



Royal Commission
into Institutional Responses
to Child Sexual Abuse

REPORT OF CASE STUDY NO 41

Institutional responses to
allegations of the sexual
abuse of children with disability

MAY 2017

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Institutional responses to allegations of the
sexual abuse of children with disability

May 2017

COMMISSIONERS

Justice Jennifer Coate
Mr Robert Fitzgerald AM

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Preface

The Royal Commission

The Letters Patent provided to the Royal Commission require that it ‘inquire into institutional responses to allegations and incidents of child sexual abuse and related matters’.

In carrying out this task, we are directed to focus on systemic issues but be informed by an understanding of individual cases. The Royal Commission must make findings and recommendations to better protect children against sexual abuse and alleviate the impact of abuse on children when it occurs.

For a copy of the Letters Patent, see Appendix A.

Public hearings

A Royal Commission commonly does its work through public hearings. A public hearing follows intensive investigation, research and preparation by Royal Commission staff and Counsel Assisting the Royal Commission. Although it may only occupy a limited number of days of hearing time, the preparatory work required by Royal Commission staff and by parties with an interest in the public hearing can be very significant.

The Royal Commission is aware that sexual abuse of children has occurred in many institutions, all of which could be investigated in a public hearing. However, if the Royal Commission were to attempt that task, a great many resources would need to be applied over an indeterminate, but lengthy, period of time. For this reason the Commissioners have accepted criteria by which Senior Counsel Assisting will identify appropriate matters for a public hearing and bring them forward as individual ‘case studies’.

The decision to conduct a case study will be informed by whether or not the hearing will advance an understanding of systemic issues and provide an opportunity to learn from previous mistakes, so that any findings and recommendations for future change which the Royal Commission makes will have a secure foundation. In some cases the relevance of the lessons to be learned will be confined to the institution the subject of the hearing. In other cases they will have relevance to many similar institutions in different parts of Australia.

Public hearings will also be held to assist in understanding the extent of abuse which may have occurred in particular institutions or types of institutions. This will enable the Royal Commission to understand the way in which various institutions were managed and how they responded to allegations of child sexual abuse. Where our investigations identify a significant concentration of abuse in one institution, it is likely that the matter will be brought forward to a public hearing.

Public hearings will also be held to tell the story of some individuals which will assist in a public understanding of the nature of sexual abuse, the circumstances in which it may occur and, most importantly, the devastating impact which it can have on some people's lives.

A detailed explanation of the rules and conduct of public hearings is available in the Practice Notes published on the Royal Commission's website at:

www.childabuseroyalcommission.gov.au

Public hearings are streamed live over the internet.

In reaching findings, the Royal Commission will apply the civil standard of proof which requires its 'reasonable satisfaction' as to the particular fact in question in accordance with the principles discussed by Dixon J in *Briginshaw v Briginshaw* (1938) 60 CLR 336:

... it is enough that the affirmative of an allegation is made out to the reasonable satisfaction of the tribunal. But reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal...the nature of the issue necessarily affects the process by which reasonable satisfaction is attained.

In other words, the more serious the allegation, the higher the degree of probability that is required before the Royal Commission can be reasonably satisfied as to the truth of that allegation.

Private sessions

When the Royal Commission was appointed, it was apparent to the Australian Government that many people (possibly thousands) would wish to tell us about their personal history of child sexual abuse in an institutional setting. As a result, the Commonwealth Parliament amended the *Royal Commissions Act 1902* to create a process called a 'private session'.

A private session is conducted by one or two Commissioners and is an opportunity for a person to tell their story of abuse in a protected and supportive environment. As at 5 May 2017, the Royal Commission has held 6,795 private sessions and more than 1,610 people were waiting to attend one. Many accounts from these sessions will be recounted in later Royal Commission reports in a de-identified form.

Research program

The Royal Commission also has an extensive research program. Apart from the information we gain in public hearings and private sessions, the program will draw on research by consultants and the original work of our own staff. Significant issues will be considered in issues papers and discussed at roundtables.

This case study

In Case Study 41 the Royal Commission examined the responses of three disability services providers and relevant state authorities to allegations of child sexual abuse. The hearing was accordingly structured into three independent parts and this report will follow that structure.

The public hearing was held in Sydney from 11 July to 22 July 2016.

The scope and purpose of the case study was to inquire into the following matters:

- a. The experiences of a woman who reported being sexually abused as a child at Mater Dei School in Camden.
- b. The response of Mater Dei School and the Congregation of the Sisters of the Good Samaritan of the Order of Saint Benedict to those allegations of child sexual abuse.
- c. The experiences of women who were sexually abused as children while in the care of the Gold Coast Family Support Group (now FSG Australia).
- d. The response of the Gold Coast Family Support Group to those allegations of child sexual abuse.
- e. The experience of a man who reported sexual abuse as a child while in the care of The Disability Trust.
- f. The response of The Disability Trust and Interchange Shoalhaven to those allegations.
- g. Current systems, policies, procedures and practices for preventing, receiving, investigating and responding to allegations of child sexual abuse within institutions providing services to children with disability.
- h. The NDIS Quality and Safeguarding Framework under the National Disability Insurance Scheme, in relation to preventing and responding to allegations of child sexual abuse

Executive Summary

In Case Study 41, the Royal Commission examined institutional responses to allegations of the sexual abuse of children with disability. We focused on cases arising in the following organisations:

- Mater Dei School (Mater Dei) in Camden, New South Wales
- The Disability Trust (The Trust) and Interchange Shoalhaven (Interchange)
- FSG Australia (FSG).

Our inquiry included examination of the responses of police and community services in relation to these cases.

After examining the individual case studies, we received evidence from panel participants involved in relevant policy, including child safeguarding within the National Disability Insurance Scheme. The evidence that the panels provided will not be the subject of findings in this report but will inform the Royal Commission's broader work in relation to children with disability.

Mater Dei

Mater Dei is a Catholic co-educational school in the Diocese of Wollongong, catering for students with intellectual disability. It was established by the Congregation of the Sisters of the Good Samaritan of the Order of Saint Benedict (the Order) in 1957. Mater Dei is one of 10 Good Samaritan schools. Currently, Mater Dei has 143 students enrolled across 12 classes.

Mater Dei operates a residential program for students of Mater Dei. At the time of the events examined in this case study, this initiative was known as the Family Resource and Residential Program. It is now known as the Living Skills Program. The four cases of child sexual abuse we considered were alleged to have occurred within Mater Dei's residential program.

In 1991 the residential program at Mater Dei operated out of five houses staffed by 'social educators' or 'residential support workers'. Those staff members either lived in the houses or worked there on shifts.

The first three cases involve allegations of sexual abuse of CIN, CIL and CIB by a resident social educator, CID, in 1990 and 1991. The fourth case involves harmful sexual behaviour in 1992 between CIO (a female resident) and a male resident – both aged around 14 years old. In each case state authorities were aware of, and were involved in, the handling of the case.

CIN

CIN was born with Down syndrome. He attended Mater Dei for 13 years, finishing in 1999. He was enrolled in the residential program.

In 1990, CIN's foster mother contacted the New South Wales Department of Family and Community Services (FACS) to report that she believed CIN, who was then eight years old, had been sexually abused by CID at Mater Dei. FACS investigated the allegation and found that it is probable that sometime in June 1990 someone touched CIN on the genitals, hard enough to hurt him. The alleged abuser may have been CID or another boy. It had occurred on one occasion, months before, and CIN was no longer living in the cottage in question. FACS noted that, for the protection of the boy and others at his school, the matter should be referred to 'the appropriate school authorities'.

On 25 February 1991 a FACS child protection officer made a handwritten file note that there would be follow-up with the school on the issues that had been raised.

There is nothing in FACS's records to indicate that FACS contacted the school. We are satisfied that a referral to the school authorities should have happened but that it did not. We accept the evidence of Ms Sue Dixon, principal of Mater Dei between 1991 and 2000, that she was not made aware of the report that CIN's foster mother made to FACS.

CIN's foster mother took the matter up with Mater Dei in 2004 in the context of payment of school fees. The principal in 2004, Mr Frank Pitt, contacted CIN's foster mother to investigate the history of the matter and to ask whether Mater Dei could do anything to assist with any lasting effects.

CIL

CIL was born in 1976. He was made a ward of the state in 1981 and was enrolled in the Mater Dei residential program from 1987.

In 1991, staff reported to Ms Dixon that they were concerned about CID's behaviour towards CIL. Ms Dixon reported those concerns to FACS on 21 March 1991. The FACS notification form states that there was 'genital exposure, voyeurism' and records that Ms Dixon had obtained information that:

- CID was observed to behave towards CIL in an 'inappropriate manner'
- CIL had said that he slept in 'CID's bed'
- CID was observed to carry CIL to the bathroom, bathe him, wrap him in a towel and then carry him to his bedroom. There, CID dried CIL 'and played "tickles" before CIL was clothed'.

Ms Dixon gave evidence that, after her report to FACS, she was working with FACS on this issue and was guided by FACS. In consultation with FACS, Ms Dixon placed restrictions on CID's continued employment at Mater Dei, including that he not have contact with CIL. She also informed CID that a breach of these restrictions would be a serious matter. Ms Dixon told us that, at the time, she must have considered these actions to have been an acceptable way forward. We accept that evidence.

Mr Gary Groves is the current district director of the Illawarra Shoalhaven District of FACS. Based on the FACS file, he said that on 28 March 1991 FACS interviewed members of staff of Mater Dei, including Ms Dixon, about CIL and CID. Ms Dixon told FACS that CID had been informed that he was not to have further contact with CIL.

Mr Groves gave evidence that in March 1991 FACS was aware of the actions that Ms Dixon took to restrict CID's employment and prevent him from contacting CIL. He said that, if FACS had a different view on what should have been done, FACS would have said so. It can be concluded that FACS agreed with Ms Dixon's approach.

CIB

CIB was enrolled in the residential program at Mater Dei from 1991, when she was 13 years old. Her mother, CIC, gave evidence that she was not told what was happening in the house or the policies and procedures that applied to the care provided. We are satisfied that Mater Dei had in place a mandatory procedure for weekly communication to parents of residential students. However, we accept CIC's evidence that she was not informed about some matters concerning CIB's care, such as showering arrangements for CIB.

On the evening of 25 May 1991, CIB suffered rectal haemorrhaging. CIC took CIB to Nepean Hospital in Penrith. She told hospital staff that she was concerned that her daughter had been sexually assaulted – a possibility that the surgeon accepted. CIC suspected that CID had abused CIB.

CIC called Ms Dixon while her daughter was in hospital. On 5 June 1991 Ms Dixon notified police of an alleged sexual assault against CIB and reported the matter to FACS. She requested CID's immediate resignation based both on this incident and CID's conduct in relation to CIL. Ms Dixon also spoke with CIC on 5 June 1991. She told CIC that she had dismissed CID and that she would 'totally understand' if CIC chose not to send CIB back to Mater Dei. CIC had concerns about CIB returning to Mater Dei, but at the time she felt she had no other option because of the difficulties she previously had finding a school for CIB.

When CIB returned to Mater Dei later in June 1991, there was a new husband and wife team working as houseparents, and CID no longer worked there. CIC felt that Mater Dei was safer for CIB with a husband and wife team as houseparents, and CIB remained at Mater Dei until she completed her HSC in 1995.

FACS took a number of steps on and from 6 June 1991. FACS officers spoke to and recorded information provided by:

- CIC
- a social worker at Nepean Hospital
- a general practitioner
- the principal, Ms Dixon.

FACS also informed police. According to NSW Police Force records, CID left Australia on 7 July 1991.

CIC does not recall Ms Dixon or anyone contacting her again about her daughter's abuse and wellbeing or to tell her what happened to CID. To her knowledge, Mater Dei did not formally investigate the matter. Ms Dixon gave evidence that she cannot recall what contact was made with CIC after CIB's operation.

Ms Dixon accepted that, if no contact was made, it was the wrong thing to do and a failing on the part of the school at that time. The correct thing to do, consistent with Ms Dixon's expectations of the school's practices at the time, was to follow up on CIB and CIC's wellbeing and to let them know what had happened to CID. Ms Dixon found it difficult to think that the school did not follow up in this way, but she accepted that it may not have happened. As noted above, Ms Dixon did at least tell CIC that CID was dismissed.

Ms Dixon told us that neither FACS nor police informed her of the outcomes of their investigation; therefore, she was not in a position to let CIC know about those outcomes. We accept her evidence.

In around February 1997, CIC reported CIB's abuse via a hotline connected with the Royal Commission into the New South Wales Police Service.

In October 1997 a nun from the Order contacted CIC and said she wanted to visit her and CIB. In November 1997 Sister Sonia Wagner (then superior of the Order) and Sister Jeanie Heininger came to CIC's home. We are satisfied that the Sisters' approach to CIC was motivated by a desire to provide a pastoral response, which Sister Wagner described as to listen to CIC, identify any needs she may have and provide a response using the Order's available resources.

After the meeting, Sister Jeanie sent CIC a pro forma document titled 'Initial Interview' that set out the matters discussed during the meeting. The covering letter requested that CIC sign the record. Sister Wagner gave evidence that the form and procedures associated with it were part of the Towards Healing response, but these were not explained to CIC. As Sister Wagner conceded, the request that CIC sign and return a pro forma document after the meeting was at the least disconcerting for someone in CIC's position.

We conclude that this process was not consistent with the pastoral approach that the Order stated that it intended.

CIC told the Royal Commission that she never sought and was not offered financial compensation from Mater Dei or from the Order. Sister Wagner noted that CIC's allegations were never substantiated but said that the Sisters would not provide any obstacles to CIC now seeking any compensation.

CIO and another student

CIO is a former student of Mater Dei. She lived at Berallier Cottage, one of Mater Dei's residential homes.

In March 1992 CIO and a male resident, both aged around 13 or 14, were discovered in CIO's room. CIO was naked. After questioning the students, it was apparent to the residential coordinator that they had attempted sexual intercourse. The school put in place individual counselling for the two students; heightened supervision; and an education program, which was developed in a meeting between school staff, government agencies, a psychologist and family members.

In August 1992 there was further sexual activity at the school between CIO and the male student. After this incident, CIO's mother told Mater Dei that CIO would not be returning to the house or school.

Ms Dixon notified FACS and made inquiries of relevant staff. The male student was interviewed, with involvement from FACS. He received counselling at a sexual health centre and three sessions with a clinical psychologist.

Ms Dixon believes that Mater Dei tried to put adequate protection in place. The residential arrangement meant that teenage students of both sexes lived in the same house, so it was difficult to supervise them constantly. We accept that evidence. The Royal Commission is addressing the issue of harmful sexual behaviours between students in schools in Case Study 45.

The Disability Trust and Interchange Shoalhaven

The second inquiry in this case study concerned allegations of child sexual abuse of CIE in 2012 and the response of two disability service providers in the New South Wales South Coast – The Trust and Interchange – to those allegations. We also consider the response of a New South Wales Joint Investigation Response Team (JIRT) and the operation of the New South Wales reportable conduct scheme.

The allegations were made against Mr Royce Comber, then a casual worker in after-school care, vacation care and sport and recreation programs run by The Trust. He was also employed casually by Interchange.

CIE

CIE was born in 1996. When he was three years old he was diagnosed with moderate autism. CIF, CIE's mother, accessed services for her son to socialise him, particularly because he was home-schooled at various times. This included community outings from 2006 with Interchange and, from 2009, out of school hours and holiday care with The Trust.

On 20 March 2012 CIE returned home early from an outing with Mr Comber, displaying distress signals. He disclosed to CIF that Mr Comber had 'touched his willy in the toilets'. CIF told her husband, who went to the police station to report the abuse.

The Trust, JIRT and the reportable conduct scheme

The next day CIF reported the allegations to The Trust. Mr Comber was removed from the roster and did not work for The Trust again. Ms Bowen, The Trust's chief executive officer (CEO) (then and now), checked that the standard pre-employment checks and screenings (that is, the Working with Children Check and police check) had been completed before Mr Comber's employment, and she was satisfied that they had been. The Trust informed other organisations, including Interchange, about the allegations.

On 21 March 2012 FACS received a report via its Child Protection Helpline. The report was transferred to JIRT on the same day. On 27 March 2012 a caseworker from Wollongong JIRT contacted a range of people, including a teacher, two speech therapists and a psychologist, to obtain further information about CIE's disability and his circumstances so that JIRT could determine how best to investigate the report. On 30 March 2012 and 2 April 2012 JIRT interviewed CIE at his home.

CIF told us of her concerns about JIRT's interviews with her son. She thought there needs to be additional funding and training to assist police with interviewing children with disability and that there needs to be a specialised team within JIRT to work with children with disability. The Royal Commission is considering the role of JIRT in its broader work in relation to criminal justice.

On 5 April 2012 JIRT told The Trust that the police had interviewed CIE and deemed that an offence had occurred. JIRT police interviewed Mr Comber on 17 April 2012 in the company of his solicitor. Mr Comber declined to answer questions. Mr Comber was informed at the interview that JIRT and FACS had substantiated the allegations and had listed him on the KiDS database as a Person Causing Harm.

The Trust was required to report to the Ombudsman under the New South Wales reportable conduct scheme. On 18 June 2012 The Trust sent the Ombudsman a Part B notification that contained the outcome of its investigation. The Trust found that the matter was ‘not sustained – lack of weight of evidence’.

Ms Bowen gave evidence that The Trust struggled with the terminology in the Ombudsman forms. For example, she believed that she could not sustain an allegation of sexual assault unless there had been charges laid. She said that the forms referred to the *Briginshaw* principle, which in her understanding required a lot of evidence.

Ms Bowen commented that the processes of the Commission for Children and Young People (CCYP) were also confusing. At that time the CCYP conducted activities associated with Working with Children Checks which are now performed by the Office of the Children’s Guardian. The Trust found the allegations ‘not sustained’ because it believed the allegations should not be sustained without charges. Ms Bowen was unsure whether the definitions of the CCYP of ‘sustained’ and ‘not sustained’ were similar to those of the Ombudsman, and she did not know how to find out.

After various correspondence between The Trust, the Ombudsman and the CCYP, on 24 May 2013 The Trust sent a further and final investigative report and Part B notification to the Ombudsman. Ms Bowen found it difficult to weigh the evidence without any guidance on what was good or poor evidence. She recalled thinking that the process was very hard for somebody without a background in investigation and in weighing matters in a way that is fair and reasonable.

The Royal Commission is considering the roles and functions of oversight bodies in relation to child-safe policies and procedures.

Interchange

Interchange was also an employer, on a casual basis, of Mr Comber. Ms Sue Josephsen, president of the board of directors, provided a statement to the Royal Commission.

