study 45, TKS.0020.001.0333_R.
\textsuperscript{347} Exhibit 45-010, Case Study 45, TKS.0020.001.0333_R; Transcript of A Mansfield, Case Study 45, 25 October 2016, 22025:41-22026:25.
On 18 August 2013, CLC returned to the boarding house. Mr Mansfield said that he spoke with CLC when he returned and that he was intent on keeping an eye on CLC to see how he was going and to make sure that CLC was not being bullied.

On 22 August 2013, CLC’s mother, EAG, telephoned Mr Mansfield. EAG informed Mr Mansfield that the bullying of CLC in the boarding house had continued. EAG said that she could actually hear boys heckling CLC while she was on the phone to CLC earlier that night. Mr Mansfield accepted that the steps that he had taken to try and control the boys in the boarding house did not appear to be very successful. Mr Mansfield also accepted that there was a culture where some boys in the boarding house would not do what he had told them to do. Mr Mansfield said that is not the culture now.

On 23 August 2013, CLC sent Mr Mansfield an email informing Mr Mansfield that boys in the house were ‘still trying to get a reaction by doing different things’ and one of these students had been insulting another boy for being CLC’s roommate. Mr Mansfield said that he understood from this email that not only was the bullying of CLC continuing, but CLC’s roommate was being bullied for his association with CLC, and this indicated that there were issues with a group of boys in the boarding house.

Later on 23 August 2013, CLC sent Mr Mansfield another email which stated that money had been stolen from CLC’s room. Mr Mansfield said that he would not have necessarily seen this as an instance of bullying, although he agreed that it was a bit of a...
Mr Mansfield said that he could not recall investigating these matters but he said that he would have investigated them.

**Notification to the Police**

**Protocols in place at the school for reporting to the police**

Dr Parry gave evidence that from the time when he became aware of the incident in the middle part of August 2013, he would have spoken to Dr Hawkes most days about the matter. One issue which was discussed was whether the matter needed to be reported to police or Community Services.

Dr Hawkes said that he had a discussion with Dr Parry within days after becoming aware of the incident, during which he told Dr Parry that it was a matter for the police.

Dr Parry said that there were protocols in place at the school in August 2013 about how and by whom reports to the police would be made, and that reports were normally made by a senior member of the school. Dr Parry said that it was normal for the headmaster to be consulted before making a report but if the headmaster was unavailable, then staff could speak with him.

Dr Hawkes said that there was not necessarily a protocol in place which required or encouraged consultation with him before reports were made to the police, although he said it would be expected that he should be informed. Dr Hawkes said that there were occasions when the assistant bursar, Mr Kevin Lee, or the school counsellor, Mr James, would make a report directly and then inform him they had done so.

---

362 Transcript of A Parry, Case Study 45, 25 October 2016, 22060:4-10.
364 Transcript of A Parry, Case Study 45, 25 October 2016, 22060:12-16.
Dr Parry gave evidence that he informed Dr Hawkes that he would be reporting the incident at the cadet camp to an officer at the Castle Hill police station, Senior Constable Robert Paterson.  

On 22 August 2013, Dr Parry and Mr Rob Chandler, the Director of Staff, telephoned Senior Constable Robert Paterson. Dr Parry informed Senior Constable Paterson about the incident at cadet camp, which he explained involved an allegation that a boy had ejaculated on another boy’s sleeping bag. Dr Parry said to Senior Constable Paterson that while the school thought this is what had happened, there was some doubt the incident had happened that way, because the other boy was saying that the substance was actually condensed milk. Dr Parry said that Senior Constable Paterson told him that, on either version of events, it was his view that there was a criminal act.

Dr Parry said that in his mind the purpose of his call to the police was to report the incident. Dr Parry said that he had never reported such a matter to police before. Dr Parry explained in his oral evidence that he wanted to inform Senior Constable Paterson about the incident, because he was relatively new to the role of Deputy Headmaster, and he was concerned about what had occurred.

After this telephone conversation with Senior Constable Paterson, Dr Parry said that he spoke with Dr Hawkes and that he informed the headmaster about the conversation with Senior Constable Paterson. Dr Parry passed on to Dr Hawkes the view of Senior Constable Paterson. Dr Hawkes agreed that it was something which needed to be reported to the police.
Email from Senior Constable Paterson

On 22 August 2013 at 4.28pm, Senior Constable Paterson sent an email to Dr Parry, copying in Mr Chandler. In the email, Senior Constable Paterson wrote:

In relation to the actual offence, there is little doubt that there has been an offence from the information that you have supplied. The offence would most likely fall under an Assault with Act of Indecency

In terms of the young person ‘pretending’ that the act took place and using condensed milk to substitute for the perception that semen was ejaculate, it is irrelevant, as the victims believed that the act took place.

The incident/s should be reported to police so that the exact offence can be determined, and the victim(s) can be contacted for statements if willing. If you would like police to attend, I can speak with the Supervisor on duty so that it is followed up as discussed.

A minor assault should be reported to police, so this should be reported (to avoid any possible action under S316 of the Crimes Act under Conceal Serious Indictable Offence, and potentially avoid civil action...)

At 5.44pm on 22 August 2013, Dr Parry replied to Senior Constable Paterson’s email sent at 4.28pm, copying in Mr James, Mr Chandler and Dr Hawkes. Dr Parry wrote:

Dear Rob,
Thank you very much for this. I shall be in touch and this information is very helpful for us to arrive at an appropriate judgement on the boys actions.

I greatly appreciate your ongoing support.

Best wishes

Andrew

232 Contrary to the advice of Senior Constable Paterson, no report was made by anyone at the school to the police.

233 Dr Parry said that he understood from the email that Senior Constable Paterson’s view was that on either version of events, there had been a criminal act, which confirmed what Senior Constable Paterson told Dr Parry on the telephone. 380

234 Dr Parry accepted that the email made it clear the matter needed to be reported to the police. He accepted that he did not read the email carefully enough in that he did not finish reading the last part of the email, which referred to the need to report the incident to avoid any possible action against him or other staff at King’s under section 316 of the Crimes Act. 381 Dr Parry fairly acknowledged in both his statement to the Royal Commission and in his oral evidence that he made an error in not reading the email in its entirety. 382

235 Available finding: Dr Parry failed to follow the advice of Senior Constable Paterson to make a report of the assault on CLC to the police.

236 Dr Parry was not the only senior member of staff at King’s who received Senior Constable Paterson’s email. Dr Hawkes accepted that he also received the email from Senior Constable Paterson. He had no recollection of reading the email. 383 Dr Hawkes accepted that it was absolutely essential for the matter to be reported to the police and that there might be serious consequences for CLC and people at the school if a

381 Transcript of A Parry, Case Study 45, 25 October 2016, 22067:5-17.
382 Transcript of A Parry, Case Study 45, 25 October 2016, 22067:5-17.
report was not made. Dr Hawkes said that he was not aware that it might be an offence not to report the incident and that the issue at the forefront of his mind was having the matter drawn to the attention of the police.

237 There was a meeting between Mr James, Mr Chandler, Dr Hawkes and Dr Parry the morning after the email was received, on 23 August 2013, where they discussed the action that needed to be taken against DFE. By the time of this meeting, Senior Constable Paterson’s email had been sent to Dr Parry, Dr Hawkes, Mr James and Mr Chandler. Dr Parry said there was no discussion at this meeting about whether the police needed to be notified. Dr Parry said the fact of Senior Constable Paterson’s advice that it might be a criminal offence not to report the matter was missed by all four people present at this meeting. Dr Parry accepted that the fact that four senior members of staff all had access to the email, and that they all missed the fact that the email contained advice from Senior Constable Paterson that the matter needed to be reported to the police, was ‘an extraordinary state of affairs’.

238 Dr Hawkes said that he could not recall a copy of the email being brought to any meeting he had with any recipients of the email. Dr Hawkes also said that it was his habit, in August 2013, to read important emails. Dr Hawkes said that if he had followed his usual practice, he would have read the email.

239 Dr Hawkes also accepted that the question of people at the school potentially committing a criminal offence by not reporting a matter to the police was an important matter. Dr Hawkes accepted that Senior Constable Paterson’s email made it clear that his advice was that the incident should be reported to the police.

---

386 Transcript of A Parry, Case Study 45, 25 October 2016, 22070:12-35.
388 Transcript of A Parry, Case Study 45, 25 October 2016, 22072:29-31
392 Transcript of T Hawkes, Case Study 45, 25 October 2016, 22093:30-34.
393 Transcript of T Hawkes, Case Study 45, 25 October 2016, 22096:30-47.
240 Dr Hawkes accepted that no action was taken by the school to make any report in response to this email.\textsuperscript{394} Dr Hawkes accepted that he should have read the email and he said that this experience was a significant lesson for him.\textsuperscript{395}

241 Dr Hawkes accepted that the fact that on 22 August 2013 an email containing written advice from the police that the CLC camp incident had to be reported was available to four people in the leadership group of the school, and that none of them took any action to report the matter is an extraordinary state of affairs.\textsuperscript{396} He also accepted that this failure to act on the advice in the email was a catastrophic failure by the school.\textsuperscript{397}

242 Available finding: Dr Hawkes had access to the email from Senior Constable Paterson dated 22 August 2013 which stated that the CLC cadet camp incident needed to be reported to police and that it might be a criminal offence not to report the matter to police, and no report was made to the police.

243 Available finding: The failure to report the CLC camp incident to police, contrary to written advice from the police that the matter should be reported, was a catastrophic failure by King’s.

\textit{Detective Sergeant Munro’s evidence}

244 Detective Sergeant Munro had no personal involvement in the August 2013 communications between the police and King’s. Detective Sergeant Munro became involved in around August 2014. After he became involved, he read the email from Senior Constable Paterson containing advice that the school ought to report the matter.\textsuperscript{398} Detective Sergeant Munro said that to his knowledge, there was no record, documentary or otherwise, that the matter had been reported to the police and that whatever occurred in the conversation between Dr Parry and Senior Constable Paterson, the incident was not recorded as a notification.\textsuperscript{399}

\textsuperscript{394} Transcript of T Hawkes, Case Study 45, 25 October 2016, 22097:8-10.
\textsuperscript{395} Transcript of T Hawkes, Case Study 45, 25 October 2016, 22096:23-38.
\textsuperscript{396} Transcript of T Hawkes, Case Study 45, 25 October 2016, 22097:40-46.
\textsuperscript{397} Transcript of T Hawkes, Case Study 45, 25 October 2016, 22098:1-2.
\textsuperscript{398} Transcript of M Munro, Case Study 45, 31 October 2016, 22394:18-40, 22398:5-19.
\textsuperscript{399} Transcript of M Munro, Case Study 45, 31 October 2016, 22398:5-22.
Detective Sergeant Munro was asked whether he made an inquiry, when he became involved in 2014, to find out whether the police held on file the names of any relevant people involved. Detective Sergeant Munro said that the police did not have those names and that it is essential for the police to have those details before starting an investigation.\textsuperscript{400}

Detective Sergeant Munro was not aware whether Senior Constable Paterson or anyone else from the police followed up the matter before Detective Sergeant Munro followed it up in 2014.\textsuperscript{401} Detective Sergeant Munro was asked whether, in the absence of any notification by the school in response to the 22 August 2013 email, more could or should have been done by the police to follow up the matter. Detective Sergeant Munro said he considered that Senior Constable Paterson gave a clear direction as to what King’s was required to do. Detective Sergeant Munro said that King’s was requested to make a report, and it was impossible for police to make a report based on the information that was provided by Dr Parry. Detective Sergeant Munro said that Senior Constable Paterson had provided the offer of police attending the school on the day, he had provided his mobile phone number and it was made clear that it needed to be reported.\textsuperscript{402} Detective Sergeant Munro accepted that it was reasonable for Senior Constable Paterson to conclude that the school would follow his advice.\textsuperscript{403}

In late 2014, Detective Sergeant Munro commenced an investigation into whether there had been a failure by the school to report the matter. Detective Sergeant Munro was also intent on investigating whether there may have been a criminal offence committed by a person or people at the school, namely the concealing a serious indictable offence.\textsuperscript{404}

On 26 November 2014, Detective Sergeant Munro and another officer attended on Dr Hawkes at King’s on 26 November 2014.\textsuperscript{405} Detective Sergeant Munro said that

\textsuperscript{400} Transcript of M Munro, Case Study 45, 31 October 2016, 22398:41-22399:3.
\textsuperscript{401} Transcript of M Munro, Case Study 45, 31 October 2016, 22399:20-23.
\textsuperscript{402} Transcript of M Munro, Case Study 45, 31 October 2016, 22399:25-40.
\textsuperscript{403} Transcript of M Munro, Case Study 45, 31 October 2016, 22399:42-47.
\textsuperscript{404} Transcript of M Munro, Case Study 45, 31 October 2016, 22402:15-31.
\textsuperscript{405} Exhibit 45-010, Case Study 45, NPF.074.002.0092_R.
Dr Hawkes told him on this day about the telephone conversation between Dr Parry and Senior Constable Paterson. Detective Sergeant Munro concluded, on the basis of this information, that no charges should be laid.\textsuperscript{406}

DFE

249 DFE was given an interim suspension on 23 August 2013.\textsuperscript{407} Dr Hawkes and Dr Parry met with DFE and his mother on 30 August 2013 and, following that meeting, DFE was withdrawn from the school.\textsuperscript{408}

Renaming the schools Wi-Fi networks

250 On 19 September 2013, EAE emailed Dr Parry and informed him that someone had renamed the school’s Wi-Fi networks ‘CLC’s a cum rag’, ‘come wrack’ and that the text ‘they come’ in Shakespeare’s Macbeth had been highlighted on CLC’s computer.

