ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

CASE STUDY 23

PUBLIC INQUIRY INTO THE RESPONSE OF KNOX GRAMMAR SCHOOL

SUBMISSIONS OF THE UNITING CHURCH IN AUSTRALIA
(NEW SOUTH WALES AND ACT SYNOD)

16 JUNE 2015
1. The Uniting Church in Australia (NSW and ACT Synod) and Mr Mein refer to the written submission of Counsel Assisting the Royal Commission dated 21 May 2015. The Synod responds only to those parts of the submission that refer to the Synod and Mr Mein directly.

Correct name of the Church

2. With respect to paragraph 6, the correct name of the Church is the Uniting Church in Australia.

Feehely email

3. The Synod and Mr Mein agree with paragraphs 128 – 130 of Counsel Assisting’s written submission.

4. The author of the particular email, Mr Feehely did not give evidence. Only after the public examination of Mr Mein and Mr Wannan, did Counsel Assisting disclose that Mr Feehely was not prepared to give evidence voluntarily. Likewise, the recipient of the email, Mr Lee did not give evidence and there was no explanation for his failure to give evidence. In such circumstances, the email should not have been admitted into evidence. In the absence of any evidence from the author, the Royal Commission’s inclusion of the email and examination of Mr Mein and Mr Wannan is concerning. The inclusion of the email had no probative value when weighed against the significant prejudicial effect on Mr Mein and Mr Wannan. The result was to invite unfounded speculation about two highly respected and well known men in the School community and in Mr Mein’s case, the Church. In Mr Mein’s case, the damage to his reputation was compounded by the delay in his oral evidence being heard.

5. The Synod and Mr Mein submit that Mr Mein’s evidence, directed to the following matters, must be accepted:

   a. neither Mr Feehely nor Mr Lee expressed any concern about alleged document destruction or other matters to him;
   
   b. he did not know whether or what suspicions Mr Feehely held;
   
   c. he did not what know what the reference to ‘political issues’ or ‘problems’ meant;
   
   d. he did not know what ‘documents’ were allegedly destroyed or when that was alleged to have occurred;

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1 Transcript Day 118 at page 12360 lines 9 – 13.

2 Mr Wannan was interposed to give his oral evidence about the email on 27 February. Mr Mein was scheduled to give his evidence on that day but he was held over to Monday 2 March. The result was speculation about Mr Mein’s conduct was published in the media in the intervening days and Mr Mein was unable to answer the unfounded speculation before giving his evidence.

3 Exhibit 23-031 and see Transcript Day 118 at page 12357.
e. he was unaware that any allegation of this kind had ever been made about him;

f. he was not aware of such a serious allegation being made about him prior to the documents being produced before the Royal Commission; and

g. he denied absolutely assisting a solicitor or any other person destroy documents.

6. The Synod and Mr Mein submit that the Royal Commission should find that there is no substance to Mr Feehely's allegation. The Royal Commission should find that Mr Mein did not engage in any conduct of the kind alleged and further find no impropriety on the part of Mr Mein.

Additional matters

7. The Uniting Church in Australia (NSW and ACT Synod) has carefully considered Counsel Assisting's written submissions. The Synod again expresses its deep regret for the events at Knox Grammar School. The Synod will continue to support the School and the survivors.

K L Eastman SC

Counsel for the Uniting Church in Australia (NSW and ACT Synod) and Mr James Mein