The first step that Interchange took after the disclosure about Mr Comber was to check the roster/care schedule and ensure that Mr Comber was not booked into any more care. On 24 April 2012 Interchange reported to the NSW Ombudsman, noting that the worker was not working with Interchange when the reportable allegation took place and that Interchange was awaiting investigation by another agency (that is, The Trust).

On 10 June 2012 Interchange reported to the Ombudsman its finding ‘not sustained – insufficient evidence’ but said it stood by its assessment that there were no opportunities for further casual work for Mr Comber. Interchange later conducted a risk assessment, which concluded that Mr Comber should no longer be employed.

FSG Australia

The third inquiry in this case study considered the response of FSG Australia (FSG) to two separate allegations of child sexual abuse.

FSG was founded in about 1979 by a group of families on the Gold Coast, Queensland, seeking services for their children with disability. Following grants of funding, FSG expanded its operations and services substantially. Today, the organisation provides services from Hervey Bay, Queensland, to Ballina, New South Wales. It employs over 900 people. The services provided by FSG include a 24/7 day and evening respite service for children aged between eight and 18 years, vacation care, after-school care for young people aged over 12 years, a number of camps and a foster care service.

Bobbie Welch

Ms Maree Welch gave evidence concerning her daughter Bobbie Welch, who was born with a number of medical conditions which mean that she requires 24/7 care. Bobbie started receiving respite care with FSG in 1983, when she was about one year old.

Ms Welch believes her daughter was sexually abused on 10 April 1995 by FSG carer Mr John O'Connor. On that day she reported the suspected abuse to Ms Melissa Edwards, FSG Coordinator and daughter of Ms Dorothy Williams, FSG Manager. On 12 April 1995 Ms Welch went to FSG to discuss the matter with Ms Williams. Ms Williams told her that she had already spoken with Mr O'Connor, who had denied the allegations. Around this time, Ms Welch also reported the allegations to FSG vice president, Ms Olive Bowly.

We consider in this report the evidence of Ms Edwards and Ms Williams as to the nature of Ms Welch's complaint in April 1995. We conclude that Ms Edwards knew Ms Welch had made a complaint of sexual abuse, and we reject her evidence describing the complaint as a young person having a dislike for the alleged perpetrator. We are satisfied that in her signed statement for the Royal Commission Ms Williams minimised the seriousness of the complaint made to her.

Contrary to submissions made on behalf of FSG, we are satisfied that Ms Welch conveyed to FSG in 1995 a complaint of sexual abuse of sufficient particularity to be investigated.

In relation to Mr O'Connor, we find that, other than interviewing Mr O'Connor on one occasion in April 1995, FSG did not investigate the allegations of sexual abuse made against him by Ms Welch.

After her initial disclosure on 10 April 1995, Bobbie Welch continued to make disclosures. In March 1998 Bobbie made comments to Ms Welch which led her to believe that Bobbie had been raped by Mr O'Connor. Ms Welch informed Ms Edwards of these further details and reported the allegations to the Queensland Police Service.

These disclosures led to further engagement between the Welch family and FSG in 1998. We find that FSG's knowledge of Ms Welch's complaint in 1995 was misrepresented in a file note made in 1998 and in correspondence to Ms Welch from FSG's solicitor.

Towards the end of 1998, Ms Welch wrote a number of letters to FSG and its president, Mr Lloyd Hastings, following up on her complaint. In response, FSG sent two letters via its lawyers, Burns Law, threatening Supreme Court defamation proceedings against Ms Welch. Ms Welch said that she and her husband found these letters to be threatening and intimidating. Ms Welch gave evidence that Bobbie's sexual abuse and FSG's response to her complaint, which she characterised as falsified reports, denials, threats, intimidation and false accusations, has devastated her family.

We find that FSG offered no meaningful support to the Welch family after Ms Welch's complaint of sexual abuse against Bobbie.

CIJ

We heard evidence of a second complaint to FSG which was unrelated to the Welch complaint. CIK gave evidence concerning her daughter, CIJ – a young woman with high-level special needs. CIJ received respite care at an FSG respite home, Orana House in Southport, on two occasions in March and April 2000. She was 10 years old.

CIK gave evidence about two incidents that she regarded as non-verbal disclosures of child sexual abuse by her daughter. CIK became vigilant and suspicious of her daughter's school and Orana. When CIJ stopped going to Orana, CIJ's unusual behaviour stopped. CIK felt that whatever happened to CIJ happened at Orana.

She raised concerns with FSG and a meeting was called on 4 May 2000 with Ms Williams, Ms Bowly and Ms Vicki Batten, who is FSG's current CEO. We accept CIK's evidence that the meeting with FSG was 'intense' and an 'interrogation'.

Ms Batten gave evidence that 'at no time' would she have regarded the Orana houseparents as a danger to children and that she 'does not believe that we had anybody in our organisation [at the time of CIK's complaint in 2000] or today – and nobody can say that they know that for sure – that would have caused any harm to any child'.

We find that Ms Batten's belief that no-one at FSG would harm a child is of concern given that FSG cares for vulnerable children. Agencies responsible for overseeing FSG are encouraged to consider Ms Batten's evidence before the Royal Commission.

1 Sexual Abuse of Children with Disability

In Case Study 41 the Royal Commission examined the responses of four disability services providers to allegations of child sexual abuse. The organisations were:

- Mater Dei School (Mater Dei) in Camden, New South Wales
- The Disability Trust (The Trust) and Interchange Shoalhaven (Interchange)
- FSG Australia (FSG).

Although there is limited research in Australia, international studies demonstrate that children with disability are at significantly increased risk of a range of maltreatments, including sexual abuse.¹ Risk of child sexual abuse of children with disability has been estimated to be around three times that of the general population, with some estimates being considerably higher.²

Information provided to the Royal Commission by National Disability Services and Children and Young People with Disability Australia emphasises that children with disability have significantly more engagement with institutions than other children due to their need to access health services, education and employment support, physical care and other assistance such as respite care.³

The case study took place at a time when the Australian Government was developing and implementing the National Disability Insurance Scheme (NDIS). A key purpose of the public hearing was to examine the proposed safeguarding of children within the structure of the NDIS, as well as the role that funders of these organisations will play in ensuring the quality of the services provided to children and preventing child sexual abuse.

After the Royal Commission had examined the individual case studies, it received evidence from panel participants who had considered these policy developments. The evidence that the panels provided will not be the subject of findings in this report, but it will inform the Royal Commission's work in relation to children with disability.

2 Mater Dei School

The first inquiry in this case study concerned allegations of child sexual abuse at Mater Dei in Camden, New South Wales, and the school's handling of those allegations.

Mater Dei is a Catholic co-educational school in the Diocese of Wollongong.⁴ It caters for students from kindergarten to year 12 with mild to moderate cognitive disabilities.⁵ Four cases of child sexual abuse were alleged to have occurred within Mater Dei's residential program.

The Royal Commission heard evidence from:

- the mother of a former student in the residential program
- Mr Tony Fitzgerald, who is the current principal of Mater Dei
- Ms Suzanne Dixon, who was the principal of Mater Dei between January 1991 and the end of 2000.⁶

The Royal Commission also obtained documents from the New South Wales Department of Family and Community Services (FACS) about the sexual abuse cases.

2.1 Structure and governance

Mater Dei was established as a school by the Congregation of the Sisters of the Good Samaritan of the Order of Saint Benedict (the Order) in 1957.⁷ Mater Dei is one of 10 Good Samaritan schools.⁸

Good Samaritan Education was established in 2011 as a Public Juridic Person to assume the management responsibility for Good Samaritan schools. Good Samaritan Education is responsible for the governance of Mater Dei today.⁹

Ms Dixon told the Royal Commission that Mater Dei was part of the Catholic education system and that the school was subject to the oversight of the 'NSW Board of Studies'.¹⁰

In 1991, Mater Dei was incorporated as a company limited by guarantee under the Corporations Act 2001 (Cth).¹¹ Ms Dixon told the Royal Commission that before its incorporation the Order was responsible for the operation of Mater Dei, although Ms Dixon also reported to a board of management which oversaw the operation of the school and the residential program.¹²

After the school's incorporation, Ms Dixon reported directly to the board of Mater Dei.¹³ Ms Dixon understood that the board reported to the members of the company who were the Sisters of the Good Samaritan. Ms Dixon told us that she prepared monthly reports for the board and would inform them of any incidents at the school, any program changes or developments, or any events which were 'out of the ordinary'.¹⁴

Ms Dixon was primarily supported in her role as principal by the deputy principal and residential coordinator.¹⁵

2.2 Educational programs

Currently, Mater Dei has 143 students enrolled across 12 classes.¹⁶ There is an average of 12 students in each class, and every class has a dedicated teacher and teacher's assistant. The school offers a primary program, a junior secondary program and a senior secondary program.¹⁷ In addition, Mater Dei has an Early Intervention Program, which caters to children from birth to six years – there are currently approximately 150 children in this program.¹⁸

Mater Dei operates a residential program for students of Mater Dei.¹⁹ At the time of the events examined in this case study, this initiative was known as the Family Resource and Residential Program. It is now known as the Living Skills Program.²⁰

In 1991 the residential program at Mater Dei operated out of five houses staffed by 'social educators' or 'residential support workers'. Those staff members either lived in the houses or worked there on shifts.²¹ At least one staff member resided at each house.²² Ms Dixon told the Royal Commission that during her time at Mater Dei the residential program evolved from a 'home or cottage' based system, in which students lived in a residence during the school week in a 'family' unit, to a social education model in which secondary students lived in residences on a part-time basis for a few days during the week.²³ Ms Dixon said that the evolution of the residential program reflected the de-institutionalisation that occurred in the context of schools and residences for persons with disabilities in the 1990s.²⁴

Currently, this program is available to secondary students.²⁵ Two houses operate four nights per week, staffed by social educators.²⁶ Each house has capacity for up to five students per night, and students usually stay in the houses for one or two nights a week.²⁷ Two social educators are rostered on in the morning and two are rostered for the evening. The overnight shift is staffed by one social educator.²⁸

Mr Fitzgerald informed us that, due to the NDIS model of funding in disability services,²⁹ Mater Dei will not offer the Living Skills Program after December 2016.³⁰ However, the school is considering alternative programs to replace the Living Skills Program.³¹

2.3 Allegations of child sexual abuse

Ms Dixon gave evidence on four cases of child sexual abuse involving four former residents: CIN, CIL, CIB and CIO. The Royal Commission also obtained documents concerning their cases from agencies including FACS.

The first three cases involve allegations of sexual abuse of CIN, CIL and CIB by a resident social educator, CID, in 1990 and 1991. In 1990 and until June 1991, CID was employed at Arnold Avenue Cottage,³² which is around nine kilometres from the Mater Dei campus in a residential area in Camden.

The fourth case involves harmful sexual behaviour between CIO (a female resident) and a male resident. Both were aged around 14 years old in 1992. In each case state authorities were aware of, and were involved in, the handling of the case.

CIN

CIN was born with Down syndrome.³³ He attended Mater Dei for 13 years, finishing in 1999.³⁴ He was enrolled in the residential program.³⁵

In 1990, CIN's foster mother contacted FACS to report that she believed CIN, who was then eight years old, had been sexually abused by CID at Mater Dei.³⁶ CIN's foster mother did not give evidence to the Royal Commission.

Documents on CIN's case were obtained from FACS. The documents refer to dealings between FACS officers and CIN's foster mother.

The documents revealed that CIN's foster mother made her report to FACS on 14 December 1990. In that report CIN's foster mother told FACS that, at the end of second term, CIN told her that 'CID came into my room and touched my eyes and willy'. CIN's foster mother believed that CIN may have been sexually abused at his school.³⁷ The report stated that CID was the 'co-ordinator of CIN's former cottage at Mater Dei'.³⁸

FACS investigation

On 17 December 1990, a FACS district officer came to CIN's home to investigate the allegation.³⁹ This was usual practice at the time for a report of this kind.⁴⁰ CIN's foster mother told the district officer that she was concerned about several recent incidents involving CIN. She said she had contacted FACS to investigate mainly in order to allay her fears that CIN had been sexually abused.⁴¹

The FACS investigation summary states:

[CIN] inferred that someone, who he later called [CID], came into his room and touched him on his willy (penis) and eyes. Later, he contradicted this statement somewhat, changing the name and later calling his visitor a ghost.⁴²

The incident may have occurred in June 1990.⁴³ CIN's foster mother also told the district officer that, at about the same time in June 1990, she was giving CIN a shower and observed his penis to be red, perhaps inflamed.⁴⁴

- The FACS file records that during the home visit CIN's foster mother told the district officer that she had 'reported the comments to the school authorities, with the result that [CIN] was transferred to another cottage at the school'.⁴⁵

Actions taken by FACS after the investigation

Mr Gary Groves is the current district director of the Illawarra Shoalhaven District of FACS. He gave evidence about FACS's response to the report made by CIN's foster mother, based on the FACS file. He said:

- On 17 December 1990 a district officer at FACS prepared an *Assessed Issues & Outcome Decision Report*. The report stated: 'it is considered someone fondled the child's penis. The alleged offence may have occurred some months ago at the child's school cottage at Mater Dei College, Campbelltown.'⁴⁶
- FACS found that it is probable that sometime in June 1990 someone touched CIN on the genitals, hard enough to hurt him. The alleged abuser may have been CID or another boy. It had occurred on one occasion, months before, and CIN was no longer living in the cottage in question.⁴⁷ FACS noted that, for the protection of the boy and others at his school, the matter should be referred to 'the appropriate school authorities'.⁴⁸
- On 25 February 1991 a FACS child protection officer made a handwritten file note that there would be follow-up with the school on the issues that had been raised.⁴⁹

Mr Groves gave evidence that a referral to school authorities should have happened as contemplated in the FACS documents.⁵⁰ However, when he reviewed the records, he could find nothing on the FACS file to show that there had been direct contact with the school or principal at the time.⁵¹

The documents produced by Mater Dei contain no record of any contact by FACS in 1990 or 1991 concerning CIN.

Ms Dixon was principal from January 1991.⁵² She gave evidence that she was unaware of an incident involving CIN during or before her time as principal.⁵³

We agree with Mr Groves that a referral to the school authorities should have happened, and we are satisfied that it did not. We accept Ms Dixon's evidence that she was not made aware of the report that CIN's foster mother made to FACS.

On 27 May 2004 CIN's foster mother wrote to the board of directors of Mater Dei about outstanding fees. In the letter she alleged that CIN was sexually assaulted by a residential care worker and that it took about three years of therapy from family and 'dedicated staff of Mater Dei' to restore CIN's confidence.⁵⁴

In evidence was an undated file note setting out actions taken by Mater Dei in 2004. The file note records that the actions taken included contacting Catholic Church Employment Relations; conducting a search for relevant files; and contacting Ms Dixon, who is recorded as having no recollection of the incident.⁵⁵

According to a file note dated 6 September 2004, prepared by Mr Frank Pitt, the then principal of Mater Dei, Mr Pitt called CIN's foster mother to explain that the board 'were pursuing this issue [was] to ensure that all appropriate protocols had been followed regarding the issue of abuse'.⁵⁶ Mr Pitt recorded that during the telephone conversation CIN's foster mother told him that CIN 'was sexually assaulted by a residential care worker from Mater Dei' and named a person with the same first name as CID as the alleged perpetrator.⁵⁷ She said a teacher at Mater Dei had raised concerns after viewing some of CIN's artwork;⁵⁸ that the assault occurred in 1990, when CIN was eight years old; that the residential worker was asked to leave; that 'DOCS' was involved; and that 'she believe[d] all appropriate protocols in place at this time were followed'.⁵⁹

The file note records that CIN's foster mother said she did not think the police were involved and she was 'not keen to involve them', because the 'trauma that it would have caused CIN would not have been in his best interests'.⁶⁰ It also records that, at her request, CIN was moved to another cottage, and Mater Dei did a lot of work settling CIN into his new residence. The note records CIN's foster mother's belief that CIN regressed after the incident, his speech was affected and bed-wetting became an issue. She believed it took three years for the situation to resolve.⁶¹

According to the file note, Mr Pitt asked CIN's foster mother if Mater Dei had provided any assistance at the time of the incident.⁶² The file note records that 'it would seem that Mater Dei had a counsellor on staff and she was involved in the case. External counselling was also arranged'.⁶³ CIN's foster mother told Mr Pitt that she did not find that the external counsellor met CIN's needs, and she discontinued the counselling after one session. She then sought private counselling with a friend who was a counsellor.⁶⁴

Mr Pitt asked if there was anything Mater Dei could do at that time to assist with any lasting effects. CIN's foster mother replied that she felt there was nothing further that Mater Dei could do. Mr Pitt advised that, if CIN needed any assistance in the future, he or Dr Jenny McDonald would be happy to meet with her.⁶⁵

CIL

CIL was born in 1976. He was made a ward of the state in 1981 and was enrolled in the Mater Dei residential program from 1987.⁶⁶

In 1991, staff reported to Ms Dixon that they were concerned about CID's behaviour towards CIL. Ms Dixon reported those concerns to FACS on 21 March 1991.⁶⁷

Report to FACS

The FACS notification form, which was filled out when Ms Dixon reported to FACS on 21 March 1991, states that the abuse was 'genital exposure, voyeurism'.⁶⁸

The FACS notification form records that Ms Dixon had obtained information that:

- CID was observed to behave towards CIL in an 'inappropriate manner'
- CIL had said that he slept in 'CID's bed'⁶⁹
- CID was observed to carry CIL to the bathroom, bathe him, wrap him in a towel and then carry him to his bedroom. There, CID dried CIL 'and played "tickels" before CIL was clothed'.⁷⁰ The notification form records that at the time of this incident CIL was 12 years old.