251 Mr Mansfield agreed that two students had publicly renamed two of the networks at the school in a way which was designed to humiliate and bully CLC.\textsuperscript{409} Mr Mansfield accepted that a bullying culture existed at the school in September 2013 and that the culture existed both inside and outside the boarding houses.\textsuperscript{410} Mr Mansfield said that, despite all of the things that he did to try and stop students from bullying CLC, at least some of the students did not respond or follow what Mr Mansfield had been saying.\textsuperscript{411} Mr Mansfield accepted that some elements of the student body viewed themselves as having power which transcended anything teachers told them to do.\textsuperscript{412}

252 Dr Parry acted almost immediately in response to this incident of bullying by suspending the two boys who were culpable.\textsuperscript{413}

\textsuperscript{406} Transcript of M Munro, Case Study 45, 31 October 2016, 22403:15-24.
\textsuperscript{407} Transcript of A Parry, Case Study 45, 25 October 2016, 22073:14-16.
\textsuperscript{408} Transcript of A Parry, Case Study 45, 25 October 2016, 22073:40-22074:2.
\textsuperscript{409} Transcript of A Mansfield, Case Study 45, 25 October 2016, 22036:34-39.
\textsuperscript{410} Transcript of A Mansfield, Case Study 45, 25 October 2016, 22037:10-14.
\textsuperscript{412} Transcript of A Mansfield, Case Study 45, 25 October 2016, 22037:31-45.
\textsuperscript{413} Transcript of A Parry, Case Study 45, 25 October 2016, 22051:40-42.
Dr Parry accepted that, aside from the report by CLC’s father, he did not receive a report from any other boy in the school about the bullying of CLC. Dr Parry accepted that renaming the networks ‘CLC’s a cum rag’ and ‘come wrack’ was something that would have been available to every boy in the school if they had logged on to their computer. Dr Parry accepted that the fact that not a single boy came forward to him to report the conduct spoke of a serious cultural problem at the school at that time.

Dr Hawkes accepted in his evidence that anyone in the undefined period of time who logged on to their computer might have seen the renamed Wi-Fi networks and that not one boy came forward to report that bullying. Dr Hawkes said that as at September 2013, there was a totally unacceptable state of affairs.

It is submitted that it is open to accept the evidence of Dr Parry and Mr Mansfield about the cultural problems at the school in 2013.

Available finding: As of 2013, a bullying culture existed at King’s both inside the boarding houses and in the school more generally.

Communications with EAG and EAE

On 19 September 2013 at 1.44pm, Mr Geoff Dornan, the Bursar, sent an email addressed to Dr Parry. In that email, Mr Dornan recorded that EAE owed about $25,000 in school fees and noted that EAE would not discuss fees anymore because CLC had been ‘bullied, harassed and sexually assaulted’. At 2.40pm that day, Dr Hawkes replied to Mr Dornan’s email. In his reply, Dr Hawkes wrote that EAE:... should not be allowed to merge the two matters of bullying and non-payment of fees.

...
He is a bad debtor. Failure to pay his debts should result in the usual sanctions ... including the boy being sent home and him being put into the hands of a collection agent.

Furthermore, CLC does not make things easy by behaving in a way that is socially inappropriate and even engaging in bullying himself.

258 Dr Hawkes accepted that the school owed a duty of care to CLC and that people pay very significant fees in the expectation that King’s will exercise that duty. Dr Hawkes said that he found it difficult to accept EAE’s allegation that the school had taken no action and Dr Hawkes felt that the school had taken strong, principled and immediate action when they heard of the bullying. Dr Hawkes said that he could now see the connection in EAE’s mind between the level of suffering at the school and a concern that the fees were not due, although he did not see that at the time and he felt the matters needed to be dealt with separately.

259 Dr Hawkes said that there was nothing which CLC did that could have in any way justified the bullying behaviours he experienced.

Meeting on 10 October 2013

260 On 1 October 2013, EAE sent an email to Dr Hawkes which sought a face-to-face meeting with Dr Hawkes. This meeting was scheduled for 10 October 2013.

261 One of the documents that Dr Hawkes reviewed prior to the meeting was a letter sent by EAG and EAE to Dr Hawkes. A copy of this document which was tendered into evidence contained handwritten notes made by Dr Hawkes. One of those annotations said:

---

421 Transcript of T Hawkes, Case Study 45, 31 October 2016, 22350:9-16.
423 Transcript of T Hawkes, Case Study 45, 31 October 2016, 22350:35-42.
425 Exhibit 45-010, Case Study 45, TUD.0014.001.0002_R.
426 Exhibit 45-010, Case Study 45, TKS.0003.002.1393_R.
428 Exhibit 45-010, Case Study 45, TKS.0003.002.1393_R.
School not informed, therefore it was not able to move on this matter. CLC failed to follow the advice given in the School’s anti-bullying policy.

262 Dr Hawkes explained his note by saying that he sensed that EAG and EAE were criticising the school for a failure to respond when, in his mind, the school had not been informed.429

263 In his oral evidence, Dr Hawkes was asked to consider whether it was proper to level any blame at CLC for not following the anti-bullying policy. Dr Hawkes responded that the incident occurred in April 2013 but the school did not find out about it until 13 August 2013, and he said that period in between represented a time of suffering for CLC which could have been avoided if the school had known about the camp incident straight away.430

264 Dr Hawkes accepted that boys of CLC’s age will often not come forward and volunteer information about events of the kind that occurred at cadet camp.431 Dr Hawkes accepted that it is not adequate for the school to be reliant on self-disclosure by boys for events of the kind that occurred at the camp.432

265 On 10 October 2013, EAG and EAE met with Dr Hawkes and Mr Chandler. EAE secretly recorded this meeting and a transcript of the recorded meeting was tendered into evidence.433 Dr Hawkes did not doubt that the transcript provided an accurate record of the meeting.434 At this meeting, EAG and EAE wanted to discuss, among other things, the adequacy of the schools response to the incident at camp and to the bullying which occurred after that incident.435

266 At the time of this meeting, Dr Hawkes understood that CLC had experienced unconscionably bullying by boys at the school and that CLC’s version of what had occurred at camp was likely to be true.436 During the meeting on 10 October 2013, Dr

---

429 Transcript of T Hawkes, Case Study 45, 31 October 2016, 22358:7-17.
430 Transcript of T Hawkes, Case Study 45, 31 October 2016, 22356:45-22357:16.
431 Transcript of T Hawkes, Case Study 45, 31 October 2016, 22357:18-25.
432 Transcript of T Hawkes, Case Study 45, 31 October 2016, 22357:27-32.
433 Exhibit 45-020, TRAN.0014.001.0001_R.
434 Transcript of T Hawkes, Case Study 45, 31 October 2016, 22361:20-34.
436 Transcript of T Hawkes, Case Study 45, 31 October 2016, 22364:31-40.
Hawkes acknowledged to EAG and EAE that the bullying CLC experienced was totally inappropriate. 437

During the meeting, EAE raised with Dr Hawkes a concern that the school counsellor, Mr James, had pulled CLC out of class. EAE said CLC being pulled out of class to see the counsellor made CLC the central focus which was ‘completely the wrong thing to do’ and added ‘further fuel to the fire’. 438

Dr Hawkes accepted that by this time, the bullying of CLC had become significant and that a large number of boys would have known why CLC was being pulled out of class. 439 Dr Hawkes acknowledged that it would have been far better handled outside of class and it was not sensitive of the counsellor to identify CLC in this way. 440 Dr Hawkes accepted that, with the benefit of hindsight, this was one aspect in which the school got its response to its knowledge of the bullying wrong and they could have been far more sensitive. 441

Another issue discussed in the meeting was whether, the bullying of CLC ‘increased’ as a consequence of the measures taken against DFE and the boys who were responsible for the bullying. 442 At one point during the meeting, EAG said to Dr Hawkes: 443

Ms EAG: And that is the character of CLC, Tim, and this is the boy that walks around the school and has had this going on, and every single time – and thank you for dealing with these boys as you have dealt with them, because they do no need to be dealt with. However, you have to understand CLC’s reluctance to say anything, because every time someone is disciplined, the bullying increases. He is now getting this wrap sheet: he got

---

437 Transcript of T Hawkes, Case Study 45, 31 October 2016, 22356:18-33.
438 Exhibit 45-020, TRAN.0014.001.0001_R at 0014_R-0015_R.
439 Transcript of T Hawkes, Case Study 45, 31 October 2016, 22369:2-15.
440 Transcript of T Hawkes, Case Study 45, 31 October 2016, 22369:17-43.
441 Transcript of T Hawkes, Case Study 45, 31 October 2016, 22369:45-22370:3.
442 Exhibit 45-020, TRAN.0014.001.0001_R at 0021_R – 0022_R; Transcript of T Hawkes, Case Study 45, 31 October 2016, 22359:11-16.
443 Exhibit 45-020, TRAN.0014.001.0001_R at 0021_R – 0022_R.
DFE expelled; he got [REDACTED] and [REDACTED] suspended; he got the other boys – you know --

Ms EAG: -- [REDACTED] and whoever to, you know, detention or essays or whatever. He is having all of this piled back on to him from his peers, and this is where it is escalating. And I mean, we have to deal with that side of it because every –

270 Dr Hawkes was asked about the strength of the school’s response. Dr Hawkes said that the school’s response was not just one of sanctions but also increasing the pastoral support given to CLC.\(^{444}\)

271 Dr Hawkes in his oral evidence accepted that despite the steps taken by the school, a not insignificant number of boys continued to bully CLC\(^{445}\); he accepted that no other students reported that the bullying was happening\(^{446}\); and he accepted that the steps taken by the school were not effective to deal with the problem in this case.\(^{447}\)

272 Dr Hawkes said that he did not have any contact with CLC throughout the process from when the school became aware of the incident in August 2013 until the time he left the school. Looking back, Dr Hawkes accepted that he should have got involved earlier to speak with CLC and his parents.\(^{448}\)

273 **Available finding:** The measures taken by King’s to address the bullying of CLC in the period after 13 August 2013 were ineffective.

274 **Available finding:** King’s did not adequately address EAG and EAE’s concerns about the school’s response to the bullying of CLC.

\(^{444}\) Transcript of T Hawkes, Case Study 45, 31 October 2016, 22371:7-39.
\(^{445}\) Transcript of T Hawkes, Case Study 45, 31 October 2016, 22371:41-47.
\(^{446}\) Transcript of T Hawkes, Case Study 45, 31 October 2016, 22372:2-5.
\(^{447}\) Transcript of T Hawkes, Case Study 45, 31 October 2016, 22372:7-12.
\(^{448}\) Transcript of T Hawkes, Case Study 45, 31 October 2016, 22367:45-22368:11.
CLC left King’s on 16 October 2013.449

Historical culture of bullying and problematic or harmful sexual behaviours at King’s

Dr Hawkes gave evidence that the culture within the boarding house at King’s used to be very hierarchical and he said that there was evidence to support the truth of the horrific accounts given by CLG and Mr Williams.450 Dr Hawkes said that he inherited a fairly hierarchical school but he has been fortunate in making structural changes at King’s and creating a values system which was more congenial to that which Dr Hawkes wanted at King’s.451

Mr Mansfield gave evidence that the boarding houses at King’s in 2016 do not have a hierarchical environment; that year 12 boys do not order boys in earlier years to perform tasks; and year 12 boys are not called ‘sir’.452

Dr Parry was asked whether there might be parents who, taking into account the experience of CLC in 2013, could legitimately think that the observations made by CLG about the school in the 1970s might still apply. Dr Parry said that while the Royal Commission heard evidence of problematic or harmful sexual behaviour, the general tone of the school now is very different to the school which Dr Parry attended as a student in the 1970s.453

Dr Parry was also asked whether the problem identified by CLG, where the school had very little, if no, power over the boys in the 1970s, was the same thing which occurred in relation to the attempts to control those who were bullying CLC in 2013. Dr Parry said that was correct.454

Bullying survey

King’s conducts an annual ‘bullying survey’, where students are invited to provide anonymous accounts which might identify other boys being involved in bullying

Dr Hawkes said that the bullying survey was introduced within approximately five years after his arrival at King’s.\textsuperscript{456}

281 In 2011, while he was a student in year 8, CLC was identified as a potential bully.\textsuperscript{457} In response, Mr Mansfield said he developed a plan for CLC, which included Mr Mansfield discussing with CLC how CLC was travelling and providing CLC with some examples of his behaviour.\textsuperscript{458} Mr Mansfield also said that he met with CLC’s parents about this issue.\textsuperscript{459}

282 Mr Mansfield accepted that the survey could be used to bully students in itself. Mr Mansfield also accepted that there would to be measures in place to ensure that the survey was not used as a bullying tool.\textsuperscript{460}

283 Dr Hawkes said that the bullying survey would be ‘sprung upon’ a year group so that they would have no chance of collaboration. Dr Hawkes said that in his experience, the reliability of the survey in identifying both bullies and victims was extraordinarily high.\textsuperscript{461}

284 In his oral evidence, Dr Parry agreed that one of the things which the school tried to achieve within the boarding house was for boys, particularly the older boys, to call out bullying behaviour.\textsuperscript{462}

\textbf{Changes implemented by the school}

285 Dr Hawkes identified the steps the school had taken to deal with the bullying, including removing the student who caused the harm, suspending students for the Wi-Fi incident, granting CLC pastoral leave, arranging pastoral care by the school counsellor and putting minders in place at the school, including the school captain, the house

\textsuperscript{455} Transcript of A Mansfield, Case Study 45, 25 October 2016, 22007:2-5.
\textsuperscript{456} Transcript of T Hawkes, Case Study 45, 25 October 2016, 22081:38-44.
\textsuperscript{457} Transcript of A Mansfield, Case Study 45, 25 October 2016, 22006:10-14.
\textsuperscript{458} Exhibit 45-010, Case Study 45, NPF.0019.005.0190_R; Transcript of A Mansfield, Case Study 45, 25 October 2016, 22007:30-35.
\textsuperscript{460} Transcript of A Mansfield, Case Study 45, 25 October 2016, 22007:12-28.
\textsuperscript{461} Transcript of T Hawkes, Case Study 45, 25 October 2016, 22082:2-8.
\textsuperscript{462} Transcript of A Parry, Case Study 45, 25 October 2016, 22050:24-27.
captain and the house matron. Dr Hawkes stated that these measures did not work to stop further bullying, but he said that the school was not idle and took appropriate measures to prevent the reoccurrence of bullying.\footnote{Transcript of T Hawkes, Case Study 45, 31 October 2016, 22364:42-33265:29.}

Dr Hawkes identified steps taken at the school to remedy the problems with culture between September 2013 and October 2016. These included: first, addresses to the school assemblies and fortnightly newsletters; secondly, a personal development program at the school called the Learning Leadership Series; thirdly, an eSmart Policy has been introduced to encourage the appropriate use of the internet and behavior in the cyber world; fourthly, Dr Hawkes said that more students have been expelled for bullying than any other cause; fifthly, Dr Hawkes has been assisted by the school council which support his initiatives to grow a new culture; sixthly, the bullying survey had been expanded to cover a broader element of student wellbeing, reflected in its new title, ‘the Wellbeing Survey’; and finally, a student support committee has been established which is chaired by the school chaplain and provides extra care for students experiencing difficulties.\footnote{Transcript of T Hawkes, Case Study 45, 25 October 2016, 22085:33-38.} Dr Hawkes said that it was more than the incident involving CLC which prompted him to make these changes.\footnote{Transcript of T Hawkes, Case Study 45, 25 October 2016, 22086:25-28.}

Dr Hawkes said that there was nothing to stop him implementing the measures identified above before 2013, and said that there were a large number of initiatives which were undertaken between 1998 and 2013.\footnote{Transcript of T Hawkes, Case Study 45, 25 October 2016, 22086:30-33.} Dr Hawkes accepted that those initiatives had not worked in this case.\footnote{Transcript of T Hawkes, Case Study 45, 25 October 2016, 22086:30-33.}

Detective Sergeant Munro’s evidence in relation to King’s conducting their own investigations

Dr Hawkes gave evidence about the investigation conducted by King’s into CLC’s allegations.\footnote{Transcript of T Hawkes, Case Study 45, 31 October 2016, 22374:7-20.}
In his statement to the Royal Commission, Detective Sergeant Munro said that during his conversations with Dr Hawkes and Dr Parry, he reminded them that:

... we as Police have the responsibility to investigate criminal offences and that they should not take it upon themselves to conduct such investigations. I further reminded them that they should report matters at the first available opportunity to avoid any similar situation in the future. Since my dealings with the school, I have been called by the King’s School for advice on a number of other matters.

