ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES
TO CHILD SEXUAL ABUSE
AT SYDNEY

PUBLIC ENQUIRY INTO
THE RESPONSE OF KNOX GRAMMAR SCHOOL

SUBMISSIONS ON BEHALF OF STUART PEARSON

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1. These submissions are made on behalf of Stuart Pearson and are in response to the submissions filed by Hunt & Hunt. Although it is not clear, it appears that the submission filed by Hunt & Hunt is a joint submission on behalf of Dr Ian Paterson and Dr Timothy Hawkes. It is possible, however, given the context of some of the submissions, to discern where submissions are being put specifically on behalf of Dr Paterson or Dr Hawkes – and that is the way that they will be addressed here.

Introduction

2. The submissions made on behalf of Dr Paterson are regrettable and manifest each of the following flaws:

(a) It is quite plain that even now Dr Paterson is quite unwilling to accept any responsibility whatsoever for the sad events which occurred while he was headmaster at Knox;

(b) Even worse, it is apparent that Dr Paterson not only shirks any responsibility, but where he can puts blame onto any other person who had any connection with the events. By doing so he has apparently adopted an attitude that he is willing to drag any good person's name into the mud.

3. One of Dr Paterson's targets is Stuart Pearson. Dr Paterson repeatedly attacks Mr Pearson's credibility, and attempts to blame Mr Pearson for the events which occurred. This is shameful. Bear in mind that Dr Paterson was the headmaster at Knox for the whole of the relevant period; Mr Pearson was not even a teacher – he was in charge of discipline, and then for only part of the relevant period. Bear in mind that Mr Pearson was required to report to Dr Paterson – and that it was only Dr Paterson who could make final decisions.

4. Another factor to be borne in mind is the competing credibility of Mr Pearson and Dr Paterson. In this respect Mr Pearson adopts the submissions made by counsel assisting which establish – beyond any doubt – that Dr Paterson gave inconsistent, false and misleading evidence to the Royal Commission, and demonstrated a long term pattern of deception, including the occasion when he consciously misled the police.

Attacks on credibility

5. Dr Paterson repeatedly makes gratuitous attacks on Mr Pearson's honesty. Without canvassing every example of this, it can quickly be seen that these claims are baseless – an appropriate interpretation would be that Dr Paterson is attempting to deflect blame. For example: when Dr Paterson submits (at para 117) that Mr Pearson had “a motive to tailor his evidence” because he was “attempting to hide his failures” that
The submission carries within it an implicit premise – that Mr Pearson (and – this is the point – not Dr Paterson) was responsible for protecting the students at Knox. The premise is false. In any event the submission is absurd: if Mr Pearson wanted to tailor his evidence, surely it would have been done to reduce his role, not enlarge his role. In contrast to Dr Paterson, Mr Pearson acknowledged and apologised for his part in these events.

6. The section of the submissions titled “4.1.2 Stuart Pearson’s credit” appears to have been made on behalf of both Dr Paterson and Dr Hawkes. They jointly suggest that the Commissioners must treat Mr Pearson’s evidence “with great caution”. In reality, they are calling Mr Pearson a liar. Mr Pearson, of course, denies that. Counsel assisting has already explained why Mr Pearson’s evidence is likely to be true. Dr Paterson and Dr Hawkes do not accept that – they say, for example, that Mr Pearson is a liar (paras 269 and 270) because most or all of “persons placed in the position of Mr Pearson” are liars. This is an extraordinary statement. It is without foundation. It is irrational, illogical and smacks of arrogance.

7. The balance of the submission is of a similar stripe – baseless assertions that Mr Pearson lied on his oath – even when there was no need, nor motive for him to do so. No hard examples are provided – the Commission is asked to rely upon Dr Paterson’s or Dr Hawkes’ say so. In particular, the snide submission regarding the “flood” (para 293; see also paras 118 and 162) is especially regrettable. There is hard, contemporaneous evidence that there was such a flood – there is even correspondence surrounding the School’s agreement to reimburse Mr Pearson for damage done to his property as a result of the flood.

**Reporting duties**

8. Dr Paterson sets out (legally incorrect) reasons why that, even if he knew a teacher was having sexual relations with a 17 year old student, he was under no reporting obligation. Putting to one side the legal obligations; that is a remarkable moral and ethical position for him to take.

9. But the submission does not stop there. Dr Paterson submits that even if he was subject to a legal requirement to report the abuse of the students, then so was Mr Pearson (see paras 319 to 323).

10. The basis for making the submission (see para 322) is an assertion that Mr Pearson had been appointed the “delegate” of Dr Paterson and, thus, Mr Pearson was responsible for reporting the matter to the police and the Director-General. The assertion is unsupported by evidence – Dr Paterson made no statement like this while giving evidence.
11. The assertion is also unsupported by law. A reporting duty is a personal duty – it is non-delegable. There is no such thing under the mandatory reporting requirements as a “delegate” – and even if there was, surely as a matter of fairness Dr Paterson should have pointed out to Mr Pearson that he had been delegated with the task.

Conclusion

12. Although the submissions of Dr Paterson made in respect of Mr Pearson should be rejected, they should not be ignored. They should not be ignored because they tell the Commission much about Dr Paterson – his unwillingness to accept blame; his willingness to attempt to blame others to escape responsibility; and – as a last resort – his mindset that if he is going down, then he will drag others down with him.

13. Perhaps Dr Paterson should reflect upon the School motto of Knox – he was, after all, headmaster for 28 years: the motto “Virile Agitur” was designed to inspire the students at Knox to do the proper thing.

for

Geoffrey Watson SC
Dated: 14 July 2015