FACS documents on CIL's case showed that:

- In 1990 CIL was moved out of the cottage at which CID was a houseparent and into a different residential cottage.
- The reason that a Mater Dei staff member gave for CIL's move was that other staff members had stated that they felt CIL was receiving preferential treatment and this was causing problems among the residents. Some parents had also commented that CID was giving CIL privileges that were denied other residents.
- CID was recorded at the time as saying that he was giving CIL preferential treatment to overcome CIL's institutionalisation. It was suggested to CID that it would be better to treat the children equally. However, this did not occur. It was decided that it would be preferable to move CIL.⁷¹

Documents before the Royal Commission revealed that CID was aggrieved by this decision and wrote three complaint letters: to the then principal of Mater Dei, to the chairman of the board of Mater Dei and to the regional operations manager at FACS, Campbelltown.⁷²

Mater Dei's actions after reporting to FACS

Ms Dixon met CID on her first day as principal in January 1991.⁷³ After that meeting, he took leave. He returned from leave on 16 March 1991.⁷⁴

Ms Dixon made a file note on CID at the time she made her report to FACS. The note recorded that:

- in '1990 and back' information had come to light from two social educators 'purporting unprofessional conduct in relation to student CIL'
 - Ms Dixon had been forwarded letters that CID had written to the chairman of Mater Dei and the FACS regional manager. The letters contained allegations against two Mater Dei staff members for removing CIL from Arnold Avenue Cottage
 - under the heading '22 March 1991':
 - a. Reports from Social Education working at Arnold [illegible] with CID re CID's [illegible] contact with CIL and that CIL's behaviour was disturbed. Also that he demanded to be returned to CID's Cottage.
 - b. Anne Thorne (FACS) CIL's caseworker reported to me that she had received information re unprofessional behaviour towards CIL from his foster parents ...
 - 'concerns' had been raised with FACS 'yesterday'
 - under the heading 'Make clear':
 1. No contact with student – phone calls – writing – meeting – anyway
 2. Not to go to St Pauls AM – Pick up
 3. Breach of this request would be regarded as a serious matter – serious
- +

Confirm in writing re.⁷⁵

On 28 March 1991, Ms Dixon wrote to CID about CIL.⁷⁶ The letter indicates that the letter was sent after Ms Dixon and CID had had a face-to-face meeting on 22 March 1991. The letter stated:

since Monday 18 March 1991, a marked deterioration was reported in [CIL's] behaviour and concern expressed by his foster parents, his social educators and his teachers.

This deterioration appears to coincide with your return to Mater Dei after six weeks absence.

The letter cites reports Ms Dixon had received from FACS and 'other sources' about CID's close relationship with CIL.⁷⁷ Ms Dixon instructed CID to cease any contact with CIL.⁷⁸

Ms Dixon's awareness of sexual abuse allegations against CID

Ms Dixon provided a statement to the Royal Commission dated 22 June 2016. In that statement Ms Dixon said she was not aware of any allegations of sexual abuse made against CID.⁷⁹

Ms Dixon gave oral evidence that in March 1991 she read CID's letters of complaint about CIL's removal from CID's cottage.⁸⁰ The letters 'raised her antenna' because she felt this was not a normal relationship between an adult staff member and child in his care. She agreed that issues of boundary violation were raised and, while she could not recall whether CID's behaviour had any potential sexual overtone, she accepted that in at least one of the letters there was a sexual overtone.⁸¹

When Ms Dixon made her statement on 22 June 2016, she did not have access to the FACS records referred to above.⁸² She did not have independent recollection of the issues that arose in the case of CID and CIL.⁸³ She told us that FACS had filled out the notification form, and the words 'genital exposure, voyeurism' on the notification form are not her words. She gave evidence that she does not know where those words came from. However, after reviewing the FACS records, Ms Dixon accepted that in March 1991 she knew that there was a sexual component to the interactions between CID and CIL and she had reported it as such to FACS.⁸⁴

In her statement, Ms Dixon said that she was not aware of a complaint of a sexual nature against CID. Her statement says that, looking back, she must not have thought that CID presented a broader risk.⁸⁵ However, in the hearing, Ms Dixon accepted that her FACS report suggested sexual abuse and that she could not have had the view that CID was not a broader risk.⁸⁶

Ms Dixon gave evidence that after her report to FACS she was working with FACS on this issue and was guided by FACS. In consultation with FACS, Ms Dixon placed restrictions on CID's continued employment at Mater Dei, including that he not have contact with CIL. She also informed CID that a breach of these restrictions would be a serious matter.⁸⁷ Ms Dixon told us that, at the time, she must have considered these actions to have been an acceptable way forward.⁸⁸ We accept that evidence.

Response of FACS

Mr Groves gave evidence on CIL's case based on the FACS file. He said that on 28 March 1991 FACS interviewed members of staff of Mater Dei, including Ms Dixon, about CIL and CID. Ms Dixon told FACS that CID had been informed that he was not to have further contact with CIL.⁸⁹

Mr Groves gave evidence that in March 1991 FACS was aware of the actions that Ms Dixon took to restrict CID's employment and prevent him from contacting CIL. He said that, if FACS had a different view on what should have been done, FACS would have said so. It can be concluded that FACS agreed with Ms Dixon's approach.⁹⁰

CIB

CIB was a student at Mater Dei between 1990⁹¹ and 1995⁹². She was 13 years old when she commenced at Mater Dei.⁹³ CIB is now 38 years old.⁹⁴

CIB's mother, CIC, gave evidence to the Royal Commission. She told us that, when CIB was born, the left temporal lobe of her brain burst, which left her with an intellectual disability in the low range of moderate.⁹⁵ CIB has been diagnosed as an epileptic and also has traits of autism and obsessive compulsive disorder.⁹⁶

CIB's mother has been told that CIB has the intellectual capacity of a child of three to five years of age.⁹⁷ CIC told us that, when CIB talks, people immediately realise that she has a disability because she talks like a child and cannot have a conversation.⁹⁸ CIB does not understand complicated or technical words, so things need to be explained to her clearly, using simple language.⁹⁹ She has never learned to read or write.¹⁰⁰

During CIB's early childhood, CIC had difficulty placing her daughter in a school because of her disabilities.¹⁰¹

In late 1990, CIB trialled at Mater Dei for six weeks. In early 1991 CIB was offered a place at the school as a student and boarder.¹⁰² Until that time, CIB's mother was caring for CIB at home.¹⁰³

CIB was placed in Arnold Avenue Cottage and lived there on weekdays.¹⁰⁴ CIB would travel between Arnold Avenue Cottage and Mater Dei by bus.¹⁰⁵

CIC understood that houseparents were responsible for students in Mater Dei's residential homes and that their duties included making meals for the children, washing, cleaning and generally looking after children as a parent would.¹⁰⁶

CID was houseparent at Arnold Avenue Cottage when CIB started boarding there in 1991.¹⁰⁷ CIB was then aged 13.¹⁰⁸ CIC only saw CID when she dropped CIB off on Sunday evenings. CIC described CID as a 'quiet man' and recalls that he was on duty at Arnold Avenue Cottage overnight.¹⁰⁹ CIC said that she did not know if anyone else worked at Arnold Avenue Cottage in early 1991.¹¹⁰

Policies and procedures at Mater Dei

At the time CIB was living at Arnold Avenue Cottage, three boys also boarded there.¹¹¹ CIC did not feel comfortable that CIB was the only female living at Arnold Avenue Cottage. She thought that there should have been a better division of the sexes.¹¹² CIC gave evidence that, because of this concern, the social worker who had introduced her to Mater Dei helped to arrange a meeting with a nun at the school. At the meeting CIC told the nun about her concerns. The nun told her to have faith and said that only one houseparent was needed for four children.¹¹³

CIC gave evidence that she was not told what was happening in the house or the policies and procedures that applied to the care provided.¹¹⁴ She was not sure who helped CIB with showering and did not know if anyone else worked at the cottage beside CID.¹¹⁵ She said she understood the need for confidentiality regarding the children living at Arnold Avenue Cottage and that she would not have liked another parent to ask for information about her child. However, she felt she should have been told 'at least something about the boys, particularly if CIB was at risk, if this could have been done in a way that didn't identify the boys'.¹¹⁶

Ms Dixon gave evidence that she had difficulty accepting CIC's recollection of the information that Mater Dei gave to her. She told us about the systems that were in place at the time for informing parents about students' education in the residential program. A document titled 'Policies and Procedures – Residential Program', dated May 1990, required that each resident have a Residence/Home Communication Book, which was to be sent home each Friday with the student, noting any issues that had come up.¹¹⁷ Sensitive information about students would be shared on a 'need-to-know' basis.¹¹⁸

Ms Dixon said that the system involving the Residence/Home Communication Book was 'a very strong part of the whole service that was being provided to residents and their families at the time'.¹¹⁹

CIC told us that she recalled the use of a Communication Book, which CIB brought home on Fridays. CIC would read through it and acknowledge what had been written.¹²⁰ She gave evidence that most of the comments were about CIB's behaviour.¹²¹

The Church Parties¹²² submitted that Mater Dei had in place a mandatory procedure for weekly communication to parents of residential students. Consistent with the procedure, CIC received weekly notes about CIB's residence at Arnold Avenue Cottage.¹²³ We accept that submission.

However, CIC said that, apart from comments about CIB in the Residence/Home Communication Book, she does not recall being informed of the policies and procedures for the residential care provided – for example, who assisted CIB with water temperature for showering and who else worked at the cottage.¹²⁴

Ms Dixon was asked about documented grievance mechanisms that were in place at the time. She gave evidence that the policy was disseminated 'throughout' and that families would have been aware of it and given copies.¹²⁵ Ms Dixon was unable to say whether the policies and procedures were in fact given to CIC.¹²⁶

Ms Dixon's evidence was based on her knowledge of Mater Dei's practices in 1991 generally. It was not based on whether the practices were applied in the case of CIC. Ms Dixon did not suggest, and it was not suggested to CIC by any party, that CIC's recollections about the information provided to her were wrong.

The Church Parties do not dispute that CIC's recollection of events that took place over 25 years ago is her genuine current recollection. However, they submit that the contemporaneous documents and Ms Dixon's evidence about the system that was in place should be accepted over CIC's recollection of whether she received that information in 1991.¹²⁷

CIC gave evidence indicating her clear recollections about what information Mater Dei gave her at the time that CIB was living at Mater Dei. These were matters which were clearly of great significance to her at the time. We do not doubt Ms Dixon's evidence about the general practices at the time. However, CIC's evidence is about what actually occurred. We accept that her recall is likely to be accurate. We accept CIC's evidence that she was not informed about some matters concerning CIB's care, such as showering arrangements for CIB.

CIB's hospital admission

CIC gave evidence that in early to mid-1991 she observed that CIB was always very tired when she picked her up on Friday afternoons from Mater Dei. CIB would often sleep during the car journey home and would be lethargic for the entire weekend. CIC said this was extremely out of character for CIB, as she was usually hyperactive.¹²⁸

On the evening of 25 May 1991,¹²⁹ CIB suffered rectal haemorrhaging while sitting on the toilet.¹³⁰ CIC took CIB to Nepean Hospital in Penrith.¹³¹

CIB presented to Casualty at 9 pm on 25 May 1991.¹³² It was reported to hospital staff that CIB had been unwell for approximately one week with 'abdo pain'.¹³³ She was scheduled for an operation in which a rectal biopsy was taken.¹³⁴ On 29 May 1991 CIB was discharged with a diagnosis of rectal ulcer.¹³⁵

The hospital progress notes relating to CIB's admission indicate that on 26 May 1991 CIC told hospital staff that she was concerned that 'since CIB has been attending Mater Dei residential school at Camden she appears to be more lethargic and quieter and she suspects that the child may have been sexually abused'.¹³⁶

On 27 May 1991 the hospital brought CIC's concerns to the attention of a social worker.¹³⁷ On 28 May 1991, the social worker records that she 'spent a long session with CIC'.¹³⁸ She also noted that CIB's bleeding had raised CIC's anxieties considerably and that 'I feel that CIC needs CIB's medical condition clearly explained'.¹³⁹ The hospital progress notes indicate that CIB's bleeding was explained to CIC as having many possible causes, which were being investigated.¹⁴⁰

On the evening of CIB's operation, CIC met with the surgeon, Dr Cregan, who told her that her daughter's haemorrhage was consistent with anal sexual assault.¹⁴¹ On 2 August 1991 Dr Cregan prepared a report for FACS which stated:

the only evidence of physical trauma to CIB was an anterior wall rectal ulcer which, with the available evidence, is more likely to have been related to the bowel preparation for her endoscopy or to the endoscopy itself. Nonetheless it could be consistent with some form of assault or other cause of injury ...¹⁴²

CIC's telephone call to Ms Dixon

CIC gave evidence that after CIB's operation and while CIB was still in hospital – that is, on or before 29 May 1991 – CIC telephoned Ms Dixon. She told Ms Dixon that the doctor's view was that CIB had been assaulted anally and had haemorrhaged.¹⁴³ CIC recalls that Ms Dixon told her that she would visit CIB in hospital.¹⁴⁴ Ms Dixon cannot recall the conversation, but she accepts there was a conversation.¹⁴⁵ Sometime after this discussion, possibly the next day, CID telephoned CIC and asked her about CIB's diagnosis.¹⁴⁶ CIC immediately felt concerned and suspicious.¹⁴⁷

The Church Parties submit that the telephone conversation between CIC and Ms Dixon occurred on 4 June 1991, after CIB was discharged from hospital, and not on or before 29 May 1991.¹⁴⁸ The Church Parties rely on two documents to support that submission.

The first document is a chronology headed 'RE: CIB'.¹⁴⁹ It is undated, but there is a facsimile marking to or from the office of solicitors Carroll & O'Dea. From that marking we infer that the chronology was prepared in March 1997. The chronology does not show who prepared the document and for what purpose. The chronology includes the following entry under 4 June 1991 (incorrectly referring to Westmead Hospital):

This is a telephone call with [CIC] which comes following surgery at Westmead Hospital and is the first concrete indication of there having been quite probably or possible some kind of serious sexually [sic] involvement.¹⁵⁰

The second document is a letter from Sister Sonia Wagner, Congregational Leader of the Order, to a manager at the New South Wales Department of Aging and Disability. The letter is dated 19 August 1998 and responds to the department's request on 4 August 1998¹⁵¹ for information about a complaint that CIC made to the department. Sister Wagner's letter states that CIC spoke to the principal, Ms Dixon, on the evening of 4 June 1991. CIC told Ms Dixon about the advice that CIC had received at the hospital.¹⁵² The letter does not state how Sister Wagner knew the date of the telephone call. It may be that the date is drawn from the chronology mentioned above, which gives the date as 4 June 1991. Sister Wagner's letter repeats the error in the chronology by referring to Westmead Hospital rather than Nepean Hospital.

None of the parties challenged CIC's evidence that she made the phone call. The two documents that the Church Parties relied on were created six and seven years after the events, so they are of less assistance to us in determining the date of the telephone call from CIC to Ms Dixon. Each document is

wrong in the sense that the wrong hospital is named. It is likely that the information in Sister Wagner's letter is based on the solicitor's letter and not on Sister Wagner's independent recollection of the events. Therefore, we accept CIC's direct evidence as a party to the call that she contacted Ms Dixon while her daughter was in hospital. This would have been a memorable sequence of events for CIC. She remembers Ms Dixon saying that she would visit her daughter in hospital.

After CIC's phone call with Ms Dixon, a good friend of CIC's reported CIC's concerns to police for her.¹⁵³ CIC did not know what action the police took in mid-1991.¹⁵⁴

CIC recalled that, a couple of weeks after CIB was discharged from Nepean Hospital, Dr Cregan saw CIB for a post-operation appointment. He expressed 'greater certainty that the haemorrhaging was a result of sexual assault' than from any other cause.¹⁵⁵ CIB has not haemorrhaged since.¹⁵⁶

CIC gave evidence that, about two weeks after CIB's discharge from hospital, she asked CIB if CID had hurt her. CIB did not say a thing.¹⁵⁷ CIC found this very unusual, because CIB was usually chatty and hyperactive. CIC said that she tried asking CIB questions about CID, but CIB was vague.¹⁵⁸ As a result of her daughter's unusual behaviour, the phone call she had received from CID when CIB was in hospital, and what she had been told by Dr Cregan, CIC became very concerned that CID had abused CIB.¹⁵⁹

Response of Mater Dei

On 5 June 1991, Ms Dixon notified police of an alleged sexual assault against CIB and reported the matter to FACS.¹⁶⁰

Ms Dixon said that, based on both this incident and a breach of the conditions that she had imposed on CID concerning CIL, she had by now lost confidence in CID and did not want him to continue at Mater Dei in any capacity.¹⁶¹ On 5 June 1991 she requested his immediate resignation given that CID had breached the restrictions imposed on him in relation to CIL.¹⁶² Ms Dixon told CID to collect his things and leave immediately, and another officer escorted him from the property.¹⁶³ According to NSW Police Force records, CID left Australia on 7 July 1991.¹⁶⁴

The FACS documents indicate that Ms Dixon and other staff at Mater Dei cooperated with FACS's investigation and provided information to FACS as required.¹⁶⁵ On 23 July 1991 a FACS officer visited Mater Dei. Ms Dixon and other staff told the officer of their concerns and suspicions about CID. The FACS officer suggested the alternative hypothesis that another child at the school may have been responsible for the abuse. The staff dismissed this hypothesis.¹⁶⁶

By 13 September 1991, FACS was satisfied that CIB had 'settled down and appears quite happy. Her mother and Mater Dei undertake to advise if there any further concerns'. A file note recorded by the FACS district manager referred to a 'rumour that a house father' was the alleged perpetrator

but had concluded there was no evidence in support of that ‘theory’ and that CID no longer worked at Mater Dei.¹⁶⁷

In relation to any police investigation, the COPS entry recording Ms Dixon’s report to police contains a note that CID had returned to Britain, and ‘NFPA’, or ‘no further police action’.¹⁶⁸

Communication with CIC

A FACS record indicates that CIC told the FACS district officer that on 5 June 1991 Ms Dixon called CIC and told her that she had dismissed CID and that she would ‘totally understand’ if CIC chose not to send CIB back to Mater Dei.¹⁶⁹ CIC had concerns about CIB returning to Mater Dei, but at the time she felt she had no other option because of the difficulties she previously had finding a school for CIB.¹⁷⁰

When CIB returned to Mater Dei later in June 1991, there was a new husband and wife team working as houseparents at Arnold Avenue Cottage, and CID no longer worked at the school.¹⁷¹ While it appears that CIC was aware that CID was no longer at the school, she gave evidence that no-one in authority at Mater Dei informed her about the change in houseparents. She said she learned of that fact from the new houseparents.¹⁷²

Ms Dixon told us that she had difficulty accepting that CIC was not told about the new houseparents. She believed that the residential coordinator would have passed that information on to CIC, but she does not know whether that happened.¹⁷³ Ms Dixon gave evidence that she accepts CIC’s evidence about that matter.¹⁷⁴

CIC felt that Mater Dei was safer for CIB with a husband and wife team as houseparents.¹⁷⁵ The three boys were no longer in the house; instead, there were three girls of a similar age to CIB and one boy boarding there. CIB was not tired like she used to be when CID was in charge.¹⁷⁶ CIB remained at Mater Dei until she completed her HSC in 1995.¹⁷⁷

CIC does not recall Ms Dixon or anyone contacting her again about her daughter’s abuse and wellbeing or to tell her what happened to CID. To her knowledge, Mater Dei did not formally investigate the matter.¹⁷⁸ At the time, CIC wanted to know what Mater Dei had done to investigate her daughter’s abuse and whether CID had abused other children at Mater Dei.¹⁷⁹

CIC gave evidence that she was devastated that Mater Dei did not follow up her complaint that CIB may have been abused by CID.¹⁸⁰ She said she did not hear from Mater Dei, FACS or the police about CID.¹⁸¹ She was not offered support or counselling for CIB or herself. She became very depressed and concerned about CIB’s future safety, to the point that she suffered panic and anxiety attacks that required her to take medication.¹⁸²

CIC told the Royal Commission that, as CIB was in Mater Dei's care, the school should have called a meeting with CIB's family to discuss what had happened.¹⁸³ Mater Dei could have offered some support and asked how CIB was.¹⁸⁴ CIC agreed that she would have been 'enormously assisted' if she had been given contact details for persons involved in the investigation, and an explanation of the roles of each of the agencies, at the outset.¹⁸⁵

Ms Dixon gave evidence that she cannot recall what contact was made with CIC after CIB's operation. She accepted that, if no contact was made, it was the wrong thing to do and a failing on the part of the school at that time. The correct thing to do, consistent with Ms Dixon's expectations of the school's practices at the time, was to follow up on CIB and CIC's wellbeing and to let them know what had happened to CID.¹⁸⁶ Ms Dixon found it difficult to think that the school did not follow up in this way, but she accepted that it may not have happened.¹⁸⁷ As noted above, the FACS record indicates that Ms Dixon did at least tell CIC that CID was dismissed.