Detective Sergeant Munro gave evidence that the police and the Child Abuse Squad do not approve of schools conducting investigations where there might be criminal activity. Detective Sergeant Munro said that a model was created by the police in the mid-1990s which reflects the necessity to try to interview children and young persons on one occasion to minimize the harm, and to improve the accuracy of the evidence that they give.

Detective Sergeant Munro said that one of the witnesses at the cadet camp was interviewed on two occasions by three senior members of staff at King’s, which he considered completely inappropriate. Detective Sergeant Munro said that the police are there to conduct criminal investigations, and that this is not the job of teachers. Detective Sergeant Munro said that officers in his squad receive training about how to interview witnesses and young people who make complaints about harmful or problematic sexual behaviours or child sexual abuse. Detective Sergeant Munro said that this training equips the police to conduct interviews in a potentially better way than they might be conducted if the investigations are done by schools.

---

469 Exhibit 45-035, Case Study 45, ‘Statement of Detective Sergeant Matthew Munro’, STAT.1223.001.0001_P_R at 0013_R.
470 Transcript of M Munro, Case Study 45, 31 October 2016, 22405:31-37.
471 Transcript of M Munro, Case Study 45, 31 October 2016, 22405:37-40.
472 Transcript of M Munro, Case Study 45, 31 October 2016, 22405:31-22406:18.
The experience of CLC at St Ignatius’ College, Riverview

As noted above, CLC left King’s before the end of the school year in 2013. He started at a new school, St Ignatius’ College, Riverview (Riverview), in 2014. He gave evidence that his experience at Riverview was ‘very different’ to his experiences at King’s. He said that at Riverview, he felt that ‘everyone was there to help each other’, which was different to his experience at King’s, where he felt that ‘the focus was on little circles of friends, with no sense of community’. He said that while he was initially hesitant about talking to the school counsellor at Riverview, because he did not feel safe talking about what had happened at King’s, he eventually opened up to the counsellor and continued to see him throughout his time at Riverview.

Dr Paul Hine, the principal of Riverview, gave evidence during the public hearing. Dr Hine said that considerable time was spent selecting the appropriate school house and mentor group within the house for CLC. The house system has the central responsibility for the day to day management of students. Dr Hine said that some of the support measures the school put in place to assist CLC included CLC’s housemaster meeting with CLC and EAE to discuss support strategies and creating safe spots; access to the college counsellor, who CLC developed a strong relationship with, and who offered appointments during break times, after school or out of class; notifying CLC’s teachers that he may use the services of the counsellor; developing strategies to manage bullying once the incident at King’s became known at Riverview; encouraging CLC to speak about the incident at King’s with his peers at Riverview to the extent that he felt comfortable; and, in addition to his housemaster and the counsellor, CLC was in regular communication with the Director of Students. Dr Hine said that the operational principle at the school with CLC, but more generally with...
bullying, is that everyone who needs to know at a teaching level is made aware of the potential for bullying. Dr Hine said that the pastoral system at the school is built upon the principle of *cura personalis*, developed by the Society of Jesus, the order who operate Riverview, and it is a Jesuit way of providing individual care to each student.

**Summary of available findings in relation to King’s**

294  It is submitted that the following findings are available.

295  **AF 10** – Dr Parry failed to follow the advice of Senior Constable Paterson to make a report of the assault on CLC to the police.

296  **AF 11** – Dr Hawkes had access to the email from Senior Constable Paterson dated 22 August 2013 which stated that the CLC cadet camp incident needed to be reported to police and that it might be a criminal offence not to report the matter to police, and no report was made to the police.

297  **AF 12** – The failure to report the CLC camp incident to police, contrary to written advice from the police that the matter should be reported, was a catastrophic failure by King’s.

298  **AF 13** – As of 2013, a bullying culture existed at King’s both inside the boarding houses and in the school more generally.

299  **AF 14** – The measures taken by King’s to address the bullying of CLC in the period after 13 August 2013 were ineffective.

300  **AF 15** – King’s did not adequately address EAG and EAE’s concerns about the school’s response to the bullying of CLC.

---

484 Transcript of P Hine, Case Study 45, 31 October 2016, 22462:30-41.
485 Transcript of P Hine, Case Study 45, 31 October 2016, 22462:30-41.
Shalom Christian College, Townsville, Queensland

History and background

301 Shalom Christian College was established in 1992 by the Uniting Aboriginal and Islander Christian Congress. The Congress is a Christian Indigenous association operating under the Uniting Church in Australia, created for the purpose of providing culturally appropriate education to Aboriginal and Torres Strait Islander children. Shalom is co-educational and accommodates day and boarding Aboriginal and Torres Strait Islander students.486

302 Shalom has operated continuously since inception, although there have been changes to its governance. In August 2012, the umbrella company that operated the school, the Congress Community Development and Education Unit Ltd, went into voluntary administration.487 Responsibility for Shalom was transferred to the Queensland Synod in September 2013.488 The Uniting Church Property Trust is instructed by the Queensland Synod.489 The Queensland Synod Standing Committee approves Shalom's constitution and appoints the Board.490

Shalom Christian College today

303 As at February 2016, there were 346 students at Shalom Christian College from primary school to year 12, 136 of which were boarders.491 Shalom's boarders come from regional and remote communities across Queensland, the Torres Strait Islands, the Northern Territory and Western Australia.492 As a result, the student population encompasses seventeen different language groups and approximately 40% of students require full English as a Second Language support.493

486 Exhibit 45-072, 'Statement of Shayne Francis Blackman', Case Study 45, STAT.1127.001.0001 at STAT.1127.001.0019-0032.
487 Exhibit 45-073, 'Statement of Elaine Ethel Rae', Case Study 45, STAT.1137.001.0001_R [16].
488 Exhibit 45-073, 'Statement of Elaine Ethel Rae', Case Study 45, STAT.1137.001.0001_R [21].
489 Exhibit 45-073, 'Statement of Elaine Ethel Rae', Case Study 45, STAT.1137.001.0001_R [31].
490 Exhibit 45-073, 'Statement of Elaine Ethel Rae', Case Study 45, STAT.1137.001.0001_R [32].
491 Exhibit 45-052, 'Statement of Christopher Kelynge England', Case Study 45, STAT.1256.001.0001_R [6].
492 Exhibit 45-052, 'Statement of Christopher Kelynge England', Case Study 45, STAT.1256.001.0001_R [7].
493 Exhibit 45-050, Case Study 45, SCC.620.001.013 at 013.
What this case study considered in relation to Shalom Christian College

304 The focus of the Royal Commission’s examination of Shalom Christian College in the public hearing was on the institutional response to an incident in March 2006.

305 CLF, a 14 year old female, became a boarder at Shalom at the beginning of the school year in 2006. The school year commenced at the end of January or early February.⁴⁹⁴

306 On the night of 23 March 2006, CLF was sexually assaulted on school grounds by a group of male boarding students. The sexual assault included instances of non-consensual vaginal penetration and oral sex by four male students. The boys involved were between 15 and 17 years old.

307 The incident was reported to the Queensland Police on 29 March 2006 by the Department of Child Safety.⁴⁹⁵

308 CLF left Shalom with her parents in the beginning of April 2006. She was at the school for a total of about eight weeks.⁴⁹⁶

309 In 13 April 2011, three of the boys involved in the assault, DFM, DFL and DFK, were acquitted of rape and found guilty of the alternative charge of indecent treatment of a child under 16.⁴⁹⁷ They were each released on 18 month good behaviour bonds, with no convictions recorded.⁴⁹⁸

The experience of the parents of a former student at Shalom Christian College

310 The Royal Commission heard evidence from the parents of CLF, EAL and EAM, about the school’s response to their daughter’s sexual assault. It is submitted that the uncontested evidence of EAL and EAM should be accepted.

⁴⁹⁴ Transcript of C Shirley, Case Study 45, 3 November 2016, 22738:18-27.
⁴⁹⁵ Transcript of C Shirley, Case Study 45, 3 November 2016, 2230:10-26.
⁴⁹⁶ Transcript of C Shirley, Case Study 45, 3 November 2016, 22738:29-33.
⁴⁹⁷ Exhibit 45-075, ‘Statement of Michael R Byrne QC’, Case Study 45, STAT.1200.001.0001_R at [45].
⁴⁹⁸ Exhibit 45-075, ‘Statement of Michael R Byrne QC’, Case Study 45, STAT.1200.001.0001_R at [46].
EAL’s evidence

311 EAL gave evidence that her family is from a small Aboriginal Community in Queensland.\(^{499}\) When her daughter, CLF, was 14 years old, CLF said she wanted to go to Shalom Christian College.\(^{500}\) EAL thought that Shalom would provide a good education and, being an Indigenous school, would be more culturally appropriate for her daughter than other boarding schools.\(^{501}\) CLF was enrolled to start in term one, 2006, in year 10,\(^{502}\) and the family received financial assistance through Abstudy.\(^{503}\)

312 EAL accompanied CLF to Townsville in late January 2006, just before the school year started.\(^{504}\) They stayed one night at a hotel in Townsville, and the next morning a houseparent from Shalom came to pick up CLF. EAL’s evidence was that she was getting ready to come along when the houseparent said, ‘oh, no, we just pick up the student and take them back’.\(^{505}\) EAL thought it was strange that she was not invited to go along to the school, but did not question it as she thought it was the school’s policy and procedure.\(^{506}\) EAL did not receive an orientation of the school or meet the principal and teachers.\(^{507}\)

313 EAL gave evidence that in March 2006 she received a telephone call from the ‘head of the dorms’ at Shalom who told her that CLF had been sexually assaulted.\(^{508}\) When EAL queried this, he said ‘CLF has been raped’. EAL’s recollection was that he also said that he had heard some of the boys in the dorms talking about what had happened to CLF.\(^{509}\)

314 EAL’s evidence was that Mr Chris Shirley, the then principal of Shalom, called shortly after and introduced himself.\(^{510}\) EAL’s recollection was that Mr Shirley said ‘I have CLF

\(^{499}\) Transcript of EAL, Case Study 45, 2 November 2016, 22648:15.
\(^{500}\) Transcript of EAL, Case Study 45, 2 November 2016, 22648:21-22.
\(^{501}\) Transcript of EAL, Case Study 45, 2 November 2016, 22648:30-33.
\(^{502}\) Transcript of EAL, Case Study 45, 2 November 2016, 22648:34-36.
\(^{503}\) Transcript of EAL, Case Study 45, 2 November 2016, 22648:41.
\(^{504}\) Transcript of EAL, Case Study 45, 2 November 2016, 22648:41-44.
\(^{505}\) Transcript of EAL, Case Study 45, 2 November 2016, 22649:1-11.
\(^{506}\) Transcript of EAL, Case Study 45, 2 November 2016, 22649:7-8.
\(^{507}\) Transcript of EAL, Case Study 45, 2 November 2016, 22649:8-11.
\(^{508}\) Transcript of EAL, Case Study 45, 2 November 2016, 22649:26-32.
\(^{509}\) Transcript of EAL, Case Study 45, 2 November 2016, 22649:34-37.
\(^{510}\) Transcript of EAL, Case Study 45, 2 November 2016, 22649:39-40
here with me. Are you aware of what has happened to her?’, and she replied ‘Yes, I am and I want to speak to my daughter.’ Mr Shirley put CLF on the phone, and CLF told her ‘Mum, I have been raped’. EAL believed that CLF was not able to speak freely as Mr Shirley was still in the room.

EAL’s evidence is that, when Mr Shirley came back onto the phone, he ‘didn’t say too much’. He confirmed that CLF had seen a nurse or a guidance counsellor. EAL’s evidence was that she ‘didn’t feel comfortable with Shirley’. His ‘tone was very short’ and he did not give her any specific details around what happened.

For EAL, it was ‘horrible knowing that she [CLF] was alone and in pain and we were so far away’. EAL and her husband drove to Brisbane and went to the Abstudy office to make arrangements to get to Shalom.

EAL’s evidence was that ‘nothing could have prepared EAM and I for what we saw when we pulled up in a taxi at the gates of Shalom on about 2 April 2006. It was disgusting. The grounds, the buildings and the classrooms were in a shocking state’. The grass had overgrown to hip height, the drains had rubbish floating in them and the classrooms were run down with graffiti everywhere. EAL’s evidence was that she would never have let CLF stay at the school had she seen it that first day.

