

**ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD
SEXUAL ABUSE**

ROYAL COMMISSION ACT 1902 (CTH)

CASE STUDY 45

**CHILDREN WITH PROBLEMATIC OR HARMFUL SEXUAL BEHAVIOURS IN
SCHOOLS**

SUBMISSIONS IN REPLY OF KATHERINE LUMSDAINE

1. Ms Katherine Lumsdaine gave evidence to the Royal Commission into Institutional Responses to Child Sexual Abuse (“Royal Commission”) through a signed statement dated 19 October 2016 and oral evidence to the public hearing of the Royal Commission on 20 and 21 October 2016.
2. Ms Lumsdaine (nee Pearce) was the most senior psychologist employed at Trinity Grammar School (“Trinity”) in 2000 and had been employed at the school since 1997.¹ Ms Lumsdaine was also the Director of Trinity Educational Support Services.²

DISCLOSURES OF SEXUAL ABUSE

3. Ms Lumsdaine supports Available Finding 1 and 2 of Counsel Assisting the Royal Commission, that Mr Green, the senior master at Trinity, and Mr Scott, the boarding house master at Trinity, “*As at 11 August 2000 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.*”³

¹ Submissions of Counsel Assisting the Royal Commission, 12 December 2016, 14.

² T21691, Transcript of K Lumsdaine, 20/10/2016, 4.

³ Submissions of Counsel Assisting the Royal Commission, 12 December 2016, 31.

4. On 11 August 2000 Ms Lumsdaine was asked to speak to CLB and another student by Mr Green.⁴ CLB and the other student made disclosures to Ms Lumsdaine of incidents of sexual abuse which had occurred in the boarding house to themselves and, in particular to CLA.⁵ Ms Lumsdaine then disclosed to Mr Green, the senior master of Trinity, what the two boys had told her during Mr Green's absence from his office.⁶ Ms Lumsdaine gave evidence to the Royal Commission this information was repeated in the presence of Mr Scott.⁷ Ms Lumsdaine gave evidence to the Royal Commission that Mr Scott then searched the boarding house for wooden dildos.⁸

5. Available Finding 3 of Counsel Assisting the Royal Commission states, *"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."* Ms Lumsdaine agrees that Mr Green and Mr Scott met with Mr Cujes on 11 August 2000 and that to an extent; a report regarding CLB's disclosure would have been made to Mr Cujes. Ms Lumsdaine is unsure whether Mr Cujes was given CLB's incident report, as has been found by Counsel Assisting. Ms Lumsdaine notes that Mr Cujes, Mr Green and Mr Scott gave conflicting accounts in their recollections of this meeting in their evidence to the Royal Commission.

RESPONSE OF TRINITY GRAMMAR SCHOOL TO DISCLOSURES OF SEXUAL ABUSE

6. Ms Lumsdaine supports Available Finding 6 and 7 of Counsel Assisting the Royal Commission, and asserts that Mr Scott and Mr Green, *"Despite having knowledge of CLB's allegations on 11 August 2000, did not conduct a proper investigation into those allegations or make any notification to the Department of Family and Community Services."*⁹

7. Upon reporting to Mr Green the disclosures made to Ms Lumsdaine by CLB and the other student, Ms Lumsdaine gave evidence to the Royal

⁴ STAT.1227.001.0001_R, Statement of Katherine Lumsdaine, Paragraph 12.

⁵ T21697, Transcript of K Lumsdaine, 20/10/2016, 43.

⁶ STAT.1227.001.0001_R, Statement of Katherine Lumsdaine, Paragraph 13.

⁷ T21700, Transcript of K Lumsdaine, 20/10/2016, 41.

⁸ T21701, Transcript of K Lumsdaine, 20/10/2016, 5.

⁹ Submissions of Counsel Assisting the Royal Commission, 12 December 2016, 32.

Commission that Mr Green stated, *"If CLB said something happened 50 times, it was probably only 25. He always exaggerates."*¹⁰ Ms Lumsdaine submits to the Royal Commission this comment indicates Mr Green's attitude to the veracity of CLB's allegations, his opinion of CLB and his approach in handling the reporting of such allegations.