Ms Dixon told us that neither FACS nor police informed her of the outcomes of their investigation; therefore, she was not in a position to let CIC know about those outcomes.¹⁸⁸ We accept her evidence.

Ms Dixon gave evidence that, after the incidents involving CIL and CIB, there was heightened awareness of child safety. Mater Dei introduced four days of mandatory professional development and developed guidelines 'about the safety of students' (with some assistance from state government materials).¹⁸⁹ Ms Dixon said that from 1992 she made it clear to staff that they must document any incidents with a sexual overtone and report them to her.¹⁹⁰

FACS involvement

CIC gave evidence that, shortly after CIB was discharged from Nepean Hospital, Ms Stepanik, a social worker, visited her home. CIC said that Ms Stepanik did not say what organisation she was from,¹⁹¹ and Ms Stepanik interviewed CIB on her own. CIC thought that was unusual given her daughter was a minor and heavily medicated.¹⁹² CIC could overhear the interview. Ms Stepanik asked CIB about the assault, and CIB responded by continually repeating the words, 'Pins, needles, scissors, glass'.¹⁹³ CIC believed that CIB was referring to her abuse by CID.¹⁹⁴

Ms Stepanik told CIC to take CIB to the Rape Crisis Centre at Prince of Wales Hospital.¹⁹⁵ The doctor at the hospital told CIC that he thought CIB should have an internal examination. CIC refused to allow the procedure because she felt there was no point in doing an internal examination some weeks after the incident.¹⁹⁶

Mr Groves gave evidence, based on the FACS records, about FACS's involvement in CIB's case. On 6 June 1991 the Campbelltown District Centre received a report concerning CIB.¹⁹⁷ The Campbelltown District Centre had also dealt with the report on CIL. Mr Groves said he thought that in 1991 the reports would be matched and dealt with together,¹⁹⁸ but the records indicate to him that the reports were possibly dealt with separately.¹⁹⁹

FACS took a number of steps on and from 6 June 1991. FACS officers spoke to and recorded information provided by:

- CIC
- a social worker at Nepean Hospital
- a general practitioner
- the principal, Ms Dixon.²⁰⁰

FACS also informed police.²⁰¹

Mr Groves said that a FACS document shows that two officers – Ms Stepanik and an officer from disability services – visited CIB and CIC at their home to interview CIB. They issued a formal notice requiring CIB to be medically examined.²⁰²

In response to CIC’s concerns about the home visit, Mr Groves could not say from the records whether FACS officers who visited CIB and CIC identified themselves and their agency. He assumed they were required to do so. Today, FACS officers carry identification cards for that purpose.²⁰³

Based on the FACS document,²⁰⁴ we are satisfied that it is likely that two officers visited CIB’s home and identified themselves as FACS officers, but we accept that CIC has a different recollection of the home visit.

Response by the Order

In around February 1997, CIC reported CIB’s abuse via a hotline connected with the Royal Commission into the New South Wales Police Service.²⁰⁵

In October 1997 a nun from the Order contacted CIC and said she wanted to visit her and CIB.²⁰⁶ In November 1997 Sister Wagner (then superior of the Order) and Sister Jeanie Heiningler came to CIC’s home.²⁰⁷

Based on the evidence of Sister Wagner, including a ‘Record of Conversations’ she believes she put together in 1997,²⁰⁸ the circumstances that led to the visit by the nuns were:

- On 12 March 1997, the NSW Catholic Education Commission, which was the body that received complaints about any Catholic schools that came through the hotline, notified Sister Wagner of CIC’s complaint to the New South Wales Royal Commission. The complaint concerned an allegation of sexual abuse of a child at Mater Dei in 1991 by a staff member named CID.²⁰⁹

- Sister Wagner took advice from her lawyers, Carroll & O’Dea, and the ‘Catholic Industrial Order’. On 13 March 1997 she met with Ms Dixon and Carroll & O’Dea. At the meeting, Sister Wagner said that she wanted to offer ‘pastoral support’ to CIB and her family.²¹⁰ Sister Wagner defines a ‘pastoral response’ as to listen to CIC, identify any needs she may have and provide a response using the Order’s available resources.²¹¹
- On advice from her lawyers, Sister Wagner felt she could not offer pastoral support while police were inquiring into the matter. On 14 October 1997 the police advised that the Order could approach CIC.²¹²
- On 24 October 1997, Sister Heininger wrote to CIC noting CIC’s allegations of sexual abuse of CIB. She stated that the sisters would like to meet with CIC to ‘consider any outcomes of that enquiry and its implications for you and [CIB]’.²¹³

Sister Wagner gave evidence that the sisters felt a sense of responsibility towards CIB because the allegations of abuse were made at a time when the Order was ‘completely responsible’ for Mater Dei.²¹⁴ She said that the Order was trying to find a way to ‘honour that responsibility’.²¹⁵ We accept that Sister Wagner’s approach to CIC was motivated by a desire to provide a pastoral response.

In November 1997 the nuns visited CIC. CIC gave evidence that during the visit the nuns did not mention CID or what had happened to her daughter.²¹⁶ CIC recalled asking the nuns about CID and whether he was still working with children. They said they did not know but would make enquires.²¹⁷ They offered respite care for CIB for one weekend a year at a facility in Katoomba. CIC did not accept the offer.²¹⁸

After this meeting, Sister Jeanie sent CIC a pro forma document titled ‘Initial Interview’ that set out the matters discussed during the meeting.²¹⁹ The covering letter requested that CIC sign the record.²²⁰ The ‘Initial Interview’ document noted that:

[The] reason for the visit was to allow [CIC] the opportunity of talking with them. After listening to [CIC]’s story, Sisters Sonia and Jeanie agreed to make enquiries regarding the current employment of [CID]. Sisters Sonia and Jeanie agreed to let [CIC] know the result of their investigations. Sister Jeanie also agreed to explore respite possibilities for [CIB].²²¹

It is clear from the note that there was discussion about CID’s current employment status and that CIC was likely to have raised this.

CIC did not sign the ‘Initial Interview’ document because she felt that the nuns had not been honest about the reasons they came to see her. She believed that, if she had signed it, she would be ‘relieving the Sisters of the Good Samaritan of their responsibilities to ensure that CIB had received support and that CID was investigated’.²²²

Sister Wagner gave evidence that the form and procedures associated with it were part of the Towards Healing response.²²³ However, there is no evidence that the processes of Towards Healing

were explained to CIC. In light of CIC's evidence, we find that the processes were not explained. As Sister Wagner conceded, the request that CIC sign and return a pro forma document after the meeting was at the least disconcerting for someone in CIC's position.²²⁴

During the hearing Counsel Assisting asked Sister Wagner about the document that they had asked CIB to sign. The following exchange occurred:

Q. Then there's the reference to 'investigation of current employment' and 'possibilities for respite care' as the suggested follow up. If you go down to the bottom of the page you'll see there is room for at least three people to sign. What was the purpose of that?

A. I suppose it was to validate that that was an accurate record of the visit.

Q. Why would you need that if you were offering pastoral care?

A. Yes, point taken.²²⁵

We conclude that this process was not consistent with the pastoral approach that the Order stated that it intended.

Reflecting on the Order's handling of this matter after 1997, Sister Wagner said that the Order could have made more strenuous efforts to avoid delay in responding to CIC and would not have used the formal process described, conceding that the process might have 'put [CIC] off'.²²⁶

CIC told the Royal Commission that she never sought and was never offered financial compensation from Mater Dei or from the Order.²²⁷ Sister Wagner noted that CIC's allegations were never substantiated but that that was irrelevant²²⁸ and the Sisters would not provide any obstacles to CIC now seeking any compensation.²²⁹

Impact of abuse on CIB and her family

CIC told the Royal Commission that, due to CIB's disabilities and the medication she has been taking over the years, CIB does not recall the abuse and is unable to talk about it.²³⁰ After the abuse in 1991, CIB was diagnosed with schizophrenia; before the abuse CIC did not show signs of any mental illness.²³¹

CIC told us that the legal system needs to explore methods for giving children with disabilities a voice. She believes this lack of a voice makes children with disabilities even more vulnerable. CIC told us that it is easier for a person in a position of trust to abuse a child with a disability because they know the child may not be able to communicate and report the abuse as easily as others can. CIC believes that criminal matters are not pursued because these children are deemed incompetent or less reliable because of their disability.²³²

CIC believes that the legal system needs to recognise a person's intellectual age over their physical age. She believes that CIB should be given the same legal protections that a child would be given – for example, any carer who works with her should satisfy a process similar to a Working with Children Check (WWCC).²³³

As part of its criminal justice work, the Royal Commission is considering the use of special measures, including witness intermediaries, to assist vulnerable witnesses, including children with a disability, to better participate in the criminal justice system.

CIO and another student

CIO is a former student of Mater Dei. She lived at Berallier Cottage, one of Mater Dei's residential homes.²³⁴

Around midnight on 12 March 1992,²³⁵ the daughter of the resident social educator at the cottage discovered a male resident in CIO's room. CIO was naked and the boy was in his pyjamas. Both were 13 or 14 years old at that time.²³⁶

The incident was reported to the residential coordinator on 16 March 1992. The residential coordinator spoke with CIO and the boy, and it was apparent that they had attempted sexual intercourse.²³⁷

The residential coordinator told Ms Dixon about the incident on 17 March 1992. The residential coordinator told Ms Dixon that CIO had spoken with her mother about the incident. Ms Dixon instructed the residential coordinator to contact CIO's mother and ask if she would like Mater Dei to arrange a medical examination of CIO.²³⁸

CIO's mother gave permission for a medical examination.²³⁹ CIO was seen by a doctor, who found evidence of penile penetration.²⁴⁰ CIO's mother decided to remove CIO until she could be placed at Arnold Avenue Cottage.²⁴¹

The school put in place individual counselling for the two students, heightened supervision and an education program, which was developed in a meeting between school staff, government agencies, a psychologist and family members. Also, CIO was placed on a 'behavioural contract', which is for students with behavioural difficulties. The contract was to be enforced by all relevant staff and family members.²⁴²

Ms Dixon told the Royal Commission that she had reviewed the documents and was unable to determine when the behavioural contract had been put in place.²⁴³

In August 1992²⁴⁴ there was further sexual activity at the school between CIO and the same male student.²⁴⁵ After this incident, CIO's mother told Mater Dei that CIO would not be returning to the house or school.²⁴⁶

Ms Dixon notified FACS and made inquiries of relevant staff.²⁴⁷ The male student was interviewed, with involvement from FACS.²⁴⁸ He received counselling at a sexual health centre and three sessions with a clinical psychologist.²⁴⁹

It did not occur to Ms Dixon to contact police, and FACS did not advise her to do so.²⁵⁰

Ms Dixon believes that Mater Dei tried to put adequate protection in place in keeping with standards at that time. However, the residential arrangement meant that teenage students of both sexes lived in the same house, so it was difficult to supervise them constantly.²⁵¹ We accept that evidence. The Royal Commission is addressing the issue of harmful sexual behaviours between students in schools in Case Study 45.

2.4 FACS's handling of cases involving CID

In 1990–1991, the reports about CID were handled by different FACS district centres – Campbelltown and Shellharbour. As a result, the information about CID went to different teams.²⁵² Today, these processes are centralised.²⁵³

Under the *Children and Young Persons (Care and Protection) Act 1998* (NSW), individuals and organisations who provide services to children with a disability are mandatory reporters. They are required to report any risk of significant harm to a child or young person.²⁵⁴ Those mandatory and community reports are made to the FACS Child Protection Helpline. The report is then sent to the Joint Investigation Response Team (JIRT) Referral Unit, which is a team comprising officers from the Department of Health, FACS and the NSW Police Force.²⁵⁵

Mr Groves observed that today FACS would instigate the JIRT Local Consultation Contact Protocol, which would allow for a JIRT investigation.²⁵⁶ Also, information about reports can be accessed on FACS's KiDS database. The KiDS database would ensure that other information about CID – for example, the information about CIN – is linked and available.²⁵⁷

It is clear that these changes were necessary to assist FACS to provide a more effective response to reports and advance the interests of the safety of children.

2.5 FACS report on allegations of child sexual abuse

FACS produced a six-page document entitled 'Report on Mater Dei School, Camden' dated 21 March 1997 and authored by a district officer.²⁵⁸ The report said that on 19 February 1997 the Case Management Unit of the Department of School Education received information about an alleged incident of sexual abuse of a former resident of Mater Dei. That information came from a 'caller' who believed that the school had not properly investigated the allegation.²⁵⁹

The report does not identify the victim and alleged perpetrator. The report does not state why it had been prepared or to whom it would be disseminated, if at all.

The report records that on 13 March 1997 a meeting was held between a Director of Policy, Catholic Schools Commission, and an inspector with the NSW Police Child Protection Enforcement Agency. The purpose of the meeting, and whether the author was present, is not set out in the report.²⁶⁰

Under a subheading in the report, 'Cases relating to this matter', the names of seven people are set out, including the names of those considered in this case study: CIB, CIN, CIL and CIO. For each name there is a date of birth and a unique 'CIS number' (we infer this is a case file number for those cases that had been notified to FACS).²⁶¹

Of the seven cases, four, including the cases of CIO and CIB, are discussed further in the report. The report says that the remaining three 'could not be included as the case files have not been received'.²⁶²

For each of these four cases, the report provides the notification date, the nature of the allegations, the subject of the notification and the author's views about the school's conduct in each case.²⁶³

Where the report discusses the case of CIB, it states:

A list of 17 children's names is attached to the file. The inference is that the list contains concerns that these children had been sexually assaulted. 5 of these children were known to this Department, of which two children refer to allegations against the house parent known as [CID]. The list also states that a number of concerns were raised with the School's Executive, by both staff and children's parents, regarding the house parent [CID]. In one instance it quite clearly states the concern was that [CID] had sexually assaulted a child by the name of [CIL]. This child was not one of the children already known to this Department.²⁶⁴

FACS produced another two-page document which contains the heading 'ARNOLD COTTAGE – FEBRUARY 1987–JUNE 1991'.²⁶⁵ Under that heading are the names of 17 students.²⁶⁶ It is possible that the two-page document is the attachment containing the 'list of children's names' that was

said to be attached to the 'file'. The first page of the document appears to be missing. Next to all but three of the 17 names is a short note stating incidents or concerns, or the fact of transfer to another cottage at a parent's request. Five of the seven students discussed in the report (where FACS had received a notification) are on the list.²⁶⁷

There is an inconsistency in the report in relation to CIL. Contrary to the author's note that CIL was 'not one of the children already known to this Department', CIL is noted in the report as one of the seven 'cases relating to this matter' with a relevant CIS number.²⁶⁸

On the face of the two-page document, it is not possible to determine:

- who created the document and for what purpose
- how, when and why the list of 17 names came to the attention of FACS.

There is no apparent relationship between the list of 17 students and the seven that are identified in the report as the 'cases relating to this matter'.²⁶⁹

The report does not say why the author inferred that the 17 children had been sexually assaulted. The documents produced by Mater Dei did not contain any complaints or disclosures about CID other than in the cases of CIN, CIL and CIB.

In these circumstances, the evidence contained in the report and the further document does not allow us to make any finding about whether there were 17 complaints of a sexual nature in relation to Arnold Avenue Cottage and whether CID was the subject of these complaints.

Under the heading 'Issues in relation to Casework practice', the report then contains the author's views about 'issues regarding casework practice'.²⁷⁰ Under the heading 'Summary', the author observes that 'it is not clear if any discussion was held with the school, by the management of the Campbelltown CSC, into the concerns such a rate of notifications belies'.²⁷¹

Under the final heading 'Recommendations', the report suggests a meeting with certain named individuals. There is no evidence that that meeting in fact occurred.²⁷²

Ms Dixon told the Royal Commission that no-one informed her of FACS's concerns about any high rate of notifications, and she was unaware of those concerns at the time and afterward.²⁷³ Ms Dixon accepted that she was aware of 'questions about the appropriateness of CID's behaviour' from March 1991.²⁷⁴ The incident concerning CIB occurred in May 1991, and Ms Dixon agreed that CIC has a right to be aggrieved.²⁷⁵

The submissions of Counsel Assisting referred to the deficiencies in the report and the further document discussed above. On that basis, Counsel Assisting submitted that the evidence contained in the report and the further document does not allow for any submission to be made on the

existence of 17 complaints of a sexual nature in relation to Arnold Avenue House and whether CID was the subject of these complaints.²⁷⁶ Counsel Assisting also submitted that there is no available finding in respect of the report and the further document produced by FACS.²⁷⁷

The Church Parties submitted that it is unfortunate and unfair that the submissions of Counsel Assisting contained extended discussion of these documents and that it would be highly improper for the Royal Commission to have regard to them.²⁷⁸

We do not accept that submission. FACS produced the documents to the Royal Commission and they were provided to the Church Parties before the hearing commenced. They were tendered during the hearing without objection. They were properly addressed in Counsel Assisting's submissions. However, for the reasons set out above, we make no findings on the basis of the documents.

2.6 Policies and procedures at Mater Dei

Mr Fitzgerald, current principal of Mater Dei, gave evidence about Mater Dei's current policies and procedures, including a detailed statement annexing extensive material comprising current policies and supporting material.²⁷⁹

As with other independent schools, Mater Dei is subject to standards established by the New South Wales Board of Studies, Teaching and Educational Standards.²⁸⁰ These standards do not differ for schools which cater for children with disabilities.²⁸¹

Mater Dei is required to maintain an accreditation with the New South Wales Board of Studies, Teaching and Educational Standards. It was last accredited in 2015.²⁸² Mr Fitzgerald gave evidence that no additional requirements or deficits in relation to the school were identified in the 2015 accreditation.²⁸³ We accept that evidence.