EAL and her husband attended a meeting with Mr Shirley in his office at Shalom. EAL’s evidence was that Mr Shirley was ‘trying to paint a bad picture of my daughter’. EAL’s evidence was that Mr Shirley said, ‘There have been stories going around about CLF offering sexual favours to boys’ and that CLF was ‘trying to get a boyfriend’ or ‘had

---

511 Transcript of EAL, Case Study 45, 2 November 2016, 22649:41-42.
512 Transcript of EAL, Case Study 45, 2 November 2016, 22649:44-45.
513 Transcript of EAL, Case Study 45, 2 November 2016, 22649:2-3.
514 Exhibit 45-046, ‘Statement of EAL’, Case Study 45, STAT.1206.001.0001 at [12]; Transcript of EAL, Case Study 45, 2 November 2016, 22650:3-4. It is noted that the transcript records EAL as saying ‘he didn’t say that CLF had seen a nurse or guidance counsellor’ but EAL’s statement says ‘he did say she had seen a nurse and a guidance counselor’. EAL’s statement has been preferred.
515 Transcript of EAL, Case Study 45, 2 November 2016, 22650:5-7.
516 Transcript of EAL, Case Study 45, 2 November 2016, 22650:28-30.
517 Transcript of EAL, Case Study 45, 2 November 2016, 22650:30-34.
518 Transcript of EAL, Case Study 45, 2 November 2016, 22650:44-47.
519 Transcript of EAL, Case Study 45, 2 November 2016, 22651:1-3.
520 Transcript of EAL, Case Study 45, 2 November 2016, 22651:3-6.
521 Transcript of EAL, Case Study 45, 2 November 2016, 22651:10-12.
a boyfriend’. After the meeting, it dawned on EAL that she and her husband had never previously received a call from the school about any concerning behaviour either by CLF or towards her. Her evidence was that, ‘The way that Shirley was talking led us to believe that there had been incidents of concern before she was assaulted. We had the right to know these things’.  

319 It was EAL’s recollection that Mr Shirley confirmed that the police were involved and had been to the school a couple of days after the incident. EAL’s understanding was that the police had been at Shalom in relation to another matter and heard about what had happened to CLF. 

320 EAL felt that Mr Shirley was trying to persuade them to not go through with charges, and said that the boys who had assaulted CLF ‘were from very influential indigenous families in Townsville’. It was also EAL’s evidence that Mr Shirley did not offer any assistance in regard to CLF’s education, and there was no offer of counselling or to see a psychologist. It is noted that Mr Shirley’s evidence is that he did not attempt to blame CLF and did not tell EAL and EAM to not report the matter to the police. 

321 After the meeting with Mr Shirley, EAL went to the girls’ dormitory to collect CLF. EAL’s impression when walking into the girls’ dorm was that it ‘was like walking into a prison’. One thing that really concerned her was the lack of security. The girls’ dorm was on low ground with ‘no protection’. 

322 When EAL finally saw CLF she was ‘overcome with emotion’ and could see that CLF was scared. CLF told her that she had spoken to the school guidance counsellor and then was taken to Shirley, who said to her, ‘You shouldn’t go forward with this case’.

---

522 Transcript of EAL, Case Study 45, 2 November 2016, 22651:16-19.
523 Transcript of EAL, Case Study 45, 2 November 2016, 22652:10-17.
524 Transcript of EAL, Case Study 45, 2 November 2016, 22658:33-38.
525 Transcript of EAL, Case Study 45, 2 November 2016, 22651:34-38.
526 Transcript of EAL, Case Study 45, 2 November 2016, 22651:40-45.
527 Transcript of EAL, Case Study 45, 2 November 2016, 22652:8-10.
528 Transcript of EAL, Case Study 45, 2 November 2016, 22664:7-19.
529 Transcript of EAL, Case Study 45, 2 November 2016, 22652:21-23.
530 Transcript of EAL, Case Study 45, 2 November 2016, 22652:41-45.
531 Transcript of EAL, Case Study 45, 2 November 2016, 22652:47.
532 Transcript of EAL, Case Study 45, 2 November 2016, 22653:1-2.
CLF also told EAL that the alleged offenders were walking around the school like nothing had happened.\textsuperscript{534}

323 EAL and her husband then attended a meeting, at their request, with the Chair of the Board of Directors of Shalom, Mr Shayne Blackman, a representative of the Anglican Diocese and possibly Mr Shirley.\textsuperscript{535} EAL’s evidence was that the board was in ‘damage control’, and said they could not do much because there was a police investigation.\textsuperscript{536} They kept saying, ‘We want to help you and CLF’, but did not specifically say how they would help.\textsuperscript{537} EAL’s evidence was that the family never received any offers of support or assistance from the school in regards to counselling or education for CLF.\textsuperscript{538}

324 After the meeting with board members, EAL’s evidence was that they were not allowed back onto the school premises to see CLF’s cousins. EAL was worried about them, and ended up calling all of their parents and telling them what had happened.\textsuperscript{539}

325 EAL’s evidence is that she and EAM took CLF to the police station to be interviewed. EAL asked for a female officer or a female Indigenous liaison officer to be present.\textsuperscript{540} EAL also remembers the police saying that a proper sexual assault examination would not be done on CLF because it had been too long since the assault happened.\textsuperscript{541}

326 EAL and EAM met with the Shalom school counsellor after the police interview. By this stage, EAL felt ‘like we were outsiders’, that the school was not being transparent, and the response was culturally insensitive.\textsuperscript{542} EAL remembers talking to the counsellor about the issues she had with the school.\textsuperscript{543} EAL felt that Shalom offered no appropriate support while they were in Townsville. Instead, she and EAM went and saw some Townsville Elders for advice and comfort.\textsuperscript{544}

\textsuperscript{534} Transcript of EAL, Case Study 45, 2 November 2016, 22653:29-30.
\textsuperscript{535} Transcript of EAL, Case Study 45, 2 November 2016, 22653:34-44.
\textsuperscript{536} Transcript of EAL, Case Study 45, 2 November 2016, 22653:44-46.
\textsuperscript{537} Transcript of EAL, Case Study 45, 2 November 2016, 22654:1-2.
\textsuperscript{538} Transcript of EAL, Case Study 45, 2 November 2016, 22654:6-9.
\textsuperscript{539} Transcript of EAL, Case Study 45, 2 November 2016, 22654:11-16.
\textsuperscript{540} Transcript of EAL, Case Study 45, 2 November 2016, 22654:20-23.
\textsuperscript{541} Transcript of EAL, Case Study 45, 2 November 2016, 22654:26-29.
\textsuperscript{542} Transcript of EAL, Case Study 45, 2 November 2016, 22654:31-37.
\textsuperscript{543} Transcript of EAL, Case Study 45, 2 November 2016, 22654:37-38.
\textsuperscript{544} Transcript of EAL, Case Study 45, 2 November 2016, 22654:41-43.
327 In the days after they got CLF from Shalom, CLF told EAL some things that had been going on at the school while she was there. CLF told her that she had witnessed one young girl trying to hang herself with a coat hanger, a young boy was raped at the boys’ dorm by other male students and there were young Northern Territory girls returning home from Shalom pregnant.\

328 EAL then gave evidence in relation to the process of the criminal prosecution of the boys who sexually assaulted CLF. EAL was annoyed by the prosecutors’ attempts to do ‘deals’ with CLF to get her to agree to the boys’ charges being downgraded. None of the boys ended up serving gaol time. It was EAL’s evidence that ‘they got to move on with their lives … CLF is stuck with what happened to her’.\

329 EAL’s evidence was that CLF ‘changed’ after what happened to her at Shalom, and so did their family. CLF began ‘drinking and drugging’. She has self-harmed, attempted suicide and is well-known to the police. She has had drug-induced psychotic episodes and is on antidepressant and antipsychotic medication to this day.\

330 EAL told the Commission that she has also gone through ‘bad patches’ and ‘got on the grog’ after Shalom, and that she blamed herself for letting CLF go there. EAL often feels helpless and frustrated that she cannot do anything to make CLF better. However, EAL’s evidence was that, at the moment, things are improving.\

EAM’s evidence\

331 EAM gave evidence that CLF started at Shalom at the beginning of 2006 in year 10. CLF was 14 years old. EAM said that at first, he was hesitant to send CLF to Shalom because of CLF’s age and his own experience of going to an all-boys boarding school when he was young. EAM said that after ‘some serious words’ with his wife, EAL, he

---

545 Transcript of EAL, Case Study 45, 2 November 2016, 22655:7-13.
546 Transcript of EAL, Case Study 45, 2 November 2016, 22655:32-35.
547 Transcript of EAL, Case Study 45, 2 November 2016, 22656:1-3.
548 Transcript of EAL, Case Study 45, 2 November 2016, 22656:8-9.
549 Transcript of EAL, Case Study 45, 2 November 2016, 22656:9-14.
552 Transcript of EAM, Case Study 45, 2 November 2016, 22666:4-5.
553 Transcript of EAM, Case Study 45, 2 November 2016, 22665:37.
agreed that CLF could go to Shalom because he thought it would ‘give her a better education and, being an Indigenous school it would be good for her culturally’. 554

332 EAM gave evidence that just before the Easter break in 2006, he was away working when he got a call from CLF. He said CLF sounded sad and asked whether she had to go back to Shalom after the break. He said he could tell in CLF’s voice that something was really wrong. He said that he told CLF she did not have to go back to Shalom and she could stay home. 555

333 EAM gave evidence that a couple of days later he received a call from his wife, EAL, and that it was one of the worst calls of his life. He said that EAL said to him ‘the school has called me and CLF has been raped!’ He said that he went into shock. 556 EAM gave evidence that when he got home, together with EAL, they called the school and spoke with the principal, Mr Shirley. He said that he told Mr Shirley that they were coming to get CLF and that Mr Shirley told them that the police were involved and had spoken with CLF. 557

334 EAM gave evidence that they arrived in Townsville around the end of March 2006 and that Shalom and Abstudy had organised their flights and accommodation. He said that while they were in Townsville they had time to speak with CLF and the police properly. He said he found out that Shalom did not initially report that CLF had been sexually assaulted to the police, and that Queensland Child Protection was notified days after the assault. 558 EAM’s evidence is that he was told by a Detective Taylor that the police were investigating another complaint at Shalom and had heard about what had happened to CLF and that it was only then that the police started to investigate CLF’s matter. 559

335 EAM gave evidence that on about 2 April 2006, he and EAL went to Shalom to collect CLF and meet with the principal, Mr Shirley. He said that when he arrived at Shalom he

---

554 Transcript of EAM, Case Study 45, 2 November 2016, 22665:36-45.
556 Transcript of EAM, Case Study 45, 2 November 2016, 22666:34-37.
was in a state of shock, not just because of what had happened to CLF but because the school looked like a pigsty, with broken windows, barred windows and rubbish everywhere.\textsuperscript{560}

336 EAM gave evidence that during the meeting, Mr Shirley made it clear he wanted the matter covered up and that he was trying to discourage EAM and EAL from pressing charges against the boys who came from ‘well known and influential families’.\textsuperscript{561} EAM said that Mr Shirley also started telling them ‘stories he had heard about CLF saying that she had been acting promiscuous, trying to get with boys and getting in fights’. EAM said that before the call from Shalom about CLF being raped, he had never received a call about CLF’s behaviour.\textsuperscript{562}

337 Mr Shirley’s evidence was that he did not attempt to blame CLF and did not tell EAL and EAM not to report the matter to the police.\textsuperscript{563}

338 EAM’s evidence was that at the meeting with Mr Shirley, they found out that the school did not call an ambulance or take CLF to the hospital after she was sexually assaulted. He also said that Mr Shirley told them that the boys involved were in ‘lockdown’ at the school and that CLF had been ‘isolated’ and sent to the Crystal Waters\textsuperscript{564} Campus ‘for her own safety’.\textsuperscript{565} EAM’s evidence was that he understood Crystal Waters to be a place where children were sent when they were ‘mucking up’.\textsuperscript{566} EAM said that Mr Shirley did not offer them any counselling or pastoral support.\textsuperscript{567} It is noted that it is Mr Shirley’s evidence that he told EAM and EAL that CLF was moved to Crystal Creek because there were rumours going around the girls’ dormitory, and he was concerned for her safety.\textsuperscript{568}

\textsuperscript{560} Transcript of EAM, Case Study 45, 2 November 2016, 22667:25-30.
\textsuperscript{561} Transcript of EAM, Case Study 45, 2 November 2016, 22668:2-18.
\textsuperscript{562} Transcript of EAM, Case Study 45, 2 November 2016, 22668:20-27.
\textsuperscript{563} Transcript of EAL, Case Study 45, 2 November 2016, 22664:7-19.
\textsuperscript{564} ‘Crystal Waters’ is likely to be a reference to the school’s Crystal Creek campus.
\textsuperscript{565} Transcript of EAM, Case Study 45, 2 November 2016, 22668:20-40.
\textsuperscript{566} Transcript of EAM, Case Study 45, 2 November 2016, 22668:35-37.
\textsuperscript{567} Transcript of EAM, Case Study 45, 2 November 2016, 22668:42-43.
\textsuperscript{568} Transcript of EAM, Case Study 45, 2 November 2016, 22663:1-43.
EAM also gave evidence of meeting with the chair of the board of Shalom, Mr Blackman. He said Mr Blackman was guarded, and although a verbal offer of help was made, nothing eventuated.  

EAM gave evidence that on 4 April 2006, CLF made a formal statement to Townsville Police and the police told him they wanted to lay formal charges. He said that a day or two after CLF made her statement to police, they met with Amy, the counsellor from Shalom. He said that they discussed the police involvement and that they were unhappy with how the school and Mr Shirley had handled the matter so far.

EAM gave evidence that while he and his wife were staying in Townsville, a number of people told him ‘alarming stories about Shalom’. He said he was told students were being sexually assaulted and bashed and that girls were going home pregnant. He said that it appeared that everyone in the Townsville community knew what was happening at Shalom but no one was reporting. He said that children were sent home from Shalom when something ‘bad happened’.