8. In her statement to the Royal Commission, Ms Lumsdaine stated, *"Despite Mr Scott and Mr Green being aware of CLB's allegations, I believe that they failed to see the seriousness of the matter, take any action to further investigate the matter or report anything to Mr Cujes"*.¹¹ This point is again submitted to the Royal Commission in support of Available Finding 6 and 7 of Counsel Assisting.
9. Ms Lumsdaine supports Available Finding 4 of Counsel Assisting the Royal Commission, that, *"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."*¹²
10. In her statement to the Royal Commission, Ms Lumsdaine stated that she, *"felt that I needed not only to speak to the boys but that I also needed to obtain a statement from each of them. I was concerned that if I was to just go to Mr Cujes and say these things have been happening in the boarding house he may say 'that's alright ill sort it out.' I was worried that he may not do anything. However I believed that if I asked boys to write out their statement it could not be ignored."*¹³
11. Ms Lumsdaine submits to the Royal Commission that if the Headmaster of Trinity had been made aware of CLB's allegations, his response was grossly inadequate. It is submitted that it is wholly unacceptable for any member of Trinity's staff to feel that he or she, when made aware of disclosures of sexual assault, was required to separately gather independent evidence. Given that neither Mr Green nor Mr Scott had investigated the allegations made by CLB on August 11 2000, Ms Lumsdaine's concern was that if they had, as they should have, informed Mr Cujes, that he too might not investigate the allegations.

¹⁰ T21700, Transcript of K Lumsdaine, 20/10/2016, 5.

¹¹ STAT.1227.001.0001_R, Statement of Katherine Lumsdaine, Paragraph 19.

¹² Submissions of Counsel Assisting the Royal Commission, 12 December 2016, 32.

¹³ STAT.1227.001.0001_R, Statement of Katherine Lumsdaine, Paragraph 19.

12. It is further submitted to the Royal Commission that Mr Cujes fostered a poor attitude within Trinity school regarding the reporting of incidents. It is submitted to the Royal Commission Mr Cujes was more concerned with the reputation of the school than the appropriate handling and reporting of complaints.

COMMUNICATIONS TO CLB'S CARER

13. Ms Lumsdaine supports Available Finding 5 of Counsel Assisting the Royal Commission, that, "*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.*"¹⁴
14. On 11 August 2000, the day of Ms Lumsdaine, Mr Green and Mr Scott being aware of disclosures of sexual abuse by CLB, Ms Lumsdaine, Mr Green and Mr Scott met with CLB's grandfather, the carer of CLB.¹⁵ The contact with CLB's grandfather was resolved in discussion between Ms Lumsdaine, Mr Green and Mr Scott, following CLB's disclosures.¹⁶ Ms Lumsdaine gave evidence to the Royal Commission she understood the purpose of the meeting with CLB's grandfather was to talk about the incident.¹⁷
15. At the meeting with CLB's grandfather, Ms Lumsdaine gave evidence to the Royal Commission that despite direct questioning by CLB's grandfather that he "*had hoped that (CLB) had not been sexually interfered with*", Mr Green and Mr Scott did not inform CLB's grandfather of the disclosed incidents of sexual abuse.¹⁸
16. Ms Lumsdaine gave evidence that Mr Green and Mr Scott described an incident to CLB's grandfather, which involved CLB being "*pushed to the floor and boot polish put on his face*".¹⁹ No further discussion occurred of other disclosures made in CLB's incident report, including the allegations of rape.²⁰ Ms Lumsdaine gave further evidence that Mr Green commented to CLB's grandfather, CLB could be "*quite annoying*

¹⁴ Submissions of Counsel Assisting the Royal Commission, 12 December 2016, 32.

¹⁵ T21701, Transcript of K Lumsdaine, 20/10/2016, 5.

¹⁶ T21701, Transcript of K Lumsdaine, 20/10/2016, 19.

¹⁷ T21701, Transcript of K Lumsdaine, 20/10/2016, 29.

¹⁸ T21702, Transcript of K Lumsdaine, 20/10/2016, 30.