The transition to the NDIS now requires Mater Dei to comply with the accreditation process of the NDIS because of services provided through the Early Intervention Program.²⁸⁴ Mr Fitzgerald said that Mater Dei was currently accredited under the NDIS.²⁸⁵ In determining the standards Mater Dei is required to achieve for the purposes of NDIS accreditation, Mr Fitzgerald said that the school had regard to the NSW Disability Services Standards and that its policies incorporate those standards, including the addendum to those standards.²⁸⁶ Further, according to Mr Fitzgerald, those standards are reflected in the practices employed by staff at Mater Dei.²⁸⁷

The New South Wales Department of Ageing, Disability and Home Care requires a third-party verifier to confirm that Mater Dei policies and procedures meet the NSW Disability Service Standards.²⁸⁸ Mater Dei met the NSW Disability Services Standards as part of the third-party verification process. We have noted that the verification report on Mater Dei states that the 'result of this assessment (ie, full attainment against all of the requirements) is a reflection on the commitment and considerable effort put into the development [by Mater Dei]'.²⁸⁹

Mr Fitzgerald gave evidence that Mater Dei’s policies and procedures on child protection, including those on obligations as mandatory reporters, are brought to the attention of staff at staff meetings and staff development days.²⁹⁰ Mr Fitzgerald told the Royal Commission that he was satisfied that the training that Mater Dei offers is sufficient for staff to understand their statutory obligations, practices, policies and procedures.²⁹¹ However, he accepted that there was always room for staff to engage in additional training, although it is a challenge to organise that training without compromising the safety of the children through staff absences.²⁹²

Further, as part of the third-party verification process outlined above, staff, including board members and management, were assessed as being aware of the NSW Disability Services Standards. The verification report noted that training is given high priority, budget is allocated for it and an induction program is comprehensive. The verification report noted that discussion with clients and their families revealed that staff have a genuine commitment to best-practice services.²⁹³

Mr Fitzgerald gave evidence of Mater Dei’s child protection policy framework, consisting of Mater Dei Child Protection National Standard 1 – Rights²⁹⁴ and accompanying policies on the following:

- abuse, grooming and neglect²⁹⁵
- WWCCs
- reportable conduct of staff, volunteers and others
- detecting, reporting and addressing grooming behaviours
- incident management overview flowchart
- mandatory reporting of abuse and neglect
- client safety and security.

Mr Fitzgerald also gave evidence that Mater Dei conducts a parents’ information night at the start of each school year, when the school informs parents about their range of policies and significant changes in policies.²⁹⁶ Parents receive a parent handbook which refers to the suite of policies available to parents, some of which were available online.²⁹⁷ Mr Fitzgerald gave evidence that there was a separate Living Skills Program handbook that informed parents of the protocols in place in relation to the houses or particular programs. In addition, parents see a ‘series of visuals’ in the houses and are provided with information during orientation.²⁹⁸

Mater Dei also has written formal grievance procedures, although Mr Fitzgerald said that, in his experience:

[Parents,] even when they may be encouraged to do so – and it happens infrequently – about any matter that arises in the school, are reluctant to engage with a formal process. They absolutely want the matter to be raised and they want it to be dealt with as it is, but they don’t wish to go through a formal grievance or complaints procedure.²⁹⁹

Mr Fitzgerald gave evidence on individualised care provided to students. Every student from kindergarten to year 12 has an Individual Personal Learning Plan created for them,³⁰⁰ as well as a tailored Individual Support Plan.³⁰¹ A risk assessment is undertaken to match students at the school with carers and a separate risk assessment is prepared for participants in the Living Skills Program.³⁰² A Student Risk Profile³⁰³ is also prepared. It documents likely behaviours that students may exhibit that present risks for the student or others; how to manage certain behaviours; and the physical contact that may be required for each student.³⁰⁴ Mr Fitzgerald gave evidence that these tools equip staff with knowledge about students' usual behaviours and allow recognition of changes in the behaviour of students, enabling staff to identify and escalate concerns relating to the safety, welfare and wellbeing of any student.³⁰⁵

Mr Fitzgerald identified five relevant challenges Mater Dei faces:

- communicating with students
- working within the context of the students' experience as they mature
- training and development
- dealing with multiple agencies
- the efficacy of individual agency investigations.³⁰⁶

In relation to dealing with multiple agencies, Mr Fitzgerald said there would be merit having an integrated agency that dealt with all relevant functions relating to child safety for disability services providers, including screening, investigations and training and development.³⁰⁷

3 The Disability Trust and Interchange Shoalhaven

The second inquiry in this case study concerned the allegations of child sexual abuse of CIE and the response of two disability service providers in the New South Wales South Coast – The Trust and Interchange – to those allegations.

The allegations were made against Mr Royce Comber. At the time of the allegations Mr Comber was a casual worker at an after-school care program run by The Trust.³⁰⁸ Mr Comber also worked at vacation care outings and a sport and recreation program operated by The Trust.³⁰⁹ At that time, Mr Comber was also employed by Interchange.³¹⁰ Mr Comber worked with CIE through services provided by both The Trust and Interchange.³¹¹

Mr Comber was granted leave to appear at the public hearing and was legally represented.

3.1 CIE

CIE was born in 1996.³¹² When he was three years old he was diagnosed with moderate autism.³¹³ He communicates by pointing with a QWERTY board or typing into a computer or iPad.³¹⁴ CIE's mother, CIF, told us that CIE usually needs to have someone around him, but he is able to go about his daily routine without assistance. CIE can make his own bed, pick out his clothes and dress himself. He can prepare his own food, shower and use the bathroom without help.³¹⁵ A video of an interview of CIE with officers of the Royal Commission was shown during the public hearing.³¹⁶

CIF accessed services for her son to socialise him, particularly because he was home-schooled at various times.³¹⁷ This included community outings from 2006 with Interchange³¹⁸ and, from 2009, out of school hours and holiday care with The Trust.³¹⁹ CIE attended after-school care at The Trust for two hours once a week.³²⁰ In or around the beginning of 2011, CIE told his mother that he only wanted to attend holiday care at The Trust when there were activities outside the centre. From that time CIE only attended holiday care when there were activities not based at The Trust's premises.³²¹

When CIE's mother enrolled CIE at The Trust in 2009, she informed them that her son did not need assistance when going to the bathroom because he could perform this task himself.³²² She said that The Trust did not make her aware of any policies or procedures, including those which related to toileting of clients.³²³ CIE's mother also gave evidence that she asked The Trust to inform her of any incident involving CIE.³²⁴

Ms Margaret Bowen, the chief executive officer (CEO) of The Trust, gave evidence that she did not know whether CIF had been made aware of The Trust's policies or procedures and conceded that The Trust probably did not provide the information to CIF.³²⁵

3.2 The Disability Trust

The Trust provides residential, employment, respite and day services for people with disabilities and their families across southern New South Wales, southern Sydney and the Australian Capital Territory.³²⁶

In 2012, the time of the alleged abuse of CIE, The Trust provided services for 361 children.³²⁷ The institution has seen significant growth in the past four years. It currently employs 1,200 people and has provided services for over 500 children in the past year.³²⁸

The services The Trust currently provides to children with disabilities include centre-based respite, flexible respite packages, after-school care, vacation care and sport and recreation services.³²⁹

The Trust is also a Registered Training Organisation – it takes in people with an interest in the industry and provides training within the organisation.³³⁰

Ms Bowen has been employed by The Trust for 29 years. She was appointed CEO of The Trust in 2003.³³¹ In her role as CEO, Ms Bowen manages and oversees the executive management team. The executive management team has operational responsibility for large areas of service delivery. Ms Bowen also oversees the strategic plan for The Trust and oversees and participates in various internal committees, including those dealing with risk minimisation and the development of policies.³³²

Ms Bowen reports to the board of directors.³³³

Allegations of abuse of CIE

In 2011, Mr Comber, a casual worker at The Trust, introduced himself to CIF.³³⁴ Mr Comber told CIF that he and CIE got along well and asked CIF if he could work with CIE in afternoon care. CIF agreed.³³⁵

Towards the end of 2011, The Trust told CIF that CIE was exhibiting some ‘odd behaviours’.³³⁶ She said that The Trust gave her some details about CIE’s behaviour but did not fully inform her of the details or the extent of the behaviour.³³⁷ CIF told us that she thought these were just minor incidents. However, she found out later that some were quite serious.³³⁸

Ms Bowen gave evidence that in 2011 it was the practice of The Trust to communicate with parents about matters of note concerning their children.³³⁹ Ms Bowen said a number of incident reports were made about CIE. These were discussed with CIF at the time incidents occurred.³⁴⁰ Ms Bowen said that, if a parent wanted to know more, they could talk to staff. Some parents give The Trust specific protocols for a range of matters, which The Trust adheres to.³⁴¹ No specific protocols were in place for CIE.³⁴²

In or around January 2012, while CIF was at The Trust, CIF noticed that CIE was being isolated. CIE seemed to only be with Mr Comber and no-one else. CIF complained to The Trust and requested a meeting.³⁴³

CIF met with The Trust in or around February 2012. CIF told us that at the meeting she raised that issue and also her concern that Mr Comber appeared to be the only person with whom CIE interacted.³⁴⁴ Ms Bowen told us that at the meeting they discussed CIE's behaviour and set up a meeting with The Trust's psychologist to look at how to provide behaviour support for CIE.³⁴⁵

On 20 March 2012, CIE returned home early from an outing with Mr Comber.³⁴⁶ CIE displayed distress signals and on the QWERTY board disclosed to CIF that Mr Comber had 'touched his willy in the toilets'.³⁴⁷ CIF told her husband, who went to the police station to report the abuse.³⁴⁸

CIF reports CIE's abuse to The Trust

CIF told us that on 21 March 2012 she reported the allegation to Mr Ryan Kiddle, a manager at The Trust.³⁴⁹ CIF told Mr Kiddle that CIE 'had been sexually assaulted by Royce'.³⁵⁰ CIF spoke with Mr Kiddle again a day or two later. CIF told him that the family had informed the police. Mr Kiddle told CIF that The Trust had stood down Mr Comber.³⁵¹

Ms Bowen first heard of the allegations against Mr Comber on 21 March 2012.³⁵² She believes she was informed by Mr Kiddle and another Trust employee, Ms Katherine Carney.³⁵³

The Trust's response

On the day that Ms Bowen heard about the allegations, she asked Mr Kiddle to check the roster to ensure Mr Comber was not rostered on any shifts, pending their investigation and any police investigation.³⁵⁴ He was rostered to work at The Trust on 21 March 2012 and attended that shift.³⁵⁵ He did not work for The Trust again.³⁵⁶

On 22 March 2012, Ms Bowen checked that the standard pre-employment checks and screenings (that is, the WWCC and police check) had been completed before Mr Comber's employment, and she was satisfied that they had been.³⁵⁷

The following day Mr Kiddle informed other organisations about the allegations. These other organisations were places where he was aware that Mr Comber also had contact with children – that is, Interchange³⁵⁸ and a school where The Trust ran a program to support students.³⁵⁹

Sometime later, CIF spoke with Ms Bowen.³⁶⁰ CIF said she asked Ms Bowen why parents were not informed that their children could be left alone with an adult. Ms Bowen told her that it was

normal practice and The Trust was not responsible for one of its workers misbehaving.³⁶¹ In her oral evidence, Ms Bowen denied that she said those things. Ms Bowen said that, as CEO, she is 'accountable for every single employee and everything that happens within the organisation'.³⁶²

CIF's letter of complaint to The Trust

In June 2012, CIF requested and received incident reports from The Trust relating to her son.³⁶³ CIF told us that she was angry when she received the reports because they suggested there was conflict between CIE and Mr Comber at an earlier stage. She said that, had she been told about the incidents when they happened, she would have asked CIE about them and she believed he would have disclosed the abuse much sooner.³⁶⁴

On 20 June 2012, CIF wrote a letter of complaint to The Trust.³⁶⁵ As a result of this letter, on 29 June 2012 CIF met with Mr Kiddle and other staff of The Trust.³⁶⁶ CIF told us that during that meeting she outlined some of her complaints and gave The Trust a list of questions to be answered, including as to the type of screening The Trust had undertaken before hiring Mr Comber.³⁶⁷

CIF gave evidence that The Trust would not answer most of her questions. CIF felt stonewalled at the meeting because they were not giving her the information she requested.³⁶⁸

Ms Bowen gave evidence that she understood that CIF had indicated that there was new evidence and that CIF was frustrated with the police. This prompted a suggestion from someone from The Trust that The Trust should not deal with the matter until CIF took her new evidence to the police.³⁶⁹ Ms Bowen said that they were concerned not to interfere if there was more to be added to the evidence for police.³⁷⁰ The Trust's internal investigation under the New South Wales reportable conduct scheme is discussed later in this report.

JIRT response

Mr Groves, the current director of the Illawarra Shoalhaven District of FACS, gave evidence regarding the allegations of CIE's abuse based on the FACS file. He told us that on 21 March 2012 FACS received a report via its Child Protection Helpline.³⁷¹ The report was transferred to the JIRT Referral Unit on the same day,³⁷² with a note that CIE was in the care of his parents, who are protective.³⁷³

On 27 March 2012, a caseworker from Wollongong JIRT contacted a range of people, including a teacher, two speech therapists and a psychologist, to obtain further information about CIE's disability and his circumstances so that JIRT could determine how best to investigate the report.³⁷⁴

On 30 March 2012³⁷⁵ and 2 April 2012,³⁷⁶ JIRT interviewed CIE at his home. Before the interviews, Wollongong JIRT had prepared an interview plan for CIE.³⁷⁷ Each interview was conducted by the

officer in charge (OIC) of Wollongong JIRT and a FACS senior caseworker.³⁷⁸ It had previously been determined that the OIC would lead the interview, the caseworker would be in the secondary position, and CIF would be present as a support person for CIE.³⁷⁹ CIE made disclosures to JIRT and JIRT advised CIE's parents that the matter would be reviewed.³⁸⁰

On 5 April 2012, the OIC phoned Mr Kiddle at The Trust.³⁸¹ The OIC informed Mr Kiddle that the police had interviewed CIE and deemed that an offence had occurred.³⁸² The same day the OIC conveyed that information to two of Mr Comber's other employers, including Interchange.³⁸³ The OIC also contacted Mr Comber and informed him that allegations had been made against him by a male child he had care of and the nature of those allegations.³⁸⁴ On 12 April 2012 CIF received more disclosures from CIE and sent transcripts to the OIC.³⁸⁵

JIRT police interviewed Mr Comber on 17 April 2012 in the company of his solicitor. Mr Comber declined to answer questions.³⁸⁶ Mr Comber was informed at the interview that JIRT and FACS had substantiated the allegations and had listed him on the KiDS database as a Person Causing Harm.³⁸⁷

On 24 April 2012, the police informed The Trust that the police had attempted to interview Mr Comber, who declined to be interviewed, and he had not been charged because CIE was unable to attend court to give evidence.³⁸⁸ Mr Comber remained a person of interest in the community services and police systems, and the matter would be flagged in his WWCC. Police said that they would not investigate further and The Trust could begin its own investigation.³⁸⁹

FACS assessments

Mr Groves gave evidence based on the FACS records which show that, on 12 June 2012, the FACS caseworker completed a Judgments and Decisions Assessment. In that assessment the caseworker noted that:

- CIE was considered safe in the care of his parents
- a referral had been made to a sexual assault counselling service
- Mr Comber would be added as a Person Causing Harm on the KiDS database
- police were unable to progress criminal investigations because CIE was not a competent witness for criminal proceedings.³⁹⁰

A FACS caseworker completed a Secondary Assessment on 11 October 2012. The Secondary Assessment noted that:

- CIE was extremely vulnerable due to the serious degree of his disability
- CIE's parents were protective and supportive
- the OIC had informed the relevant agencies of the investigation and Mr Comber had been stood down

- police were unable to proceed with the matter criminally because there was ‘no corroborating evidence, the level of CIE’s disability and the fact that he is completely non-verbal. CIE is not considered to be a competent witness or have the capacity to participate in a criminal process’
- regardless of CIE’s lack of capacity to participate in criminal proceedings:

[The] reported issue of sexual abuse is substantiated following JIRT investigation and assessment. It is considered likely on the balance of probability, that the incidents of abuse took place as there was some opportunity for harm to occur and although limited, CIE was able to place some context around incidents of sexual touching ...

- Mr Comber was entered on the KiDS database as a Person Causing Harm
- the JIRT file was to be closed.³⁹¹

CIF gave evidence that she felt JIRT’s interviews with CIE did not give CIE enough time to disclose details of his abuse, and two interviews was insufficient. She said that she did not believe the JIRT officers were patient. They ran the interviews how they wanted, without consideration for CIE.³⁹²

Mr Groves gave evidence that usually an hour with an abused child is enough, whether they have a disability or not, because the child will start to get very anxious. JIRT is very conscious of trying to get the story told once rather than numerous times.³⁹³

CIF said she thought there needs to be additional funding and training to assist police with interviewing children with disability. CIF believes there needs to be a specialised team within JIRT to work with children with disability.³⁹⁴ Mr Groves agreed with that proposal.³⁹⁵ We note that the Royal Commission is considering the role of JIRT in its broader work in relation to criminal justice.

The New South Wales reportable conduct scheme

A reportable conduct scheme is a legislated scheme that requires reporting, investigation and oversight of child protection related concerns that arise in certain government and nongovernment institutions that provide services to, or engage with, children.

Under the New South Wales scheme, institutions must report child protection related concerns, including allegations of child sexual abuse made against their employees and volunteers, to an independent oversight body.³⁹⁶ The oversight body then monitors and scrutinises the agency’s handling and investigation of the complaint.³⁹⁷

The scheme is administered by the NSW Ombudsman under Part 3A of the *Ombudsman Act 1974* (NSW).

In New South Wales approximately 7,000 government and non-government agencies come under the jurisdiction of the scheme.³⁹⁸ Designated government agencies include FACS, the Department of Education and the Ministry of Health.³⁹⁹ Designated non-government agencies include non-government schools, childcare centres and agencies that provide children with residential care.⁴⁰⁰

A reportable allegation is ‘an allegation of reportable conduct against a person or an allegation of misconduct that may involve reportable conduct’.⁴⁰¹ Under the scheme, employees of designated agencies must notify their agency head of any reportable allegations or convictions of which they become aware. The head of agency must then notify the Ombudsman of the allegation or conviction within 30 days.⁴⁰² The head of agency makes this notification by completing Part A of the notification form.