EAM gave evidence that it took six years for CLF’s case to get to trial. He said that Detective Taylor, who was the first police officer to speak with CLF, actually carried the matter all the way through to the trial. EAM said that he had a lot of respect for Detective Taylor. It was Detective Taylor who told EAM that some of the offenders involved had prior convictions for sexual assault. EAM said he felt like the prosecutors could have ‘pushed more’ and that he felt like they ‘were pursuing the case but in a half-arsed manner’.

---

570 Transcript of EAM, Case Study 45, 2 November 2016, 22669:37-41.
571 Transcript of EAM, Case Study 45, 2 November 2016, 22670:2-3.
572 Transcript of EAM, Case Study 45, 2 November 2016, 22670:7-16.
575 Transcript of EAM, Case Study 45, 2 November 2016, 22670:19-22.
576 Transcript of EAM, Case Study 45, 2 November 2016, 22670:22-23.
577 Transcript of EAM, Case Study 45, 2 November 2016, 22671:31-32.
578 Transcript of EAM, Case Study 45, 2 November 2016, 22671:38-44.
579 Transcript of EAM, Case Study 45, 2 November 2016, 22672:4-8.
EAM gave evidence that the trial was in April 2011, and that although the four offenders were convicted, it was for ‘some type of indecent assault’ and that none of them served gaol time. He said that there was no satisfactory outcome for CLF or his family.  

EAM’s evidence was that before CLF went to Shalom, she was a quiet but funny girl and was doing well at school. He said that when she got back from Shalom everything went downhill. CLF started going out with older kids, drinking and taking drugs. He said that he saw CLF become so depressed and that ‘she had bad spirits around her’. EAM and his family would sit with CLF and sing healing songs and perform smoking on her and the whole house.

He said CLF has self-harmed and been arrested and that she has had boyfriends that harm her. EAM said that he has also had a mental breakdown at one point because he just could not handle it all. He said that he lost his job as a contractor which was a really good job that he enjoyed.

EAM gave evidence that CLF is doing much better, especially after her session with the Royal Commission in August 2016. He said that CLF said to him ‘Dad, I feel lighter somehow’. He said CLF is in the Mums and Bubs program, seeing a counsellor and trying to ‘get off the drink’. He said it has been a ‘hard slog since Shalom but these things take time and love’.

The response of Shalom

In 2006, Shalom had about 340 students, 130 of which were boarders. Mr Shirley was the principal from 2003 to 2008.
Mr Shirley gave evidence that the student body at Shalom had a range of issues that required management by the staff, and that he had not had to deal with such ‘range, complexity or spread’ of issues across a student body in his previous experience. Mr Shirley believed that a majority of students had suffered sexual abuse before arriving at the school. Mr Shirley described the number of child protection reports he made each year at Shalom to equal the number of reports over 20 years elsewhere. Many of the incidents giving rise to these reports included incidents that occurred outside the school. Mr Shirley agreed that this suggested that there was a very serious problem at the school.

The Health and Wellbeing Centre

The school’s Health and Wellbeing Centre was established in 2005. As at 2006, the Health and Wellbeing Centre was staffed by a part-time registered nurse, community liaison officers, a chaplain, and one counsellor. Ms Amy Bridson was the only counsellor at the school. Ms Bridson was employed full-time, but took periods of leave. During those leave periods, there was no counsellor on the school grounds. Mr Shirley’s evidence was that students would be referred offsite to agencies outside the school if a student wanted to see a counsellor or psychologist when Ms Bridson was away, or if a student had complex needs. Mr Shirley agreed that, given the particular needs of the student body at Shalom, it was not sufficient to have just one counsellor. Mr Shirley gave evidence that he

---

589 Transcript of C Shirley, Case Study 45, 3 November 2016, 22733:19-33.
590 Transcript of C Shirley, Case Study 45, 3 November 2016, 22733:35-45.
591 Transcript of C Shirley, Case Study 45, 3 November 2016, 22739:10-18.
592 Transcript of C Shirley, Case Study 45, 3 November 2016, 22783:7-22.
593 Transcript of C Shirley, Case Study 45, 3 November 2016, 22740:6-8.
594 Transcript of A Bridson, Case Study 45, 2 November 2016, 22681:5-7.
595 Transcript of C Shirley, Case Study 45, 3 November 2016, 22731:21-23.
596 Transcript of A Bridson, Case Study 45, 2 November 2016, 22681:9-17.
597 Transcript of A Bridson, Case Study 45, 2 November 2016, 22681:23-25.
598 Transcript of C Shirley, Case Study 45, 3 November 2016, 22732:19-35.
599 Transcript of C Shirley, Case Study 45, 3 November 2016, 22732:37 - 22733:11.
600 Transcript of C Shirley, Case Study 45, 3 November 2016, 22734:1-7.
‘regularly’ raised this problem with the school board,\(^{601}\) who were concerned, but who also gave a ‘clear message’ that there were no additional resources available.\(^{602}\) Mr Shirley explained that, ‘we had to … use our education dollars to provide for health and wellbeing’.\(^{603}\)

352 A variety of clinics from visiting health services were run from the Health and Wellbeing Centre.\(^{604}\) One such clinic was a Queensland Health sexual health clinic, which came once a week.\(^{605}\)

353 Ms Bridson gave evidence that there was ‘limited sharing’ of information between staff at the Health and Wellbeing Centre and the visiting sexual health clinic.\(^{606}\) Ms Bridson’s evidence was that sharing of information occurred only if a referral was made, or for child protection matters.\(^{607}\) In child protection matters, sexual health clinicians had a responsibility to report students’ disclosures to appropriate authorities, and it was Ms Bridson’s belief that there was also a requirement for sexual health clinicians to inform the school principal.\(^{608}\)

354 For matters which did not need to be disclosed to authorities, but which raised concerns, Ms Bridson was not certain that there was an information sharing system between the school and the sexual health clinic beyond making a referral.\(^{609}\)

*Child protection at Shalom*

355 Ms Bridson gave evidence that, when Shalom staff members and volunteers became aware of any child protection matter, the procedure was to make a report to the principal.\(^{610}\) As for her role as counsellor in such situations, Ms Bridson’s evidence was that child protection reports were confidential, so the person who made the report is

---

\(^{601}\) Transcript of C Shirley, Case Study 45, 3 November 2016, 22735:19-38.

\(^{602}\) Transcript of C Shirley, Case Study 45, 3 November 2016, 22734:40 - 22735:11; 22736:14-24.

\(^{603}\) Transcript of C Shirley, Case Study 45, 3 November 2016, 22735:4-6.

\(^{604}\) Transcript of A Bridson, Case Study 45, 2 November 2016, 22681:15-17.

\(^{605}\) Transcript of A Bridson, Case Study 45, 2 November 2016, 22681:31-40.

\(^{606}\) Transcript of A Bridson, Case Study 45, 2 November 2016, 22682:25 - 22683:11.

\(^{607}\) Transcript of A Bridson, Case Study 45, 2 November 2016, 22682:31-36.

\(^{608}\) Transcript of A Bridson, Case Study 45, 2 November 2016, 22683:21-36; 22684:20-33.

\(^{609}\) Transcript of A Bridson, Case Study 45, 2 November 2016, 22684:18.

\(^{610}\) Transcript of A Bridson, Case Study 45, 2 November 2016, 22683:38 - 22684:6.
not to discuss it with anyone except the principal. If members of staff had other information which might go to the wellbeing of a student, it could be reported to the counsellor through the school’s referral system.\footnote{611}

356 Child protection incident reports were kept on a file maintained by the principal.\footnote{612} Mr Shirley said that staff reports of sexual assaults or sexualised behaviour would go through the staff member’s line manager to him.\footnote{613}

357 Ms Bridson’s evidence was that she and Mr Shirley attended training regarding the then new child protection legislation in 2004.\footnote{614} Mr Shirley trained the other staff.\footnote{615} Ms Bridson’s evidence was that she also provided training to some staff members during or prior to 2006,\footnote{616} and that she stressed that they should ‘over report’ rather than under report.\footnote{617} Ms Bridson agreed that there was a problem in 2006 with at least some staff not reporting when required, and that staff were often confused as to what was reportable.\footnote{618}

358 Mr Shirley gave evidence that Shalom was not like other schools, as it had a high staff turnover.\footnote{619} This meant that training was not able to be built on over time with the same personnel.\footnote{620} When asked if he believed that the staff were equipped enough to understand the seriousness of the incident against CLF, Mr Shirley replied, ‘Not all of them, no’.\footnote{621}

Arrangements in the boarding houses

359 As to the physical infrastructure of the school in 2006, Mr Shirley acknowledged that there was a serious problem with security in both the boys’ and girls’ dormitories.\footnote{622}
Between 2006 and 2008, the school obtained Commonwealth Government funding and undertook significant upgrades to its facilities.\textsuperscript{623} Mr Shirley’s evidence was that his attempts to obtain these funds were not due to CLF’s assault,\textsuperscript{624} but because of concern for the students in general.\textsuperscript{625} He said: \textsuperscript{626}

The life at Shalom at the time I was there, and the incident we’re talking about, [CLF], while greatly concerning, I would have to say aren’t unique, and so to be able to provide what we were there for, a good education and in a safe, caring environment, everything had to be restructured.

Mr Shirley also said that ‘safety procedures at Shalom were an ongoing concern, I think probably still are; it takes a toll on everybody’.\textsuperscript{627}

The sexual assault of CLF on 23 February 2006

On 26 February 2006, CLF reported an incident that had occurred on 23 February 2006 to a Shalom houseparent, Janice Binsiar. Ms Binsiar recorded the incident as follows:\textsuperscript{628}

CLF told me on Thursday 23rd February [Redacted] approached her and asked if they [could] see each other, she said no. He kept asking her and she kept saying no. In the end he touched her breasts and private parts. She told the other boys to tell him to go as he made her feel uncomfortable. When they told him, he then left. When the bell rang for supper, he forced himself on her and kissed her, she pushed him away and went inside...

Ms Binsiar recorded that CLF said that she did not make a report earlier because ‘she was scared of the other girls, also because she felt ashamed’.\textsuperscript{629} The ‘Child Protection

\textsuperscript{623} Transcript of C Shirley, Case Study 45, 3 November 2016, 22737:43 - 22738:2.
\textsuperscript{624} Transcript of C Shirley, Case Study 45, 3 November 2016, 22738:4-7.
\textsuperscript{625} Transcript of C Shirley, Case Study 45, 3 November 2016, 22738:9-11.
\textsuperscript{626} Transcript of C Shirley, Case Study 45, 3 November 2016, 22738:11-16.
\textsuperscript{627} Transcript of C Shirley, Case Study 45, 3 November 2016, 22788:25-26.
\textsuperscript{628} Exhibit 45-050, Case Study 45, SCC.006.001.0008; SCC.006.001.0009.
\textsuperscript{629} Exhibit 45-050, Case Study 45, SCC.006.001.0008; SCC.006.001.0009.
form’ and attachment completed by Ms Binsiar recording the incident was forwarded to Mr Shirley, on 1 March 2006.631

363 Mr Shirley gave evidence that although that he did not specifically remember receiving the report on 1 March 2006, it is most likely that he did.632

364 Mr Shirley gave evidence that his response to receiving the report from Ms Binsiar on 1 March 2006 would have been his ‘standard response, which would have been to contact child [protection]…and ask them…where to go from here’.633 Mr Shirley also said that his usual practice was to record the date, time, who he spoke to from Child Safety and what action they recommended. His practice was to record this information on the bottom of the ‘Child Protection form’ submitted to him.634

365 Mr Shirley accepted that the report which was in evidence did not contain any notations by him about contacting the Child Safety Office.635 He also accepted that the Shalom Child Protection Incident Register indicated that the incident was not reported to ‘DOCS’ or ‘JAB’.636 Mr Shirley also accepted that there is no record from Child Safety of a notification from Mr Shirley or anyone from Shalom regarding the 23 February 2006 incident.637

366 In response to a proposition put to Mr Shirley that that these factors combined suggested that he did not make a notification or report to Child Safety, he said, ‘Not true, but I understand what you are saying’.638 Mr Shirley’s evidence was that he over-reported rather than under reported and that he told his staff to do the same,639 but that he cannot prove anything without his notes or records available.640 Mr Shirley told

---

630 Exhibit 45-050, Case Study 45, SCC.006.001.0008; SCC.006.001.0009.
631 Transcript of C Shirley, Case Study 45, 3 November 2016, 22738:35-40.
632 Transcript of C Shirley, Case Study 45, 3 November 2016, 22742:12-24.
633 Transcript of C Shirley, Case Study 45, 3 November 2016, 22743:32-45.
634 Transcript of C Shirley, Case Study 45, 3 November 2016, 22744:1-4.
635 Transcript of C Shirley, Case Study 45, 3 November 2016, 22745:4-18.
636 Transcript of C Shirley, Case Study 45, 3 November 2016, 22746:1-20; Exhibit 45-050, Case Study 45, SCC.501.001.069.
640 Transcript of C Shirley, Case Study 45, 3 November 2016, 22769:33-41.
the Royal Commission that he left his records at Shalom and that they cannot be located.\textsuperscript{641} The school produced no notes made by Mr Shirley.

367 Mr Shirley’s evidence was that there were errors in the recording of the 23 February 2006 incident in the Shalom Child Protection Incident Register, including the date of the incident, and that the incident was described as ‘inappropriate behaviour’ rather than ‘sexual abuse’. He said such errors raised questions about whether the entry that no report to ‘JAB’ or ‘DOCS’ was made is accurate.\textsuperscript{642} Mr Shirley said that an office staff member maintained the register and that they would collate information regarding reports from Shirley, boarding or the Health & Wellbeing Centre.\textsuperscript{643} He said that he ‘didn’t keep a watch on the accuracy between the report and the register’.\textsuperscript{644}

368 Mr Shirley gave evidence that he did not report the 23 February 2006 incident to the school counsellor\textsuperscript{645} and that he saw the matter as one for boarding rather than for counselling.\textsuperscript{646} He said: \textsuperscript{647}

No, I think we were busy at the time, but what I said was that sort of matter was a matter that I needed to make the head of boarding aware of immediately so that the message could go through, through the head of boarding and the staff, that that sort of ... behaviour is not acceptable.