¹⁹ T21703, Transcript of K Lumsdaine, 20/10/2016, 1.

²⁰ T21703, Transcript of K Lumsdaine, 20/10/2016, 45.

*in the boarding house*²¹ with Mr Green then stating that at times CLB “*deserved to be punished*”.²² Ms Lumsdaine gave evidence she responded stating “*Punished, yes, but not sexually punished*”,²³ which CLB’s grandfather did not overhear. Upon stating this Ms Lumsdaine gave evidence to the Royal Commission that she understood Mr Green to indicate to her to be quiet, or to “*keep your mouth shut*”.²⁴

17. Ms Lumsdaine agrees with the submissions of Counsel Assisting the Royal Commission that Mr Green and Mr Scott should have used this meeting with CLB’s grandfather to inform him of CLB’s disclosures. Ms Lumsdaine submits that in not informing CLB’s grandfather of the incidents, Mr Green and Mr Scott were concealing the allegations. It is submitted this conduct was unacceptable from staff who were responsible for the supervision and wellbeing of CLB.

18. Additionally, Ms Lumsdaine submits that Mr Green and Mr Scott’s exertion of pressure and intimidation of her, in order for the disclosures of sexual abuse to not be revealed to CLB’s grandfather was inappropriate, and demonstrated an attitude of concealment.

TRANSPARENCY IN REPORTING OF SEXUAL ABUSE

19. Ms Lumsdaine stated to the Royal Commission, that she felt (at Trinity) she was “*seen as a villain for having opened up a can of worms*”.²⁵

20. Ms Lumsdaine submits to the Royal Commission that the response of Trinity Grammar School to disclosures made by students of sexual abuse was deplorable. It is submitted that if not for Ms Lumsdaine’s proactive response to disclosures of sexual abuse, despite attempts by the school’s leadership to dissuade her, incidents of sexual abuse in the boarding house would not have been fully uncovered.

21. Ms Lumsdaine asserts to the Royal Commission that Mr Green, Mr Scott and Mr Cujes (if the Headmaster had been informed of CLB’s allegations) encouraged the concealment of alleged sexual assaults, misled a survivor’s carer as to his grandson’s allegations and strongly indicated to Ms Lumsdaine that the reporting of these allegations were

²¹ T21704, Transcript of K Lumsdaine, 20/10/2016, 3.

²² T21704, Transcript of K Lumsdaine, 20/10/2016, 18.

²³ T21704, Transcript of K Lumsdaine, 20/10/2016, 23.

²⁴ T21704, Transcript of K Lumsdaine, 20/10/2016, 30.

²⁵ STAT.1227.001.0001_R, Statement of Katherine Lumsdaine, Paragraph 27.

unnecessary. Ms Lumsdaine submits that boarding house matters and disciplinary matters were not within her domain and that she expected and understood the school's executive would handle them.

22. Ms Lumsdaine submits to the Royal Commission that the inadequate institutional response to disclosures of sexual abuse by Trinity created or legitimised an attitude of concealment, thus putting children at risk of further incidents of sexual abuse taking place.

CONCLUSION

23. It is submitted to the Royal Commission that Ms Lumsdaine ought be commended for her diligence and efforts in investigating disclosures of sexual abuse at Trinity. But for Ms Lumsdaine's proactive involvement in following up the investigation, the incidents may have not been uncovered and the environment of abuse, which had been fostered, may have been allowed to continue.
24. Ms Lumsdaine submits to the Royal Commission that Mr Cujes, Mr Green and Mr Scott should be held accountable for their lack of action in response to allegations of sexual assault. Ms Lumsdaine submits the welfare of boys in Trinity's care should have been placed before the executive's concern for the school's reputation, and that students who were boarding in the boarding house should have received adequate supervision at all times.
25. Ms Lumsdaine submits to the Royal Commission that Mr Cujes, Mr Green and Mr Scott acted in their own interests to protect themselves, rather than being honest in their response to the allegations of sexual assault.

Peter O'Brien
Counsel for Katherine Lumsdaine

24 January 2017