‘Reportable conduct’ is defined to include any sexual offence or sexual misconduct committed against, with or in the presence of a child, whether or not it was committed with the consent of the child.⁴⁰³ The NSW Ombudsman defines ‘sexual misconduct’ as including misconduct that crosses professional boundaries, sexually explicit comments and other overtly sexual behaviour and grooming behaviour.⁴⁰⁴

The Ombudsman may monitor the progress of any reportable conduct investigation by a designated agency and request relevant information from the agency head concerned.⁴⁰⁵ Heads of agencies must provide a copy of the investigation report to the NSW Ombudsman and advise of resulting or proposed action in response to the investigation findings.⁴⁰⁶ Part B of the notification form is used for this process.

- If the Ombudsman identifies problems with an agency’s handling of an allegation or conviction, it may provide the agency with non-binding recommendations for action to be taken.⁴⁰⁷ The Ombudsman provides agencies with feedback and can offer suggestions on how to improve the future handling of similar matters.⁴⁰⁸

The reportable conduct scheme complements the WWCC system. A reporting body must notify the New South Wales Office of the Children’s Guardian of findings against a person that they have engaged in sexual misconduct committed against, with or in the presence of a child, including grooming.⁴⁰⁹ The Children’s Guardian checks records as part of its screening of WWCC applicants and as it monitors and reviews WWCC and cardholders’ criminal history and disciplinary information.

The Trust’s investigation

On or around 10 April 2012, The Trust submitted its Part A notification of a reportable incident to the Ombudsman within the prescribed 30-day period.⁴¹⁰

As stated above, on 24 April 2012 the police advised that The Trust could now begin its own investigation. In accordance with its own policies and police directives, The Trust had not been investigating the matter before this time.⁴¹¹

The Trust's internal investigation began with an interview with Mr Comber on 27 April 2012.⁴¹² At that interview, Mr Comber denied the allegations.⁴¹³

The Trust then carried out criminal record checks and a WWCC.⁴¹⁴ Ms Bowen gave evidence that, on the basis of Mr Kiddle's conversation with police, The Trust expected that the checks would come back flagged. This would enable The Trust to safely terminate the employment relationship.⁴¹⁵ Both the criminal record check and the WWCC came back clear.⁴¹⁶

Ms Bowen was surprised that the checks came back clear given the advice she had had from police.⁴¹⁷ Mr Groves noted that, as from February 2015, FACS exchanges information on its KiDS database with the Office of the Children's Guardian. If Mr Comber applied again for a WWCC, that information would be used as part of the risk assessment process.⁴¹⁸

On 3 May 2012, The Trust received a letter from the Ombudsman requesting that The Trust formally seek information from the police and FACS.⁴¹⁹ Ms Bowen gave evidence that, although she understood she needed to obtain information from agencies, she did not consider that any formal steps were required.⁴²⁰ Ms Bowen said that at that time she did not submit a request for information because she believed that, given she had already spoken to the police and FACS, they already had the information.⁴²¹ She acknowledged that this was obviously an error.⁴²²

On 18 June 2012, The Trust sent the Ombudsman a Part B notification that contained the outcome of its investigation. The Trust found that the matter was 'not sustained – lack of weight of evidence'.⁴²³ The finding was based on all of the available information at that stage, including the advice of police, the clear WWCC, enquiries of managers and staff, the interview with Mr Comber and the information that CIF provided.⁴²⁴

Ms Bowen told the Royal Commission that she was looking for evidence to corroborate the allegation but could not find any.⁴²⁵ When asked by Counsel Assisting what she thought she might be able to find, Ms Bowen said that she thought that perhaps people would have noticed if Mr Comber and CIE had gone into the toilet together, given that such behaviour would have been a breach of The Trust's protocols.⁴²⁶

Ms Bowen gave evidence that The Trust struggled with the terminology in the Ombudsman forms.⁴²⁷ For example, she believed that she could not sustain an allegation of sexual assault unless there had been charges laid.⁴²⁸ She said that the forms referred to the *Briginshaw* principle, which in her understanding required a lot of evidence.⁴²⁹

The Part B notification form at the time included a footnote that read:

Although there may be some circumstances where a sexual or physical assault offence may be sustained on the balance of probabilities, taking into account the *Briginshaw* principle, a sustained finding of a sexual or physical assault offence should generally only be made when a court has found that such an offence has occurred. In the absence of a conviction, agencies should determine whether or not sexual misconduct or ill-treatment ... has occurred.⁴³⁰

Ms Bowen said she read the footnote at the time and found the language confusing.⁴³¹

Ms Bowen commented that the processes of the Commission for Children and Young People (CCYP) were also confusing.⁴³² At that time the CCYP conducted activities associated with WWCCs which are now performed by the Office of the Children's Guardian. The Trust found the allegations 'not sustained' because it believed the allegations should not be sustained without charges.⁴³³ Ms Bowen was unsure whether the definitions of the CCYP of 'sustained' and 'not sustained' were similar to those of the Ombudsman, and she did not know how to find out.⁴³⁴

On 3 September 2012, the Ombudsman wrote to The Trust. The letter stated that The Trust had made its finding without the investigation material that external bodies involved in the matter had generated.⁴³⁵ The Trust then formally sought further information from JIRT and FACS under Chapter 16A of the Children and Young Persons (Care and Protection) Act.⁴³⁶

Ms Bowen told us that, once The Trust received additional information from JIRT, there was a feeling at The Trust that they were required to endorse the police finding that the allegations had been substantiated.⁴³⁷ On 16 October 2012, The Trust wrote to the Ombudsman to advise that the allegations may be sustained.⁴³⁸

The Trust then also notified the CCYP that the allegations may be sustained.⁴³⁹

In December 2012, The Trust received a further request from the Ombudsman for 'a comprehensive analysis based on all the available information pertaining to this investigation, including all investigation material obtained from the police/JIRT/Community services'.⁴⁴⁰

Ms Bowen said The Trust understood from talking to the Ombudsman at the time that they should request 'any and all documents relating to the investigation' in their Chapter 16A request, which is what they then did.⁴⁴¹ The material The Trust received in response to its third request contained information that it had not previously had.⁴⁴²

Ms Bowen raised concern with the difficulty The Trust had in getting information from the police and that The Trust would have liked a more comprehensive report when they first requested it.⁴⁴³

Ms Bowen found it difficult to weigh the evidence without any guidance on what was good or poor evidence.⁴⁴⁴ She recalled thinking that the process was very hard for somebody without a background in investigation and in weighing matters in a way that is fair and reasonable.⁴⁴⁵ Ms Bowen said she contacted the Ombudsman to help her understand and apply the process of reasoning and sent a draft report.⁴⁴⁶

Ms Bowen believed that The Trust had to do its own internal investigation because Mr Comber was its employee and The Trust was accountable. However, she said it would help if a body that was separate from the institution conducted investigations under the reportable conduct scheme.⁴⁴⁷

In early February 2013, Ms Bowen instructed Mr Kiddle to modify The Trust's finding to 'not sustained – insufficient evidence' and its notification to the CCYP.⁴⁴⁸ At this time, The Trust discovered its first notification to the CCYP had gone astray in any event, and there was no change required.⁴⁴⁹

After further correspondence between The Trust, the Ombudsman and the CCYP in February 2013, on 24 May 2013 The Trust sent its final investigative report and Part B notification to the Ombudsman.⁴⁵⁰ The following day, The Trust sent its final Category 2 notification to the CCYP.⁴⁵¹

On 28 June 2013, Ms Bowen received a letter from the Ombudsman stating that no further information was required from The Trust and that the Ombudsman would not be taking any further action on the matter.⁴⁵²

The Royal Commission is considering the roles and functions of oversight bodies, including Ombudsmen and Children's Guardians, in relation to child-safe policies and procedures.

Impact of abuse on CIE and his family

CIF gave evidence that CIE has developed a fear of men and has been diagnosed with post-traumatic stress disorder, which has led to aggressive outbursts by CIE.⁴⁵³ CIE feels he does not have a voice and was not believed.⁴⁵⁴ CIF said that the abuse affected her marriage.⁴⁵⁵

CIF gave evidence that The Trust did not offer any counselling, assistance or any other services after CIE disclosed the abuse.⁴⁵⁶ Ms Bowen agreed that The Trust did not offer these services because it believed that better access to specialist services would be offered through JIRT and the Child Wellbeing Unit, as well as a caseworker from the Department of Ageing, Disability and Home Care.⁴⁵⁷

Ms Bowen believes that The Trust did not communicate to CIF that counselling services were available through those other services or that CIF could access them.⁴⁵⁸ She conceded that The Trust could have made more certain that the other agencies were doing so.⁴⁵⁹

Ms Bowen gave evidence that The Trust has identified an additional step that is required in its policies on referrals and support, regardless of whether a secondary agency has the central role in provision of those services. The Trust will include in its policies an additional step of contacting relevant agencies to ensure that those agencies have attended to the welfare of the child and family.⁴⁶⁰

CIF gave evidence that The Trust never apologised to her family.⁴⁶¹ In the hearing Ms Bowen apologised for the distress that CIF and her son are experiencing. She conceded that more could have been done to keep in contact with CIF.⁴⁶²

3.3 Interchange Shoalhaven

Interchange is a not-for-profit, non-government community organisation that provides support to people with disabilities across the Shoalhaven region.⁴⁶³ It provides services to approximately 254 children and adults with a disability.⁴⁶⁴

Interchange began as an outreach service of Illawarra Family Care for the Disabled. Its purpose was to provide respite to people with disabilities and their carers.⁴⁶⁵ Interchange assists people aged 0 to 65 years with long-term disabilities who have permanent difficulty performing daily tasks without personal assistance or supervision and who live in the community with unpaid carers.⁴⁶⁶ Interchange assists people with physical and intellectual disabilities, people with a mental illness and the primary carers of those people.⁴⁶⁷

Ms Sue Josephsen is the current president of the board of directors of Interchange.⁴⁶⁸ She has been president since 2014 and a board member since 2008.⁴⁶⁹

CIF reports CIE's abuse to Interchange

CIF said that in March 2012 she also reported CIE's abuse to Interchange. Interchange informed CIF that Mr Comber had been stood down. CIF requested and received incident reports from Interchange that involved CIE. CIF thought that Interchange did a good job of informing her of incidents involving her son.⁴⁷⁰

In 2013, CIF received a call from Ms Janet Bundy, the manager of Interchange. Ms Bundy asked CIF about the police investigation, because Mr Comber had applied for re-employment. CIF did not know whether Mr Comber returned to work at Interchange.⁴⁷¹

Interchange's response to the allegations

Ms Josephsen provided a statement to the Royal Commission and was not called to give oral evidence. No party sought her attendance.⁴⁷²

Ms Josephsen was a board member at Interchange at the time the issues with Mr Comber arose.⁴⁷³ Interchange first became aware of the allegations against Mr Comber on 5 April 2012, when Illawarra police called Ms Bundy.⁴⁷⁴

Ms Josephsen said that, on the same day, Mr Kiddle of The Trust contacted Ms Bundy to provide information about the complaint. He advised Interchange that Mr Comber had been suspended pending an investigation.⁴⁷⁵

There is a discrepancy in the dates on which CIF gave evidence that she rang Interchange to inform them about Mr Comber and the statement of Ms Josephsen. A discrepancy also exists in the dates on which Ms Bowen gave evidence that Mr Kiddle contacted Interchange and the date Ms Josephsen, in her statement, said that Interchange was contacted by Mr Kiddle.

The first step that Interchange took after the disclosure about Mr Comber was to check the roster/care schedule and ensure that Mr Comber was not booked into any more care. The coordinators were instructed to ensure that this remained the case. This was done on 5 April 2012 – the same day Ms Bundy was made aware of the allegations.⁴⁷⁶

In any event, on 16 April 2012 the board of directors of Interchange was notified that an allegation had been made, but the names of those involved were not disclosed.⁴⁷⁷

On 19 April 2012, Ms Bundy and Mr Kiddle discussed mandatory reporting, particularly concerning the NSW Ombudsman.⁴⁷⁸ On 24 April 2014 Ms Bundy reported to the NSW Ombudsman as required under section 25C of the *Ombudsman Act 1974 (NSW)*.⁴⁷⁹ The report noted that the worker was not working with Interchange when the reportable allegation took place and that Interchange was awaiting investigation by another agency (that is, The Trust). Ms Josephsen said there was continuing correspondence between Interchange and the Ombudsman's office.⁴⁸⁰

On 10 June 2012, Interchange submitted its Part B notification to the Ombudsman with a finding of 'not sustained – insufficient evidence'. Interchange noted that it agreed with the findings of The Trust and that it 'stands by' its original assessment that there are currently no opportunities for further casual work for Mr Comber.⁴⁸¹

On 2 July 2012, a risk assessment of Mr Comber was undertaken and provided to the Interchange management committee for approval. That approval was granted on 9 July 2012. The risk assessment concluded that Mr Comber should no longer be employed.⁴⁸²

On 30 July 2012, in response to a written request by Mr Comber to be reinstated, the board of directors wrote to Mr Comber and told him that they were not in a position to offer him suitable employment.⁴⁸³

On 28 June 2013, the Ombudsman's office wrote to Interchange advising that Interchange had fulfilled its reporting obligations and no further information was required.⁴⁸⁴

3.4 Policies and procedures

Ms Josephsen gave evidence that Interchange currently has a number of policies, practices and procedures that apply to the prevention of child abuse. These include policies on the screening of volunteers and employees.⁴⁸⁵ Five of these policies specifically address the receipt and handling of complaints of child sexual abuse.⁴⁸⁶ All staff supporting children with a disability receive training on mandatory reporting.⁴⁸⁷

As noted earlier, Mr Groves gave evidence that, as of February 2015, if Mr Comber applied for a WWCC in New South Wales, the information recorded on the KiDS database would be used as part of the risk assessment process undertaken by the Office of the Children's Guardian.

As part of its criminal justice work, the Royal Commission is considering the use of special measures, including witness intermediaries, to assist vulnerable witnesses, including children with a disability, to better participate in the criminal justice system.

4 FSG Australia

The third inquiry in this case study considered the response of FSG to two separate allegations of child sexual abuse.

FSG was founded in about 1979 by a group of families on the Gold Coast, Queensland, seeking services for their children with disability.⁴⁸⁸ The organisation was originally known as the Gold Coast Family Support Group. It was renamed FSG Australia in 2006.⁴⁸⁹

Following grants of funding, FSG expanded its operations and services substantially.⁴⁹⁰ Today, the organisation provides services from Hervey Bay, Queensland, to Ballina, New South Wales. It employs over 900 people.⁴⁹¹ The services provided by FSG include a 24/7 day and evening respite service for children aged between eight and 18 years, vacation care, after-school care for young people aged over 12 years, a number of camps and a foster care service.⁴⁹²

4.1 Structure and governance

FSG is a company limited by guarantee.⁴⁹³ FSG currently receives funding from the Commonwealth, Queensland and New South Wales governments.⁴⁹⁴ The organisation also operates a number of fee for service training programs and is a Registered Training Organisation.⁴⁹⁵

Ms Vicky Batten is FSG's current CEO. She assumed that role in 2001.⁴⁹⁶ Before that, she had worked in a coordinator role at FSG since 1996.⁴⁹⁷ Her qualifications and experience include a bachelor's degree in social sciences, and she is a qualified counsellor. She has undertaken many disability-related courses to certificate level.⁴⁹⁸

4.2 Policies and procedures

Ms Batten gave evidence that staff at FSG had received child safety training through Bravehearts for around two years.⁴⁹⁹ Staff are also trained in Human Rights in Practice, manual handling, epilepsy management and cultural awareness. They also undertake a specific program induction which includes reporting requirements.⁵⁰⁰

Ms Batten discussed FSG's current policies in relation to reporting complaints of child sexual abuse to the police. She gave evidence that, if such a complaint were received today, FSG would refer the matter to police, regardless of the views of the parents.⁵⁰¹ Ms Batten said that in her time as CEO of FSG she has not had to report a matter to police.⁵⁰²

Ms Batten said that, although she had never had to make a report of child sexual abuse, the existing policies required them to involve the Department of Communities, Child Safety and Disability Services Queensland within one hour of any complaint involving sexual abuse.⁵⁰³ She said that this was required to form part of their policy under the child safety regulations and as part of their funding agreement.⁵⁰⁴

Ms Batten outlined the difficulties that FSG faced in operating across two jurisdictions. She cited the differing requirements for obtaining WWCCs as an example of complications caused by FSG's expansion into New South Wales. She said that FSG's operations would be easier if there was a nationally consistent approach.⁵⁰⁵

The Royal Commission's report *Working with Children Checks* was released on 17 August 2015. That report contains the Royal Commission's final recommendations on WWCCs. We recommended a national model for WWCCs that introduces consistent standards; and a centralised WWCC database. The report is available on the Royal Commission website.

4.3 Bobbie Welch

Bobbie Welch was born with a number of medical conditions which mean that she requires 24/7 care. She has a rare genetic condition which causes her to have certain physical characteristics as well as heart defects. She has difficulty communicating because she has vision and hearing loss. She also has life-threatening epilepsy, which causes her to experience severe seizures and unconsciousness on a daily basis.⁵⁰⁶

Bobbie started receiving respite care with FSG in 1983, when she was about one year old.⁵⁰⁷ As she got older, Bobbie continued to access FSG services, mostly activity programs and camps. The Welches became good friends with many members of FSG and considered them to be like family.⁵⁰⁸ Ms Maree Welch, Bobbie Welch's mother, worked for FSG as both a volunteer and as a paid program coordinator.⁵⁰⁹

Ms Welch gave evidence about her daughter's complaints of sexual abuse and Ms Welch's experience in reporting the abuse to FSG.

Ms Welch believes that, on 10 April 1995 while receiving care services from FSG, Bobbie was sexually abused by an FSG carer, Mr John O'Connor.⁵¹⁰ Mr O'Connor was granted leave to appear at the public hearing and was legally represented.

On 10 April 1995 Ms Welch was at work at FSG when her manager, Ms Dorothy Williams, asked her to attend a meeting after work. Ms Welch initially refused because she did not have anybody to pick up and mind Bobbie. FSG organised for Mr O'Connor, a casual carer, to pick up Bobbie from school and care for her until the meeting was concluded.⁵¹¹ Ms Welch felt pressured to accept Mr O'Connor as a carer for her daughter.⁵¹²

When Ms Welch picked Bobbie up from Mr O'Connor's house, Bobbie, in the presence of Mr O'Connor, immediately described him as 'a bad man' and was uncharacteristically quiet. Mr O'Connor then started a discussion with Ms Welch questioning Bobbie's ability to communicate and stating that children like Bobbie 'like to fantasise'.⁵¹³

On the way home and during the course of that evening, Bobbie informed Ms Welch that Mr O'Connor 'hurt her bum' and made other disclosures which led Ms Welch to believe that she had been sexually abused. The extent of abuse was not clear at that time.⁵¹⁴

Ms Welch was an impressive and truthful witness. She had a detailed and clear recollection of the events the subject of her evidence. We accept her evidence.