369 Mr Shirley gave evidence that regular leadership meetings were held at Shalom with the head of boarding, the person in charge of sexual health, himself and Ms Sandy Oxenburgh (now Hindmarsh) and they would discuss incidents. He said he ‘assumed that Ms Oxenburgh would have been the method by which [the incident] was conveyed to various people in the Health & Wellbeing’.\textsuperscript{648}

\textsuperscript{641} Transcript of C Shirley, Case Study 45, 3 November 2016, 22744: 22-23; 22769:33-41
\textsuperscript{642} Transcript of C Shirley, Case Study 45, 3 November 2016, 22767:30 - 22768:29.
\textsuperscript{643} Transcript of C Shirley, Case Study 45, 3 November 2016, 22766:20-29.
\textsuperscript{644} Transcript of C Shirley, Case Study 45, 3 November 2016, 22765:23-24.
\textsuperscript{645} Transcript of C Shirley, Case Study 45, 3 November 2016, 22746:30-33.
\textsuperscript{646} Transcript of C Shirley, Case Study 45, 3 November 2016, 22745:43-44.
\textsuperscript{647} Transcript of C Shirley, Case Study 45, 3 November 2016, 22746:30-38.
\textsuperscript{648} Transcript of C Shirley, Case Study 45, 3 November 2016, 22747:1-18.
In the statement Ms Hindmarsh provided to the Royal Commission, she said that she did ‘not recall details of this particular incident’ and commenced ‘maternity leave at the end of February 2006’.  

Mr Shirley conceded that in the performance of his duties, he was required to make sure that the information regarding CLF being sexually assaulted came to the attention of the counsellor.

Amy Bridson, the school counsellor at Shalom, gave evidence that the first time that she had seen the Shalom report of the incident on 23 February 2006 involving CLF was just before giving evidence and that she had no recollection of seeing it before then. She said that she does not remember having a conversation with Mr Shirley about the content of the report. She agreed that it was a serious matter and that the document recorded a sexual assault of CLF.

CLF’s mother, EAL, confirmed that she was never told by anybody at the school about the 23 February 2006 incident. The first she heard of it was in the days prior to the Royal Commission’s public hearing in November 2016. Her evidence was, ‘if I had know [sic] that incident happened, if I’d been given one phone call, my daughter wouldn’t have been there for the second one’.

CLF’s father, EAM, gave evidence that he found out about the incident at the same time as his wife, the Monday or the Tuesday of the week beginning 24 November 2016. He said he was ‘stunned and angry’ and asked ‘why weren’t we informed?’ EAM’s evidence was that he feels that had they known what had happened ‘we would have taken her away from that place, because of the serious nature of it…and this

---

649 Exhibit 45-070, ‘Statement of Cassandra Hindmarsh’, Case Study 45, STAT.1191.001.0001_R at [59]-[69].
650 Transcript of C Shirley, Case Study 45, 3 November 2016, 22747:20-23.
651 Exhibit 45-050, Case Study 45, SCC.006.001.0008; SCC.006.001.0009.
653 Transcript of A Bridson, Case Study 45, 2 November 2016, 22690:35-37.
654 Transcript of A Bridson, Case Study 45, 2 November 2016, 22690:11-19.
655 Transcript of EAL, Case Study 45, 2 November 2016, 22661:10-22.
656 Transcript of EAL, Case Study 45, 2 November 2016, 22661:24-35.
other thing wouldn’t have happened’. He also said he would have checked that the school reported the incident to the authorities.

375 It is submitted that the evidence supports a finding that Mr Shirley was informed about the 23 February assault on CLF, that he did not report that assault to the Child Safety Office or police/Juvenile Aid Bureau and that he did not notify CLF’s parents. Regard has been given to Mr Shirley’s unchallenged evidence that some of his records were not kept by the school and to his evidence of his usual practice, namely that he would usually report a matter of this nature. However, the evidence before the Royal Commission overwhelmingly supports a finding that no report was made to the Child Safety Office or the police/Juvenile Aid Bureau and CLF’s parents were not notified. The following evidence is relevant:

a. The police/Juvenile Aid Bureau and the Child Safety Office had no record of any notification.

b. The copy of the incident report itself does not contain a note of the matters Mr Shirley would usually record when a notification is made.

c. The Shalom Child Protection Incident Register recorded the matter as ‘inappropriate behaviour’ rather than ‘sexual abuse’ and recorded no notifications.

d. The matter was not brought to the attention of the school counsellor.

e. CLF’s parents gave unchallenged evidence they were not notified.

376 Available Finding: By 1 March 2006, the principal of Shalom, Mr Shirley, knew of allegations by CLF that a male student at the school had sexually assaulted CLF on 23 February 2006.

660 Transcript of C Shirley, Case Study 45, 3 November 2016, 22788:34-40
Available finding: Mr Shirley did not report the allegations made by CLF that she had been sexually assaulted on 23 February 2006 to the Child Safety Office or the police/Juvenile Aid Bureau.

Available finding: Shalom did not notify CLF’s parents about CLF’s allegations of the sexual assault on 23 February 2006.

Repeated presentations to the Health and Wellbeing Centre and somatic complaints

Ms Bridson gave evidence that the nurse at the Health and Wellbeing Centre, Ms Katrina Price, made a referral for CLF to see Ms Bridson around 22 or 23 March 2006, because CLF had ‘lots and lots of presentations to the sick bay with various somatic complaints and we started to get worried that there may be a psychological origin to the complaints’.  

Records from the Health and Wellbeing Centre state that CLF presented on 15 February, 20 February, 21 February, 22 February, 23 February, 7 March, 13 March, 14 March, 16 March, and that she went to Townsville General Hospital on 20 March for ‘Appendicitis’ but was discharged on 22 March with no diagnosis, and presented again on 23 March and 24 March 2006.

Ms Bridson gave evidence that a student might not make a full disclosure of sexual assault, but there might be signs which would point to the fact that sexual abuse or sexual assault or assaults are occurring. Ms Bridson agreed that a possible sign includes a child making somatic complaints which do not appear to have a justification.

Ms Bridson agreed that the report of the 23 February incident formed ‘part of the picture’ and, had she been aware of it, would ‘certainly … help to explain some of the behaviour’ of CLF.

---

662 Transcript of A Bridson, Case Study 45, 2 November 2016, 22688:11-14.
663 Exhibit 45-050, Case Study 45, SCC.006.001.0027.
664 Transcript of A Bridson, Case Study 45, 2 November 2016, 22685:17-45.
665 Transcript of A Bridson, Case Study 45, 2 November 2016, 22688:16-23.
667 Transcript of A Bridson, Case Study 45, 2 November 2016, 22694:14-19.
CLF’s disclosure of the sexual assault that occurred on 23 March 2006

383 On 24 March 2006, the day after CLF was assaulted, she presented to the sexual health clinic that was visiting Shalom. The sexual health worker completed an STD test at that time. On the same day, CLF also reported to staff at Shalom that she ‘did not feel safe at school’.  

384 On 27 March 2006, as a result of the referral from the school nurse, Ms Bridson met with CLF. Ms Bridson’s notes of the meeting indicate that CLF ‘disclosed to a teacher on Friday (24/3) that she did not feel safe at school’ and ‘described recent stressors’ as ‘bullying @ school. Concerned about rumours that she had had sex w. 6 boys recently. Denied any truth to rumours. Main concerns of weight’.  

385 Ms Bridson’s evidence was that she was ‘getting very concerned by this stage’ and believed that CLF ‘may have been sexually abused previously’. Ms Bridson made a follow-up appointment for CLF the next day.  

386 A ‘behaviour communication form’ dated 29 March 2006 and completed by staff member P Wallace records that on 28 March 2006, CLF indicated that she was being subjected to bullying. It states:

Yesterday I did the safety at school talk ... When talking about bullying, [CLF] nodded her head and pointed to herself to indicate that she is being bullied at school ... Today she came to PC looking very unhappy ... Last time I spoke to Sandy or Amy about her, and her bullying complaints, they indicated she is the instigator. But she is obviously feeling otherwise. Can you talk to her?

668 Exhibit 45-050, Case Study 45, SCC.045.002.006.
669 Transcript of A Bridson, Case Study 45, 2 November 2016, 22695:13-31; Exhibit 45-050, Case Study 45, SCC.006.001.0027.
670 Exhibit 45-050, Case Study 45, SCC.006.001.0030.
672 Transcript of A Bridson, Case Study 45, 2 November 2016, 22697:22-25.
673 Transcript of A Bridson, Case Study 45, 2 November 2016, 22698:14-18.
674 Exhibit 45-050, Case Study 45, SCC.006.001.0010.
Ms Bridson could not remember if the behaviour communication form was shared with her, but said there was a system of sharing of information like this with her as the counsellor. Ms Bridson agreed that the reference to ‘Amy’ was a reference to her and that she had expressed the view that CLF had been an instigator rather than a victim of bullying.

On 28 March 2006, CLF disclosed the sexual assault to the head of boarding, Chris Adebahr, and a houseparent, Gwen Johnson. The written account of this meeting describes the assault as follows:

28\textsuperscript{th} March 2006

Meeting

[CLF] – student

Gwen Johnson – House Parent

Chris Adebahr – Head of Boarding

[CLF] confessed to having sexual interaction with a group of boys on Thursday, 23\textsuperscript{rd} March. [CLF] was asked by [redacted] to meet her at the oval in the evening. [CLF] agreed and met him there but was surprised to see other boys present- [DFJ], [DFK], [DFL] and [DFM]. [CLF] says she felt uncomfortable with all of the boys present.

The following occurred in a draft format:

1) [DFM] forced [CLF] to have oral sex with him. When finished, [DFM] put his finger in her private area
2) [DFJ] had sexual intercourse with [CLF]
3) [DFK] put his finger in [CLF’s] private area
4) [DFL] forced [CLF] to perform oral sex

---

\textsuperscript{675} Transcript of A Bridson, Case Study 45, 2 November 2016, 22708:1-39.
\textsuperscript{676} Transcript of A Bridson, Case Study 45, 2 November 2016, 22708:37-46.
\textsuperscript{677} Transcript of A Bridson, Case Study 45, 2 November 2016, 22723:29 – 22724:1.
\textsuperscript{678} Exhibit 45-050, Case Study 45, SCC.045.002.006.
\textsuperscript{679} Exhibit 45-050, Case Study 45, SCC.045.002.006.
[Redacted], [Redacted] and [Redacted] were in the area when the above occurred but did not perform sexual acts with [CLF].

[CLF] has said that she feels bad for what happened and did not feel comfortable talking to a staff member. [CLF] has told this to a Sexual health worker on Friday, 24th March. The sexual health worker completed an STD test at the time.

389 Ms Bridson gave evidence that she became aware of this disclosure on the afternoon of 28 March 2006.680 Her evidence was that she believes she was shown the document containing the above record, and agreed that the record ‘referred to CLF being forced to perform sexual acts’ and that the account in the document did not disclose a ‘consensual encounter’.681

390 Ms Bridson said that she believes the above record682 was provided to Mr Shirley on the same day. She said she believed Mr Shirley had reported to Child Safety and the police683 and that he asked her to see CLF the next day.684 Ms Bridson said that she already had a plan in place to see CLF the next day.685

391 Ms Bridson’s evidence is that she did see CLF the next day, on 29 March 2006.686 CLF presented at 9.15 am687 and told Ms Bridson that ‘she had made a report that it was consensual activity, to the houseparents, but that she hadn’t told the whole story and that it wasn’t consensual’688 and ‘that she had in fact been sexually assaulted’.689

392 Ms Bridson rescheduled CLF’s appointment to 11.35 am. At 10.30 am she telephoned the sexual health clinic and spoke with a nurse, Ms Rose Gordon, to query whether CLF

---

681 Transcript of A Bridson, Case Study 45, 2 November 2016, 22720:4-11.
682 Exhibit 45-050, Case Study 45, SCC.045.002.006.
683 Transcript of A Bridson, Case Study 45, 2 November 2016, 22704:8-19
684 Transcript of A Bridson, Case Study 45, 2 November 2016, 22703:12-30.
685 Transcript of A Bridson, Case Study 45, 2 November 2016, 22703:3-10.
686 Transcript of A Bridson, Case Study 45, 2 November 2016, 22699:3-10.
687 Transcript of A Bridson, Case Study 45, 2 November 2016, 22699:32; Exhibit 45-050, Case Study 45, SCC.006.001.0036.
688 Transcript of A Bridson, Case Study 45, 2 November 2016, 22700:11-17; Exhibit 45-050, Case Study 45, SCC.006.001.0036.
689 Transcript of A Bridson, Case Study 45, 2 November 2016, 22700:9.
made a disclosure of sexual abuse on 24 March. Ms Bridson said she did this because CLF had told the ‘houseparents that she had made a disclosure’ to a sexual health worker.

Ms Bridson gave evidence that CLF returned to the Health & Wellbeing centre at 11 am on 29 March 2006. Ms Bridson agreed that her notes of the interview with CLF recorded a disclosure of a ‘series of very serious sexual assaults by multiple boys on CLF’. Ms Bridson said ‘it was horrific’. Her evidence was that although ‘there was doubt about previous things that [CLF] had said, she hadn’t said anything to this extent and so I didn’t doubt...that this happened’.

Reporting to external authorities

Mr Shirley said that he became aware of the 23 March assault against CLF when he received the report by Mr Adebahr on the afternoon of 28 March 2006. Mr Shirley agreed that the report contained a disclosure of more than one serious sexual assault on CLF and that there was no hint that the sexual acts were consensual.

Shalom was not able to locate or produce to the Royal Commission any documents which recorded the content of Mr Shirley’s report to Child Safety. Mr Shirley’s evidence was that he believed that he made a notification to the Child Safety Office the following day, being 29 March 2006. The police record of the report from the Child Safety Office supports his belief. Mr Shirley did not report the matter to the police.