Reporting of sexual abuse to FSG in 1995

Ms Maree Welch's evidence

On the same day – that is, 10 April 1995 – Ms Welch telephoned Ms Melissa Edwards, FSG coordinator and Ms Williams' daughter.⁵¹⁵ Ms Welch believed that Ms Edwards was the correct person to raise the complaint with because Ms Edwards had organised Bobbie's care on that occasion.⁵¹⁶ Ms Welch said words to the effect of: 'Melissa, I hate to tell you this, I think Bobbie has been interfered with, sexually molested or possibly raped – but I don't know whether it has gone as far as rape.'⁵¹⁷ Ms Welch stated that she was particular in the way that she phrased the complaint, because she was unclear as to the extent of abuse at that stage. She believed that Bobbie had certainly been sexually 'molested' and was very concerned.⁵¹⁸

Ms Welch said Ms Edwards told her that she understood the seriousness of the complaint.⁵¹⁹ Ms Edwards told Ms Welch, 'I will ring Mum straightaway. I know she is home'.⁵²⁰

Ms Welch also spoke with her sister, Ms Janice McWatters, later that same evening and told her of the complaint.⁵²¹

On 11 April 1995 Ms Welch took Bobbie to be examined by her general practitioner, Dr Dianne Moses. Dr Moses declined to examine Bobbie because she was not a specialist in child abuse matters.⁵²²

On 12 April 1995 Ms Welch went to FSG to discuss the matter with Ms Williams. Ms Williams told her that she had already spoken with Mr O'Connor, who had denied the allegations.⁵²³ Around this time, Ms Welch also reported the allegations to FSG vice president, Ms Olive Bowly.⁵²⁴

Ms Welch did not take any further steps in relation to Bobby's allegations at the time of her complaint because she was waiting for Bobbie to make clearer disclosures.⁵²⁵ She was also concerned that Ms Williams had already forewarned Mr O'Connor about her allegations.⁵²⁶

Ms McWatters' evidence

The Royal Commission received a statement from Ms McWatters. No party sought her attendance for examination. Ms McWatters confirmed that she spoke by telephone with her sister on the evening of 10 April 1995.⁵²⁷ On 11 April 1995 Ms McWatters called Ms Williams and told her of her concerns about her sister and niece. During the telephone call she referred to Ms Welch's allegation of sexual abuse.⁵²⁸

Ms Ash's evidence

The Royal Commission received a statement from Ms Kathryn Ash, an FSG staff member from early 1995 to 1997. No party sought her attendance for examination. Ms Ash gave evidence that, during the time she worked at FSG, Ms Williams told her of Ms Welch's complaint of a sexual nature against an FSG carer who had looked after Bobbie.⁵²⁹

Ms Edwards' evidence

In her statement dated 29 June 2016, Ms Edwards says that she was aware of Ms Welch's 'concerns' but did not understand them to be an 'allegation'. The statement says the concern conveyed to Ms Edwards was that Bobbie did not like Mr O'Connor and that Mr O'Connor had touched Bobbie in an inappropriate way.⁵³⁰ The statement includes reference to Ms Welch's 'concerns' of 'inappropriate' touching.⁵³¹ Ms Edwards' statement says she did not 'discriminate' against Mr O'Connor 'as a result of a young person disclosing they had a dislike'.⁵³² The statement also says that Ms Welch never came to her with a complaint that needed to be escalated.⁵³³

During the hearing Ms Edwards accepted that she knew in April 1995 that Ms Welch was concerned that Bobbie had been sexually abused.⁵³⁴ She also gave evidence that FSG management – that is, at least Ms Williams, the manager, and members of the FSG management committee, which included FSG president, Mr Lloyd Hastings, and Ms Bowly – also knew that Ms Welch had made a complaint of sexual abuse.⁵³⁵

Ms Edwards denied that it was misleading and wrong for her to assert in her written statement that she did not want to discriminate against Mr O'Connor as a result of Bobbie disclosing that she had a dislike for him. She disagreed that she was seeking to limit the complaint and said there was no intention to downplay her knowledge. She conceded that it was poor wording.⁵³⁶

We are satisfied that at the time of making her statement Ms Edwards knew that Ms Welch had made a complaint of sexual abuse on 10 April 1995. In describing the complaint as a disclosure that a young person has a dislike for the alleged perpetrator, Ms Edwards effectively denied that she had received an allegation of sexual abuse. We reject that denial.

Ms Williams' evidence

In her statement to the Royal Commission dated 13 July 2016, Ms Williams recalls Ms Welch coming into her office and telling her that Bobbie did not like Mr O'Connor and that Ms Welch believed that Bobbie had been fondled.⁵³⁷ Ms Williams gave evidence that she has no recollection of 'what the fondling involved'.⁵³⁸ She does not recall Ms Welch 'stating the nature of it, except that it was suspected fondling'.⁵³⁹

Ms Williams said in her statement that she believed that the matter needed to be referred to the police, and she would have supported Ms Welch if she wanted to report it to police.⁵⁴⁰ In her oral evidence Ms Williams acknowledged that did not herself report the matter to the police.⁵⁴¹

During the hearing Ms Williams accepted that Ms McWatters rang her on 11 April 1995 and told her that Ms Welch believed Bobbie had been sexually abused by an FSG carer.⁵⁴² Also, Ms Edwards said in oral evidence that by 11 or 12 April 1995 Ms Williams knew that the complaint was one of sexual abuse against Mr O'Connor.⁵⁴³

We are satisfied that in her signed statement Ms Williams minimised the seriousness of the complaint made to her.

Evidence of FSG management

We have taken into account Mr Burns' submissions on behalf of the 'current management of FSG'.⁵⁴⁴ The submissions included the following:

- Ms Welch was uncertain as to the nature of the allegation but later convinced herself that it related to an allegation of sexual abuse.
- There is no 'substantive' evidence in support of Bobbie's version of her complaint, and Bobbie 'may have been influenced as to what to report'.
- The complaint was 'unreliable and equivocal' given that Bobbie was its source,⁵⁴⁵ and there was no 'independent corroborative evidence available to FSG to determine the veracity of the complaint'.⁵⁴⁶
- Ms Welch's repeated documentation of her complaint with various bodies were such that 'she was in effect working from a script', and the Royal Commission was an 'avenue for her to air her grievances'.⁵⁴⁷
- Ms Welch's concerns about Bobbie's complaint 'could perhaps best be categorised as a suspicion or based on a mother's intuition'.⁵⁴⁸

The current management of FSG also submits that, in the absence of particularity in Ms Welch's complaint, it was 'inappropriate' for FSG to conduct an investigation.⁵⁴⁹ In relation to Mr O'Connor, FSG submits that 'It must be kept in mind that he had not been spoken to by police and as such in the eyes of the community (and his employer) he was to be treated as having committed no offence'.⁵⁵⁰

We do not accept any of these submissions. We are satisfied that Ms Welch conveyed to FSG a complaint of sexual abuse of sufficient particularity to be investigated. No reasons or basis was given for the submission that FSG management considered that Mr O'Connor should be treated as having committed no offence because he had not been spoken to by police. There is no reasonable basis for holding that view. There had been no report to the police at that time. The submission is wholly rejected.

FSG's submissions urged the Royal Commission to be cognisant of the experience of criminal courts in their treatment of allegations of sexual abuse, including exercising great caution when dealing with uncorroborated allegations; the use of jury warnings; the reliability of complainants, including instances where complainants have 'blatantly lied about being sexually interfered with'; and specific warnings that may be necessary in cases involving complainants with disability. FSG submitted that the Royal Commission should have proper regard to these factors in its findings for this case study.⁵⁵¹

We reject these submissions. The Royal Commission's inquiry concerns FSG's response to an allegation of sexual abuse that, as we find above, was made to FSG in 1995. We are concerned that the present management of FSG considers that these matters are relevant to the way FSG should respond to an allegation of child sexual abuse made by a parent. They are not relevant.

Mr Hastings' evidence

Mr Hastings was president of FSG between 1995 and 2006.

Ms Edwards gave evidence that FSG management and committee, which included Mr Hastings, became aware of the complaint at the time or shortly after it was made in April 1995.⁵⁵²

In his statement to the Royal Commission, Mr Hastings said that an FSG document, which included the statement 'We do *not* support the sexual abuse of people with disabilities', was created after the complaint from the Welches.⁵⁵³ In the hearing he identified the document concerned as a newsletter from FSG of December 1995, signed by him.⁵⁵⁴

Mr Hastings denied that he was aware of the complaint in 1995 and denied that the December 1995 newsletter was written because of the complaint. He said that Mr O'Connor was looking after his son after the Welch complaint in 1995 and, if he had known about the complaint, he would not have allowed Mr O'Connor to care for his son.⁵⁵⁵ We accept that evidence. Mr Hastings most likely became aware of the complaint around the time that Ms Welch reported the matter to police in March 1998 and sought meetings with FSG in March and April 1998, at which Mr Hastings was present.⁵⁵⁶

FSG Australia's handling of Mr O'Connor's employment

The evidence about Mr O'Connor's period and status of employment, and FSG's handling of his employment after Ms Welch's allegations of sexual abuse, is as follows.

Ms Welch understands Mr O'Connor's employment to have started on a casual basis in early April 1995.⁵⁵⁷ After her complaint, she thought that at the least he would be stood down from caring for children.⁵⁵⁸ Ms Edwards told her that 'We won't place him with anyone on a one-to-one basis again'.⁵⁵⁹

In April 1995 Ms Edwards was one of the coordinators responsible for allocating shifts to Mr O'Connor.⁵⁶⁰ After receiving the complaint, she continued to delegate tasks to Mr O'Connor and he was allocated shifts as he had always been.⁵⁶¹ She said it was for management to make any changes to Mr O'Connor's arrangements. She said that 'it rings a bell' that management may have determined that he would no longer do one-on-one support, but she could not clearly remember.⁵⁶² However, during examination by her counsel, Ms Edwards said that it was made very clear to coordinators that they were not to adjust any shifts for fear that Mr O'Connor might bring proceedings.⁵⁶³

The manager, Ms Williams, did not take any action in relation to Mr O'Connor other than to conduct an interview with him. She said she encouraged Ms Welch to go to police.⁵⁶⁴ She believed that Mr O'Connor resigned or did not take up any further shifts, but she could not say when.⁵⁶⁵

Mr Hastings gave evidence that in October 1998 he was advised by FSG staff, including Ms Bowly and Ms Williams, that they had tried to deal with the matter in-house and the person accused would never have been on a one-to-one basis with a client ever again.⁵⁶⁶ During these conversations he was unsure whether this information was true and correct.⁵⁶⁷ Further, as noted above, Mr Hastings said that Mr O'Connor was looking after his own son on a one-to-one basis while he and his wife went away on holidays.⁵⁶⁸

On 22 April 1998, Mr O'Connor told police in a police interview that he was still working for FSG. He described his role as a carer for a wide range of clients. At FSG his role was in recreation, including after-school care of children.⁵⁶⁹

A file note dated 29 April 1998 and titled 'Report: the Welch Family'⁵⁷⁰ records a meeting between Ms Maree Welch, Mr Bob Welch and members of FSG. This note will be discussed further below. Relevantly here, there was discussion about Mr O'Connor's employment. It is evident that the Welch family requested that his employment be terminated. After taking legal advice, FSG decided not to take any action, wait for a police report and then act if Mr O'Connor was charged. Lawyers for FSG, Burns Law, repeated this advice in a letter they sent to the Welch family on behalf of FSG dated 19 November 1998.⁵⁷¹

Finally, the Royal Commission received a document containing screenshots of a computer record relating to Mr O'Connor's details of employment.⁵⁷² The record indicates that Mr O'Connor resigned on 30 May 2000.

We do not accept Ms Williams' evidence that Mr O'Connor stopped taking shifts at some time after the April 1995 complaint. It is clear that Mr O'Connor continued to work at FSG for many years afterwards. Also, given the evidence of Mr Hastings, we are not satisfied that Mr O'Connor was taken away from one-to-one tasks with clients after the complaint.

After receiving Ms Welch's allegation of child sexual abuse against Mr O'Connor in April 1995, FSG took no action on his employment. FSG took no action to reduce the risk he may have posed to children in the care of FSG.

Other than interviewing Mr O'Connor on one occasion, in April 1995, FSG did not investigate the allegations of sexual abuse made against him by Ms Welch.

Response of FSG Australia in 1998

After her initial disclosure on 10 April 1995, Bobbie continued to talk about the abuse.⁵⁷³ Ms Welch said that she wanted to allow Bobbie to tell her about the abuse in her own time.⁵⁷⁴ In March 1998 Bobbie made comments to Ms Welch which led her to believe that Bobbie had been raped by Mr O'Connor.⁵⁷⁵ Ms Welch informed Ms Edwards of these further details and reported the allegations to the Queensland Police Service.⁵⁷⁶

On two occasions in 1998 – in March 1998 and then in April 1998 – Ms Welch and her husband met with members of the FSG committee to discuss Bobbie's complaint of sexual abuse.⁵⁷⁷ Shortly after the first meeting in March 1998, Ms Bowly, vice president of FSG, contacted Ms Welch and said to her that Ms Welch had not reported a sexual assault in 1995 and that Ms Edwards had been shocked during the meeting.⁵⁷⁸

FSG's position, as conveyed to Ms Welch, reflects matters set out in the file note handed to Mr Bob Welch by Ms Williams on 29 September 1998 (and produced to the Royal Commission by Ms Welch).⁵⁷⁹ The meeting in March 1998 occurred at the Welch family home. Present at the meeting were Ms Welch, Mr Welch, Mr Hastings, Ms Bowly, Ms Williams, Ms Edwards and Ms Fabienne Pharoan (an FSG staff member). The file note relevantly contains the following information:

- the meeting considered Ms Welch's written report concerning the sexual molestation of Bobbie
- 'the extent of the report was alarming and of surprise to all group members'
- 'it was held that had the Family expressed their concern (re Molestation) during the time of the incident – the case would have been handled differently e.g. Police would have been called to investigate the case in question'

- ‘at no point during that time did the family request that the Committee be advised of the circumstance and/or situation’.

It is not possible to determine who made the file note, which is unsigned. When asked about the file note, Ms Williams was not able to recall seeing it before.⁵⁸⁰

The notion that the Welch family’s allegation was alarming and of surprise was also conveyed to Ms Welch by FSG’s lawyers, Burns Law, in a letter to Ms Welch dated 19 November 1998. It said, in part, that ‘The matters which [Ms Welch] then raised (some three (3) years on) were alarming and of surprise to FSG’.⁵⁸¹

As we have found above, Ms Welch reported her complaint against Mr O’Connor to FSG within hours of the time that the abuse occurred. The complaint was that her daughter had been sexually abused. On 10 and 11 April 1995, Ms Welch’s complaint was known at least to Ms Edwards and Ms Williams. After that time, but within days or weeks of the complaint, others within FSG, such as Ms Bowly⁵⁸² and Ms Ash (who gave evidence that the complaint was discussed around the office), knew about the complaint.⁵⁸³

The position as set out in the file note, and as conveyed to Ms Welch by Ms Bowly and in the Burns Law correspondence, was false. We find, on the basis of our findings about the nature of the complaint made in April 1995 and the language employed in the file note and the letter from Burns Law, that the author of the file note, on behalf of FSG, misrepresented FSG’s knowledge of Ms Welch’s complaint.

Over the course of the next few months after the March and April 1998 meetings, Ms Welch requested copies of FSG’s documentation on her complaint. After several requests, she was provided with a few documents that contained information inconsistent with her recollection of events.⁵⁸⁴

Towards the end of 1998, Ms Welch wrote a number of letters to FSG and its president, Mr Hastings, following up on her complaint.⁵⁸⁵ In response, FSG sent two letters via its lawyers, Burns Law, threatening Supreme Court defamation proceedings against Ms Welch. Ms Welch said that she and her husband found these letters to be threatening and intimidating.⁵⁸⁶ Ms Welch gave evidence that Bobbie’s sexual abuse and FSG’s response to her complaint, which she characterised as falsified reports, denials, threats, intimidation and false accusations, have devastated her family.⁵⁸⁷

Ms Williams gave evidence that FSG offered support to Ms Welch whenever she wanted it.⁵⁸⁸ When examined about what that support consisted of, Ms Williams identified lunches and picnics – ‘just simple things, as a family organisation’.⁵⁸⁹ She noted that in those days ‘you’d just think, “I just wish this would go away”’.⁵⁹⁰ Ms Williams’ statement to the Royal Commission was that no counselling was offered to Ms Welch because Ms Welch was a very good counsellor herself.⁵⁹¹ Ms Williams conceded that that was not worded well in her statement.⁵⁹²

We find that FSG offered no meaningful support to the Welch family after Ms Welch's complaint of sexual abuse against Bobbie. Rather than providing support to the Welch family, Ms Williams wished the matter would go away and acted as though it had.

Over the following years, Ms Welch reported the matter to a number of Queensland agencies. Although some did investigate the matter, none were able to assist her.⁵⁹³ The specific responses of governmental agencies to Ms Welch were not a subject of inquiry in the hearing.

We draw our findings to the attention of those agencies which regulate or oversee FSG.

4.4 CIJ

The Royal Commission heard evidence about a second complaint unrelated to the Welch complaint.