---

690 Transcript of A Bridson, Case Study 45, 2 November 2016, 22699:20-46, 22701:6-10; Exhibit 45-050, Case Study 45, SCC.006.001.0036; Exhibit 45-050, Case Study 45, SCC.006.001.0035.
691 Transcript of A Bridson, Case Study 45, 2 November 2016, 22701:13-17.
692 Transcript of A Bridson, Case Study 45, 2 November 2016, 22699:27-29.
693 Transcript of A Bridson, Case Study 45, 2 November 2016, 22700:19-25; Exhibit 45-050, Case Study 45, SCC.006.001.0036.
694 Transcript of A Bridson, Case Study 45, 2 November 2016, 22700:35-40.
695 Transcript of C Shirley, Case Study 45, 3 November 2016, 22752:19-37.
696 Transcript of C Shirley, Case Study 45, 3 November 2016, 22753:25-27.
697 Transcript of C Shirley, Case Study 45, 3 November 2016, 22753:19-23.
699 Exhibit 45-050, Case Study 45, QLD.0137.001.0988.
700 Transcript of C Shirley, Case Study 45, 3 November 2016, 22730:18-19.
The Child Safety Office reported the assault to the police. The report to police was made by Jenny Perkins of the Child Safety Office on 29 March 2006. The police record of this report states:

SHALOM COLLEGE

1. Received information from Jenny PERKINS CSO in relation to an incident reported to them by the principal of the college, Chris SHIRLEY.

2. The incident was reported to have occurred on the 23rd March 2006 on the oval on the school grounds. The information received was that [CLF] [redacted] had sex or oral intercourse with four different boys around the same time.

3. The four boys [DFJ] [redacted], [DFK] [redacted], [DFL] [redacted] have been questioned and have all denied any sexual contact with CLF.

4. The information form [sic] the school suggests that CLF has been presenting with problems that are then proven not to be true.

5. Nil complaints have been received at this stage. Principal advised to contact JAB office if she wishes to make a complaint.

6. No further action taken at this stage.

7. Principal later contacted this office wanting advice as to what action he should take. He was advised that if the child wants to proceed with a complaint that this office is to be contacted and arrangements made for her to attend re 93A.

Mr Shirley said that he was the original source of the above information, when he notified Child Safety. Mr Shirley’s evidence was that he did not believe he would have used the language in paragraph 2 like ‘had sex or oral intercourse with four
different boys around the same time’, 704 that he would not have made any judgment about rape, and that he believed there were more than four boys involved. 705 As to the information in paragraph 3 (that the four boys had been questioned and denied any sexual contact), Mr Shirley said ‘that’s not what I made a report about’ and that he had not interviewed the boys. 706 He believed that the head of boarding had interviewed them and ‘they made a disclosure’. 707

398 Mr Shirley confirmed that he told Child Safety that CLF had been making complaints and saying things which were untrue as that ‘was the information I had received’. 708 His evidence was that this was not to convey an impression that CLF was an unreliable historian, but to provide background information. 709

399 When the proposition was put to him that the writer of the record had serious doubts as to the truth of it, Mr Shirley said, ‘I understand that’s how it is written here, but that’s not my record of what was presented to Child Safety’. 710 Mr Shirley agreed that the information could have only come from Shalom. 711 He said: 712

Reading that, you would have to believe that there was an implication that the allegations that CLF was making – the concerns that CLF was making would be considered not true, but that certainly was not my – that’s not my position ... for personal reasons, I have a propensity to overreport than underreport...

400 Mr Shirley said he thought that the use of the word ‘confessed’ in Mr Adebahr’s 28 March report was a ‘strange use of words’, but he thought it meant that CLF’s disclosure was not voluntary. 713 As to how the word ‘confessed’ coloured his
perception of whether the sexual acts were consensual or not, the following exchange took place between the Chair and Mr Shirley: 714

THE CHAIR: Q. What is being put to you, though, is that those reporting to you were suggesting, by the use of the word "confession", that this may in some way have been consensual activity; do you see?

A. Oh, I see - and could have been their view.

Q. And the same sentiment is reported in the police report, too?

A. I believe so.

Q. And, rather sadly, the same outcome happens at the trial?

A. That it's not graded as rape?

Q. Mmm.

A. I saw that.

401 Mr Shirley said that he did not intend to convey the impression to Child Safety that there were concerns about CLF’s veracity. 715

402 The statement of Detective Senior Sergeant David Miles to the Royal Commission states police were at Shalom regarding another matter on 30 March 2006, when they had a conversation with the ‘school guidance officer’ regarding CLF’s complaint. Arrangements were then made for CLF to be brought to the police station that afternoon to make a statement. This did not occur. On 31 March 2006, investigators again attended Shalom and had a brief discussion with CLF regarding her making a statement. 716

714 Transcript of C Shirley, Case Study 45, 3 November 2016, 22775:21-36.
There was a short delay, as CLF’s parents wished to be present for the interview and needed to make travel arrangements.\textsuperscript{717} CLF ultimately made a formal statement to police on 4 April 2006.\textsuperscript{718}

**Mr Shirley’s actions in response to CLF’s disclosure**

After Mr Shirley became aware of what happened to CLF on the night of 23 March 2006, he required the houseparents within the boarding houses to make documentary records about what they knew.\textsuperscript{719}

One such documentary record was signed by two female houseparents on 31 March 2006.\textsuperscript{720} It records that on the night of 23 March, the houseparents noticed that CLF had ‘absconded after supper’ and returned shortly after 10 pm. When asked if girls often went missing at night, Mr Shirley said that this ‘had occurred more than once’.\textsuperscript{721}

Another documentary record about the night of 23 March was signed by houseparent Allison Archie on 5 April 2006. It records that CLF was ‘missing from the girl’s dormitory’ and returned around 9 pm, and that CLF ‘was dirty and would not say anything to me’.\textsuperscript{722}

When shown these documentary records, Mr Shirley agreed that at least two people on the staff of the school within the girls’ dormitory knew that CLF was absent until 9 or 10 pm on the night of 23 March, and that she returned dirty and did not say anything. As to whether an alarm was raised, Mr Shirley’s response was as follows: \textsuperscript{723}

\begin{quote}
Q. On that night, was, to your knowledge, any alarm raised by anyone in the boarding house about what might have happened to [CLF]?

A. For her being dirty, do you mean?

Q. Absent and returning dirty and not saying anything when she came back?
\end{quote}

\textsuperscript{717} Transcript of EAM, Case Study 45, 2 November 2016, 22669:30-35.
\textsuperscript{718} Exhibit 45-074, ‘Statement of David John Miles’, Case Study 45, STAT.1199.001.0001_R at [16].
\textsuperscript{719} Transcript of C Shirley, Case Study 45, 3 November 2016, 22748:10-14.
\textsuperscript{720} Exhibit 45-050, Case Study 45, SCC.045.002.007.
\textsuperscript{721} Transcript of C Shirley, Case Study 45, 3 November 2016, 22748:33-38.
\textsuperscript{722} Exhibit 45-050, Case Study 45, SCC.045.002.009.
\textsuperscript{723} Transcript of C Shirley, Case Study 45, 3 November 2016, 22749:16-32.
A. Yes, well, there was - you know, some time between 9 and 10, according to these various reports, it was lockdown, so yes, they did question her about that. I believe at the time that Cyclone Larry had just hit the coast, a couple of days beforehand. That meant that the weather conditions were still very wet and dirty, and if they were to believe what - the houseparents believed what the girl told her, that walking up to Willows in that sort of condition would have meant her returning wet and – they didn’t go any further than what she had told them.

408 Mr Shirley was shown a documentary record dated 5 April 2006 by a male houseparent, Donald Marou, who was on duty in the boys’ dormitory on 23 March. It says, ‘I did notice a few boys missing on my shift’ and lists the names of eight boys, including DFL and DFK. The note says the boys returned around 8.45 pm and ‘DFL said he had oral sex with one of the girls. [Redacted] also said he had sex with one of the girls’.  

409 Mr Shirley’s evidence was that there would not have been a discussion between the staff on duty in the boys’ and girls’ dormitory, to put together CLF’s absence with the account that two boys were boasting of having oral sex and sex with girls. Instead, the reporting process was that each senior houseparents’ handover report would go to the head of boarding. Mr Shirley’s evidence was that this information was not reported to him at the time (being 23 March) and only came to light on 5 April when he asked the head of boarding to investigate amongst the boarding staff. Mr Shirley agreed that, had the school’s internal reporting system been followed, this information should have been reported to him on 24 March. Had he received it, it would have prompted a call to Child Safety.

---

724 Transcript of C Shirley, Case Study 45, 3 November 2016, 22749:41; Exhibit 45-050, Case Study 45, SCC.045.002.009.
725 Exhibit 45-050, Case Study 45, SCC.045.002.009.
726 Transcript of C Shirley, Case Study 45, 3 November 2016, 22751:4-14.
728 Transcript of C Shirley, Case Study 45, 3 November 2016, 22750:31-22751:2; Transcript of C Shirley, Case Study 45, 3 November 2016, 22751:38-42.
729 Transcript of C Shirley, Case Study 45, 3 November 2016, 22751:46-22751:12.
730 Transcript of C Shirley, Case Study 45, 3 November 2016, 22770:19-37.
410  **Available finding:** As at 27 March 2006 the school had information that CLF was a vulnerable student, including repeated presentations to the Health and Wellbeing Centre, the assault on 23 February 2006, the reports by teachers that CLF did not feel safe at school, CLF’s disclosure that she was being subjected to bullying and CLF’s and various other students’ absence from the boarding house on the night of 23 March 2006. These pieces of information that were held by various employees of the school were not reconciled or coordinated.

**Support provided to CLF**

411  After learning of CLF’s assault on 28 March 2006, Mr Shirley said his priority was to make sure that CLF was safe.\(^{731}\) He said this included making ‘sure that the houseparents kept the named boys away from anything to do with the girls’. He also said that the school’s counselling services ‘were stopped for the day’.\(^{732}\) He said:

> I was aware before that that there were various stories going around about sexual activity involving a number of different people. I believe that the people in the Health & Wellbeing Centre had spoken with [CLF] and put it to her, had this occurred, and she had denied it to them. So it wasn’t really clear to me as to whether – to what degree the boys’ boasts were true or not, but, nevertheless, I was making sure on that evening, when I found out, that [CLF], from the houseparents' point of view, was feeling safe and was feeling secure enough to be able to stay in the dorms with close eyes on her until I could activate the health services for another interview or support with [CLF] the following day.\(^{733}\)

412  When it was put to Mr Shirley that it was a very serious failure to not also put in place safeguards to protect CLF’s mental state, such as bringing in an external psychologist or psychiatrist or to arrange for an assessment of her risk of self-harm, he said, ‘in hindsight, I could have activated those sorts of professional services’.\(^{734}\)

---

\(^{731}\) Transcript of C Shirley, Case Study 45, 3 November 2016, 22754:5-15.

\(^{732}\) Transcript of C Shirley, Case Study 45, 3 November 2016, 22754:23.

\(^{733}\) Transcript of C Shirley, Case Study 45, 3 November 2016, 22755:6-18.

\(^{734}\) Transcript of C Shirley, Case Study 45, 3 November 2016, 22756:33-47.
CLF was moved to the Crystal Creek campus on 29 March and returned to the main campus of Shalom the following day to make a report to the police. However, this appointment was cancelled at the request of EAL and EAM, due to their concerns that the interview would not be carried out appropriately.\(^{735}\)

Ms Bridson’s evidence was that CLF was sent to Crystal Creek ‘to keep her safe, because the men – the young men that she – the perpetrators were still at school.’\(^{736}\) Mr Shirley elaborated on why CLF was sent to Crystal Creek. He said ‘there was a high potential that the other girls would have become physical in their belief of what had actually occurred, and ... done things to CLF that wouldn’t be safe for her’.\(^{737}\) He also said that he was aware that a search warrant was being activated and he thought he ‘needed to keep the boys onsite, unaware that that was going on, so that they didn’t dispose of any clothing or anything else that would provide evidence, and that they wouldn’t abscond from the place’.\(^{738}\)

Ms Bridson’s evidence was that the Crystal Creek campus generally provided ‘a transitional program for students who were not used to the more structured routine of school and needed additional support and time to transition into the mainstream school’.\(^{739}\) Students with behavioural problems were sent to Crystal Creek if ‘it was deemed that their behaviour could be better managed in that environment, but not always’.\(^{740}\)

Ms Bridson said that another reason CLF was sent to Crystal Creek was because ‘she had a family member who was a houseparent there, so it was deemed that that would be more suitable’.\(^{741}\)

CLF was in the school’s care until her parents were able to arrive at Shalom on 2 April 2006. When asked about what was happening in terms of looking after CLF in that period, Ms Bridson said: \(^{742}\)

\(^{735}\) Transcript of A Bridson, Case Study 45, 2 November 2016, 22704:21 – 22705:31; 22706:26-32.
\(^{736}\) Transcript of A Bridson, Case Study 45, 2 November 2016, 22706:34-38.
\(^{737}\) Transcript of C Shirley, Case Study 45, 3 November 2016, 22760:41 – 22761:2.
\(^{738}\) Transcript of C Shirley, Case Study 45, 3 November 2016, 22761:4-17.
\(^{739}\) Transcript of A Bridson, Case Study 45, 2 November 2016, 22715:25-32.
\(^{740}\) Transcript of A Bridson, Case Study 45, 2 November 2016, 22715:38-43.
\(^{741}\) Transcript of A Bridson, Case Study 45, 2 November 2016, 22716:10-12.
\(^{742}\) Transcript of A Bridson, Case Study 45, 2 November 2016, 22712:8-15.
I’m not sure what extra support she was – I think she was – I’m not sure. I can’t remember if she was at the Crystal Creek campus or if she was at Shalom, at our main campus, but if she was at the main campus she would have been receiving support through the Health and Wellbeing Centre.

Mr Shirley confirmed that CLF returned to the main campus on 30 March 2006 after spending one night at Crystal Creek. Mr Shirley’s evidence was that CLF was ‘in the safe confines with Ms Benjamin [Bridson]’. Mr Shirley’s evidence was that it was his understanding that Ms Bridson was ‘putting various support services in place’, and that Ms Sandy Oxenburgh (now Hindmarsh) would have also been coordinating support for CLF. However, when counsel for Ms Hindmarsh pointed out that she was actually on maternity leave at the time, Mr Shirley agreed that it was therefore unlikely that she was the person he was in contact with about the counselling arrangements.

Ms Bridson could not provide any information as to what was done to ensure CLF’s safety once she was back at the main school, but she understood the principal discussed this with the head of boarding.

Ms Bridson said that she was away on study leave for part of the period between 29 March and 2 April. The next record of appointment in the Health and Wellbeing Centre records is the 5 April meeting between Ms Bridson and EAL and EAM. When asked who at the school was providing support and counselling to CLF in that period of time, Ms Bridson’s evidence was that CLF was receiving support through ‘our liaison staff and through our nurse and through the assistant principal’. She continued:
Q. Do you think that the resources that were made available to help and assist and treat [CLF] in this period after the disclosures were made on 29 March were adequate?

A. In hindsight, no, but at the time I believe we were doing what we believed was the best we could with the resources we had, and also the added complication that the parents were upset about our ongoing involvement.

421 Mr Shirley’s evidence was that CLF was moved back to Crystal Creek until her parents arrived. He agreed that there was no documentary evidence to indicate that this happened.\(^{753}\)

422 In regards to external specialised support for CLF, there was the following exchange with Mr Shirley: \(^{754}\)

Q. Do you accept that no external professional was utilised to conduct an assessment or treat [CLF] in this period, 30 March to when the parents arrived on 2 April?

A. No, the records show that Sexual Health Services, which were an external agency, they provided sexual - a physical sexual assessment. I don't know the outcome of that, that was all sort of private. They were an external agency that actually operated out of our facility.

Q. To your mind, that assessment, a physical sexual assessment, was sufficient to look after [CLF] in this three or four-day period; is that right?

A. No.

Q. Well, what else? What happened by way of, for example, a psychologist with expertise in dealing with children suffering the trauma of rape? What happened with someone like that coming in and making an assessment?

A. I don't think those services were activated.

\(^{753}\) Transcript of C Shirley, Case Study 45, 3 November 2016, 22761:28-45.

\(^{754}\) Transcript of C Shirley, Case Study 45, 3 November 2016, 22763:1 – 22764:3.
Q. Why not?

A. I can't tell you. That was - I wasn't over - I should have been asking particular questions of Ms Oxenburgh, perhaps, in Ms Amy's absence, as to whether external professional services had been called, like as in TAIHS, but I didn't.

Q. You see, by the time that you were alerted to [CLF]'s allegations, it was ultimately your responsibility to make sure that the proper steps were put in place to look after your student, [CLF]; correct?

A. That's true.

Q. And that was particularly so in the period before her parents were able to travel from a long-distance away down to retrieve her; right?

A. That's true, yes.

Q. Do you agree that you failed [CLF]?

A. In hindsight, I think I should have made sure that Sexual Health & Wellbeing, in Ms Benjamin's absence, had contacted another professional to come - well, not necessarily to come on site, but for her to be referred to.

Q. Was there a sense, in your mind, that what really was happening here, Mr Shirley, was that you had doubts about [CLF]'s version and thought that the boys' denial of what had occurred, or at least partial denial, was to be preferred as a version?

A. That's absolutely not true...

Available finding: In the days following CLF's disclosure and until her parents arrived at the school on 2 April 2006, CLF was in the care of the school. During this time, the staff at Shalom failed to provide appropriate care, including engaging external support services for CLF.
Support for EAL and EAM

424 Mr Shirley was asked about the evidence of EAL and EAM that, in his meeting with them, he gave the impression that their daughter was promiscuous and somehow at fault. In response, he said, ‘I understand that’s what they said. That’s certainly not my intent ... my only intent in explaining to them why I moved CLF and not the boys was to convey I was totally focused on her safety’. 

425 Ms Bridson met with CLF’s parents, EAL and EAM, on about 5 April 2006. Her evidence was that ‘they were upset’ and ‘very angry’. Ms Bridson’s evidence was that ‘I don’t think they received sufficient support’. Ms Bridson said that she made an offer to help engage them with support at home at the 5 April meeting, but that she thought they were angry and not ready to engage. She agreed that it was possible that the school could have done more to give them support at the time.

Available finding: In the period after they were notified of the sexual assault on CLF, CLF’s parents, EAM and EAL, were not provided with sufficient support by staff at Shalom.

Support for the boys

426 The boys named by CLF were taken to the Townsville police station and interviewed on 6 April 2006. Ms Bridson’s evidence in her statement was that Mr Shirley asked her to go to the police station and check that they had breakfast. Mr Shirley could not recall asking this of Ms Bridson. When asked if he was intent on making sure that the welfare of those boys was being looked after and managed, he said ‘I treat all students equally’.

755 Transcript of C Shirley, Case Study 45, 3 November 2016, 22764:34 – 22765:47.
756 Transcript of C Shirley, Case Study 45, 3 November 2016, 22766:1-5.
757 Transcript of A Bridson, Case Study 45, 2 November 2016, 22705:33-42.
758 Transcript of A Bridson, Case Study 45, 2 November 2016, 22706:5-7.
759 Transcript of A Bridson, Case Study 45, 2 November 2016, 22706:8-11.
760 Transcript of A Bridson, Case Study 45, 2 November 2016, 22706:16-18.
761 Exhibit 45-074, ‘Statement of David John Miles’, Case Study 45, STAT.1199.001.0001_R, [17].
762 Exhibit 45-048, Case Study 45, ‘Statement of Amy Frances Bridson’, STAT.1217.001.0001_R, [92]
763 Transcript of C Shirley, Case Study 45, 3 November 2016, 22764:16-19.
428 In her statement, Ms Bridson said that this ‘was the extent of my involvement with the boys’.  

Support to Shalom

429 Mr Shirley was asked about the support provided to the staff at Shalom to permit them to properly deal with the level of sexually abusive behaviour within the school. Mr Shirley said that there was ‘no direct relationship between an independent school and the Department of Education’. Rather, the relationship is through the Office of the Non-State Schools Accreditation Board. He said that every five years, there is an accreditation process, and child protection is one area in which schools must prove they had policies, procedures and training in place. Mr Shirley’s evidence was that the Office of the Non-State Schools Accreditation Board never expressed concern about the high incidence of sexually inappropriate behaviour at Shalom because they ‘didn’t ask questions’ about the ‘level’ of incidents. He said that ‘they were more looking at the high level of policies in place’.  

430 In relation to the Department of Child Safety in Queensland, Mr Shirley’s evidence was that the Department never raised concerns with him about the high level of incidents being reported from Shalom. In relation to any support from the Department of Child Safety, the following exchange took place between Mr Shirley and Commissioner Fitzgerald:

Q. What was the level of support from the Department of Child Safety?

A. I don’t recall any.

Q. In the six years you were principal - is that right?

A. Yes.

---

765 Exhibit 45-08, Case Study 45, ‘Statement of Amy Frances Bridson’, STAT.1217.001.0001_R, [94].
766 Transcript of C Shirley, Case Study 45, 3 November 2016, 22784:30-45.
767 Transcript of C Shirley, Case Study 45, 3 November 2016, 22785:1-8.
768 Transcript of C Shirley, Case Study 45, 3 November 2016, 22785:6-7.
769 Transcript of C Shirley, Case Study 45, 3 November 2016, 22786:2-5.
770 Transcript of C Shirley, Case Study 45, 3 November 2016, 22786:12-33.
Q. Are you saying that the department did not provide any guidance or support beyond the normal mandatory requirements to assist you in dealing with the high level of child sexually inappropriate behaviours that were being disclosed by your school?

A. The only - my only experience was that they investigated the incidents as reported; I believe they investigated. There was no feedback about the outcome of any of the reports that I had made and there was no global view that there were too many of any particular type of reports that were being made. I can't recall any discussions at all about their reflection of the number or the nature of reports.

431 Mr Christopher England has been the principal of Shalom since 2013.  

432 Mr England agreed that there was a problem with the way the school dealt with CLF and that the pieces of information that were held by various staff at the school were not reconciled or coordinated, and that all of the information did not come to attention of the principal and the counsellor.

433 Mr England gave evidence of the current system in place, which allows information sharing between staff at Shalom in relation to the response to a student who might be in distress. He said:

The system that exists now is that there is a handover, as there was a handover in 2006, between boarding staff and day staff, and that occurs twice a day - once in the morning and once in the afternoon. At that handover are the senior residential workers who are in charge of the shift of boarding, the head of boarding, often a counsellor but not always, and the head of Health & Wellbeing, again often but not always, and that is where information is

---

shared about particular students, both from the school to the boarding house and from the boarding house to the school.

434 Mr England’s evidence was that the system that is in place is the ‘best we can do with our resources’. In terms of its effectiveness, he said:

It’s hard to know what a system prevents, because it’s not identified, it is prevented, but in terms of the numbers of incidents of students that are having sexual contact with the school, that are boarders, over the last three years, that has reduced...

435 Mr England gave evidence that in terms of what society expects of a school such as Shalom, ‘the funding is completely inadequate, right across the board’.

436 Mr England gave evidence that the support that was provided to CLF in 2006 was inadequate, but that the ‘support that the school provided was what they could do, given their resources’.

437 Mr England’s evidence was that, at the time of the public hearing, there were two counsellors at Shalom; normally there were three, ‘but one lady had just resigned’. He confirmed that the third counsellor will be replaced. His view was that there is inadequate funding for counselling services.

438 Mr England said that he has raised concerns with the lack of funding in his reports to the governing board. The following exchange took place between Counsel Assisting and Mr England regarding what action has been taken in relation to the lack of funding:

Q. What, to your knowledge, has come of that matter since you have been there? Has, to your knowledge, the board or anyone else taken up the issue of funding?

775 Transcript of C England, Case Study 45, 3 November 2016, 22792:32-34.
778 Transcript of C England, Case Study 45, 3 November 2016, 22794:5-11.
A. Not in any official sense. We have had - the school has made requests to Members of Parliament when they have visited school; I have made requests to ISQ as to whether there are sources of funding that we can access to assist us in boarding. We used to have the Health & Wellbeing funded, substantially but not fully, by the TAIHS organisation, but then, upon the administration of the school the funding was directed away from the school and to TAIHS, and that funding is now built into them, so the quality of service from them has reduced considerably.

Q. What is TAIHS?

A. Sorry, it is the Townsville Aboriginal and Islander Health Service.

Mr England said that he did not believe that the current level of resourcing is sufficient to maintain a safe environment for his students. The following exchange took place between Commissioner Fitzgerald and Mr England:

Q. So can I just ask you to explain: in what ways does the resourcing preclude you from providing a safe environment for your current students?

A. When I arrived at Shalom, Deloittes, the administrators, were there. There was a staffing ratio of 1 to 20 in boarding, and their figures and their working out said that that's the minimum...that we could provide. At the end of the 2014 year, we changed that ratio to 1 to 15 - one staff member to 15 students. That provided better coverage, but not sufficient. We would like it lower... We can't get it lower because we would be taking more money from the education bundle that we get to educate the children in classes to put into boarding.

The boarding figures that we have at the moment are worked out on the income we get, and the income our school receives for boarding is from Abstudy. We get a lump sum for the boarding cover and then we get another supplementary amount that is income tested on the parents. Some parents -
the school receives for some students a mere $200 a year; for others it can be over $4,000. Now, that's all put together, and we use that to cover things that are not covered by the original boarding amount. Such things as doctors' visits, some clothing, excursions on the weekend, if our students belong to a sports club, in terms of if the school enrols a team, then registration fees have to be paid with that. So out of that additional Abstudy funding, roughly half of it goes to boarding and half of it goes to running the Health & Wellbeing Centre.

Unlike other boarding schools, the fees that we charge our parents are nil, because they come with nothing. We provide a service to the poorest sector of the community, a service that is - with most of our staff, they give their hearts and souls into it, and Mr Shirley alluded to that.

The amount of funding we get from Abstudy for the boarding we use effectively and efficiently, but we would - we don't have any more to reduce - to increase the student/staff member ratio, and one of the things we would like to have is a social worker in the boarding that works after hours. For example, we have students that come along without toothbrushes, and they are not in the habit of that sort of hygiene. They need to be trained in hygiene as well as in terms of getting to bed on time and those sorts of things. So there is a great demand for the continued development, social and educational, of our students, let alone keeping them safe.

Q. Sure. But the bottom line of that, if I understand you, Mr England, is that you don't believe that, in relation to boarding houses, you can provide a safe environment for your students given the current resource levels through Abstudy - is that the bottom line of your evidence?

A. That would sum it up, yes, sir.

440 Available finding: As at March 2006 and to this day, the resourcing provided to Shalom is not sufficient for it to maintain a safe environment for the students.
Summary of available findings in relation to Shalom

441 It is submitted that the following findings are available.

442 AF 16 – By 1 March 2006, the principal of Shalom, Mr Shirley, knew of allegations by CLF that a male student at the school had sexually assaulted CLF on 23 February 2006.

443 AF 17 – Mr Shirley did not report the allegations made by CLF that she had been sexually assaulted on 23 February 2006 to the Child Safety Office or the police/Juvenile Aid Bureau.

444 AF 18 – Shalom did not notify CLF’s parents about CLF’s allegations of the sexual assault on 23 February 2006.

445 AF 19 – As at 27 March 2006 the school had information that CLF was a vulnerable student, including repeated presentations to the Health and Wellbeing Centre, the assault on 23 February 2006, the reports by teachers that CLF did not feel safe at school, CLF’s disclosure that she was being subjected to bullying and CLF’s and other various students’ absence from the boarding house on the night of 23 March 2006. These pieces of information that were held by various employees of the school were not reconciled or coordinated.

446 AF 20 – In the days following CLF’s disclosure and until her parents arrived at the school on 2 April 2006, CLF was in the care of the school. During this time, the staff at Shalom failed to provide appropriate care, including engaging external support services for CLF.

447 AF 21 – In the period after they were notified of the sexual assault on CLF, CLF’s parents, EAM and EAL, were not provided with sufficient support by staff at Shalom.

448 AF 22 – As at March 2006 and to this day, the resourcing provided to Shalom is not sufficient for it to maintain a safe environment for the students.
David Lloyd

Counsel Assisting the Royal Commission

12 December 2016