CIK gave evidence concerning her daughter, CIJ. CIJ is a young woman with high-level special needs.⁵⁹⁴ She has low muscle tone, violent seizures and little capacity for speech.⁵⁹⁵ CIJ gives 'yes' or 'no' answers about things in front of her.⁵⁹⁶ CIK also communicates with her daughter through a combination of facial expressions, body expressions and vocalisations. Most of CIJ's carers are able to understand her communications.⁵⁹⁷

In early 2000, CIK contacted FSG about placing her daughter in respite care for a period of time. Shortly after, she took her daughter to Orana House in Southport – a respite care home run by FSG.⁵⁹⁸ The house was managed by two houseparents – a married couple known to CIK as 'Reg and Shelley'. CIK understood that the houseparents had living quarters on the premises.⁵⁹⁹

CIJ received respite care at Orana on two occasions in March and April 2000.⁶⁰⁰ She was 10 years old. On the two occasions, CIJ stayed at Orana from Monday through to Friday. FSG took her to and from school on those days by bus.⁶⁰¹

Allegations of abuse of CIK

CIK gave evidence about two incidents that she regarded as non-verbal disclosures of child sexual abuse by her daughter. After her daughter's first stay at Orana, CIJ brought her lips close to CIK's and moved her face back and forth in front of CIK's in a slow, sincere and considered manner while staring intensely at CIK.⁶⁰² CIK said that her first thought was that someone had kissed CIJ on the mouth.⁶⁰³ This kind of affection was not part of their world.⁶⁰⁴

CIK asked her daughter whether somebody had kissed her. While CIJ made some responses to CIK's questions, CIK was not confident in her understanding of what CIJ was saying.⁶⁰⁵ CIK found the entire situation overwhelming and confusing.⁶⁰⁶

CIK also gave evidence about a second incident which occurred after the second time her daughter stayed at Orana. CIJ had been sent home from school because the school believed that she had a cold.⁶⁰⁷ When CIK brought CIJ home, CIJ was incredibly distressed.⁶⁰⁸ While CIK was attempting to calm her daughter down, her daughter lay back on the bed, raised her genitals, craned her head forward, stuck out her tongue and cried.⁶⁰⁹ CIK 'had no doubt' that her daughter was trying to tell her that somebody had introduced her to unwelcome oral sex.⁶¹⁰

CIK became vigilant and suspicious of her daughter's school and Orana.⁶¹¹ When CIJ stopped going to Orana, CIJ's unusual behaviour stopped. CIK felt that whatever happened to CIJ happened at Orana.⁶¹²

Reporting the sexual abuse of CIJ to FSG Australia

After her daughter's disclosures, CIK contacted FSG to raise concerns about what may have happened to her daughter.⁶¹³ She believed that they would want to know what she thought may have happened to CIJ so that they could protect other children with disability in their care.⁶¹⁴

On 4 May 2000 CIK met with FSG.⁶¹⁵ Ms Williams, Ms Bowly and Ms Batten of FSG were at the meeting.⁶¹⁶ CIK believed that the staff present did not accept the possibility that CIJ had been sexually abused by a member of staff of FSG.⁶¹⁷ FSG staff suggested that CIJ may have been repeating something she had seen on television⁶¹⁸ or may have been sexually abused by another child at Orana.⁶¹⁹

CIK recalls that Ms Batten led the meeting and it that was an 'absolute interrogation'.⁶²⁰ She described her experience of the meeting as 'jaw droppingly awful, intense and not what [she] had expected'.⁶²¹ It was agreed in the meeting that Ms Batten would speak to the houseparents at Orana about CIK's concerns. She could not recall specifically what outcomes were agreed to, but CIK understood that Ms Batten would look into the matter.⁶²²

Ms Batten wrote to CIK on 8 May 2000. She stated that she had spoken with the houseparents at Orana. Ms Batten told CIK that both of the houseparents 'were very relaxed and both reported that CIJ was obviously a little disturbed about being away from home but that in the main, she appeared to enjoy herself'. The letter stated:

I considered the mix of children at Orana while CIJ was there. I have checked all of their files for any suggestion of unusual sexual behaviour and found no mention of any. The mix appears to be entirely suitable.⁶²³

CIK felt disappointed that FSG had only considered the possibility of inappropriate behaviour by other children and not the possibility of such behaviour by staff.⁶²⁴

In her statement to the Royal Commission dated 23 June 2016, Ms Batten said that, while she recalled CIJ's name, she had absolutely no knowledge of the allegation.⁶²⁵ However, after signing the statement and before the hearing, Ms Batten was shown CIK's statement and her own letter of 8 May 2000.⁶²⁶ She then recalled the meeting and gave extensive evidence rebutting in adamant terms CIK's description of Ms Batten's conduct during the meeting.

CIK gave clear and compelling evidence about the meeting with FSG and did not have any difficulty recalling her experience of it. Ms Batten's counsel did not question CIK about CIK's account of the meeting. We accept CIK's account.

Ms Batten did not recall the complaint at all until she saw CIK's statement and the letter dated 8 May 2000 during her preparation for giving evidence at the Royal Commission.⁶²⁷ Ms Batten gave evidence that her responses to the evidence of CIK were based on her belief about what she would or would not have said, given her personal ideologies and practices. Ms Batten also said she relied upon conclusions she reached during her investigation of CIK's complaint, but she did not identify the evidence she relied upon in support of her investigation.⁶²⁸

During her evidence Ms Batten's demeanour was at times heated and defensive, particularly in response to questions asked by counsel for CIK. Ms Batten did not accept the possibility that any abuse occurred at Orana.⁶²⁹ She considered that she was investigating generalised concerns from a mother that her child was displaying sexual behaviours.⁶³⁰ She exhibited poor capacity to understand the concerns that CIK raised in her evidence. As will be noted later in this report, Ms Batten showed an unwillingness to accept that sexual abuse could arise at FSG at all.

We find that CIK's meeting with FSG, led by Ms Batten, was as CIK described in her evidence, including that it was 'intense' and that she was subject to an 'interrogation'.

CIK gave evidence that, based on Ms Batten's comments during their meeting, she believed that Ms Batten had not considered the possibility that CIJ had been sexually abused by an FSG staff member. Ms Batten gave evidence that 'at no time' would she have regarded the Orana houseparents as a danger to children.⁶³¹

Ms Batten also stated that she 'does not believe that we had anybody in our organisation [at the time of CIK's complaint in 2000] or today – and nobody can say that they know that for sure – that would have caused any harm to any child'.⁶³² This statement is of concern given the organisational leadership, governance and culture that is necessary to protect children in institutions.

Ms Batten's belief that no-one at FSG would harm a child is of concern given that FSG cares for vulnerable children. Agencies responsible for overseeing FSG are encouraged to consider Ms Batten's evidence before the Royal Commission.

Reporting of abuse at CIJ's school

Around the time that CIK contacted FSG, she also contacted her daughter's school to inform them of her concerns.⁶³³ CIK then met with her daughter's classroom teacher. CIK recalls the teacher informing her that she had noticed CIJ demonstrating similar behaviour to that which CIK had seen her exhibit at home.⁶³⁴ CIK gave evidence that she believed that this teacher may have informed the school's child protection officer of her concerns.⁶³⁵

The Royal Commission received a statement from the current principal of the school CIJ attended at the relevant time.⁶³⁶ The principal's evidence was that CIJ's school did not have any record of CIK reporting her concerns about CIJ's behaviour. In her oral evidence, CIK stood by her comments regarding her reporting to the school.⁶³⁷

Reporting of abuse to Queensland Police Service

CIK also gave evidence that sometime after her meeting with FSG she contacted the Queensland Police Service Juvenile Aid Bureau in Surfers Paradise.⁶³⁸ CIK recalled that she spoke with a female officer on the telephone. She told the officer her concerns about her daughter. CIK said that the female officer informed her that she would receive a return phone call to progress her report.⁶³⁹ CIK said she did not have any further contact from the Queensland Police Service.⁶⁴⁰ CIK felt her complaint was not followed up at all.⁶⁴¹

The Royal Commission received a statement from Detective Sergeant Fabian Colless of Queensland Police Service.⁶⁴² Detective Sergeant Colless gave evidence that he conducted relevant searches in relation to CIK and was unable to find any records of any report by CIK.⁶⁴³

We accept CIK's evidence that she made the telephone call as she described.

Impact of abuse on CIK and her family

After the incident, CIK did not feel comfortable placing her daughter in any group respite facility.⁶⁴⁴ CIK believes that mechanisms for reporting should be made easier for children who have difficulty communicating. When trying to report what she believed happened to her daughter, CIK felt that FSG, CIJ's school and the Queensland Police Service were not trying to figure out what had happened to CIJ.⁶⁴⁵

CIK also believes that systems for individuals to report suspicions of child sexual abuse need to be improved. She believed that the people she spoke to 'didn't have to jump through many hoops' in order to dismiss her complaint.⁶⁴⁶

Systemic Issues

The systemic issues that arise from this case study include:

- understanding the scope and impact of child sexual abuse
- responding to concerns, allegations and incidents of child sexual abuse in institutions providing services to children with disability
- the role of police and community services in responding to allegations and incidents of child sexual abuse against children with disability
- arrangements within institutions providing services for children with disability to prevent child sexual abuse
- reportable conduct schemes
- information sharing
- record-keeping.

APPENDIX A: Terms of Reference

Letters Patent dated 11 January 2013

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,
Mr Robert Atkinson,
The Honourable Justice Jennifer Ann Coate,
Mr Robert William Fitzgerald AM,
Dr Helen Mary Milroy, and
Mr Andrew James Marshall Murray

GREETING

WHEREAS all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those sexually abused as a child in an Australian institution can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the Royal Commissions Act 1902 and every other enabling power, appoint you to be a Commission of inquiry, and require and authorise you, to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- a. what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
- b. what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- c. what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;
- d. what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND We direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- e. the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;
- f. the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;
- g. the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- h. changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND We further declare that you are not required by these Our Letters Patent to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and We authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

- i. the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with section 6P of the *Royal Commissions Act 1902* or any other relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences;
- j. the need to establish investigation units to support your inquiry;
- k. the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;

- l. the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;
- m. the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND We appoint you, the Honourable Justice Peter David McClellan AM, to be the Chair of the Commission.

AND We declare that you are a relevant Commission for the purposes of sections 4 and 5 of the *Royal Commissions Act 1902*.

AND We declare that you are authorised to conduct your inquiry into any matter under these Our Letters Patent in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by any of Our Governors of the States or by the Government of any of Our Territories.

AND We declare that in these Our Letters Patent:

child means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

government means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

- i. includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and
- ii. does not include the family.

institutional context: child sexual abuse happens in an institutional context if, for example:

- i. it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- ii. it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or
- iii. it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

law means a law of the Commonwealth or of a State or Territory.

official, of an institution, includes:

- i. any representative (however described) of the institution or a related entity; and
- ii. any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- iii. any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and
- iv. any other person who you consider is, or should be treated as if the person were, an official of the institution.

related matters means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

AND We:

- n. require you to begin your inquiry as soon as practicable, and
- o. require you to make your inquiry as expeditiously as possible; and
- p. require you to submit to Our Governor-General:

- i. first and as soon as possible, and in any event not later than 30 June 2014 (or such later date as Our Prime Minister may, by notice in the Gazette, fix on your recommendation), an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date, not later than 31 December 2015, to be fixed for the submission of your final report; and
 - ii. then and as soon as possible, and in any event not later than the date Our Prime Minister may, by notice in the Gazette, fix on your recommendation, your final report of the results of your inquiry and your recommendations; and
- q. authorise you to submit to Our Governor-General any additional interim reports that you consider appropriate.

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS Quentin Bryce, Governor-General of the Commonwealth of Australia.

Dated 11th January 2013
Governor-General
By Her Excellency's Command
Prime Minister

Letters Patent dated 13 November 2014

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,
Mr Robert Atkinson,
The Honourable Justice Jennifer Ann Coate,
Mr Robert William Fitzgerald AM,
Dr Helen Mary Milroy, and
Mr Andrew James Marshall Murray

GREETING

WHEREAS We, by Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia, appointed you to be a Commission of inquiry, required and authorised you to inquire into certain matters, and required you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 31 December 2015.

AND it is desired to amend Our Letters Patent to require you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 15 December 2017.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the *Royal Commissions Act 1902* and every other enabling power, amend the Letters Patent issued to you by omitting from subparagraph (p)(i) of the Letters Patent “31 December 2015” and substituting “15 December 2017”.

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia.

Dated 13th November 2014
Governor-General
By His Excellency's Command
Prime Minister

APPENDIX B: Public Hearing

The Royal Commission	Justice Peter McClellan AM (Chair) Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray
Commissioners who presided	Justice Jennifer Coate Mr Robert Fitzgerald AM
Date of hearing	11 July 2016 to 22 July 2016
Legislation	<i>Royal Commissions Act 1902</i> (Cth) <i>Royal Commissions Act 1923</i> (NSW) <i>Commissions of Inquiry Act 1950</i> (QLD)
Leave to appear	The Commonwealth Government of Australia and the National Disability Insurance Agency The State of New South Wales CIC The Truth, Justice and Healing Council, Mater Dei and the Congregation of the Sisters of the Good Samaritan of the Order of St Benedict Good Samaritan Education CIF The Disability Trust and Margaret Bowen Sue Josephsen Royce Comber The State of Queensland Maree Welch CIK

Leave to appear

FSG Australia
 Melissa Edwards
 John O'Connor

Legal representation

G Furness SC and T Giugni, Counsel Assisting the Royal Commission

D O'Donovan and L Armstrong, instructed by J Davidson of Australian Government Solicitor, appearing for the Commonwealth Government of Australia and the National Disability Insurance Agency

J Lonergan SC and M England, instructed by NSW Crown Solicitors Office, appearing for the State of New South Wales

P David, instructed by O'Brien Solicitors, appearing for CIC and CIK

J Needham SC and Dr A Sathanapally, instructed by K Harrison of Gilbert & Tobin, appearing for the Truth, Justice and Healing Council, Mater Dei, the Congregation of the Sisters of the Good Samaritan of the Order of St Benedict and Good Samaritan Education

Dr M Marich, instructed by S Exner of Dr Martine Marich & Associates, appearing for CIF and Maree Welch

S Hall appearing for Melissa Edwards and Sue Josephsen

C O'Neill, instructed by T Johnston and M Harpur of Swaab Attorneys, appearing for Margaret Bowen and The Disability Trust

J Gallagher appearing for Royce Comber

K McMillan QC and B McMillan, instructed by Crown Law, appearing for the State of Queensland

R Burns of Burns Law appearing for FSG Australia

L Jardim appearing for John O'Connor

Pages of transcript

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Notices to Produce issued under the <i>Royal Commissions Act 1902</i> (Cth) and documents produced	29 Notices to Produce, producing 2,432 documents.
Summons to Produce issued under the <i>Royal Commissions Act 1923</i> (NSW) and documents produced	10 Summons to Produce, producing 2,141 documents.
Requirement to Produce Documents issued under the <i>Commissions of Inquiry Act 1950</i> (Qld) and documents produced	5 Requirements to Produce, producing 1,089 documents.
Summons to Attend issued under the <i>Royal Commissions Act 1902</i> (Cth)	26 Summons to Attend.
Number of exhibits	33 exhibits consisting of a total of 778 documents tendered at the hearing.
Witnesses	<p>CIC Mother of survivor</p> <p>Sister Sonia Wagner Former Superior, Sisters of the Good Samaritan of the Order of St Benedict</p> <p>Suzanne Dixon Former Principal, Mater Dei School</p> <p>Anthony Fitzgerald Current CEO and Principal, Mater Dei School</p> <p>CIF Mother of survivor</p> <p>Margaret Bowen CEO, The Disability Trust</p> <p>Gary Groves District Director, Illawarra Shoalhaven District, NSW Department of Family and Community Services</p> <p>Maree Welch Mother of survivor</p> <p>CIK Mother of survivor</p>

Witnesses**Dorothy Williams**

Former manager, FSG Australia

Melissa Edwards

Former employee, FSG Australia

Lloyd Hastings

Former president, FSG Australia

Vicki Batten

CEO, FSG Australia

Endnotes

- 1 S Robinson, *Feeling safe, being safe: What is important to children and young people with disability and high support needs about safety in institutional settings*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 28.
- 2 S Robinson, *Feeling safe, being safe: What is important to children and young people with disability and high support needs about safety in institutional settings*, report prepared for the Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney, 2016, p 29.
- 3 National Disability Services, *Submission to the Senate Select Committee Inquiry on Out-Of-Home Care*, 2014; People with Disability Australia, *Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, Issues Paper No 3: Child safe institutions, 2013*.
- 4 Exhibit 41-0004, 'Statement of A Fitzgerald', Case Study 41, CTJH.500.77001.0001 at [20].
- 5 Exhibit 41-0004, 'Statement of A Fitzgerald', Case Study 41, CTJH.500.77001.0001 at [20].
- 6 Exhibit 41-0032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [1].
- 7 Exhibit 41-0004, 'Statement of A Fitzgerald', Case Study 41, CTJH.500.77001.0001 at [14]; Exhibit 41-0003, 'Statement of S Wagner', Case Study 41, CTJH.500.75001.0001_R at [33].
- 8 Exhibit 41-0004, 'Statement of A Fitzgerald', Case Study 41, CTJH.500.77001.0001 at [16].
- 9 Exhibit 41-0004, 'Statement of A Fitzgerald', Case Study 41, CTJH.500.77001.0001 at [16].
- 10 Exhibit 41-0032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [31].
- 11 Exhibit 41-0004, 'Statement of A Fitzgerald', Case Study 41, CTJH.500.77001.0001 at [15].
- 12 Exhibit 41-0032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [22].
- 13 Exhibit 41-0032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [23].
- 14 Exhibit 41-0032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [24].
- 15 Exhibit 41-0032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [28].
- 16 Exhibit 41-0004, 'Statement of A Fitzgerald', Case Study 41, CTJH.500.77001.0001 at [21].
- 17 Exhibit 41-0004, 'Statement of A Fitzgerald', Case Study 41, CTJH.500.77001.0001 at [21]–[22].
- 18 Exhibit 41-0004, 'Statement of A Fitzgerald', Case Study 41, CTJH.500.77001.0001 at [30].
- 19 Exhibit 41-0032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [33].
- 20 Exhibit 41-0004, 'Statement of A Fitzgerald', Case Study 41, CTJH.500.77001.0001 at [9].
- 21 Exhibit 41-0032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [33].
- 22 Exhibit 41-0032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [33].
- 23 Exhibit 41-0032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [35].
- 24 Exhibit 41-0032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [36].
- 25 Exhibit 41-0004, 'Statement of A Fitzgerald', Case Study 41, CTJH.500.77001.0001 at [25].
- 26 Exhibit 41-0004, 'Statement of A Fitzgerald', Case Study 41, CTJH.500.77001.0001 at [26]–[27].
- 27 Exhibit 41-0004, 'Statement of A Fitzgerald', Case Study 41, CTJH.500.77001.0001 at [26].
- 28 Exhibit 41-0004, 'Statement of A Fitzgerald', Case Study 41, CTJH.500.77001.0001 at [27].
- 29 Exhibit 41-0004, 'Statement of A Fitzgerald', Case Study 41, CTJH.500.77001.0001 at [29].
- 30 Exhibit 41-0004, 'Statement of A Fitzgerald', Case Study 41, CTJH.500.77001.0001 at [28].
- 31 Exhibit 41-0004, 'Statement of A Fitzgerald', Case Study 41, CTJH.500.77001.0001 at [29].
- 32 Exhibit 41-0002, Case Study 41, CTJH.059.02001.0008_R; Exhibit 41-0032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [45].
- 33 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0182_R.
- 34 Exhibit 41-0002, Case Study 41, CTJH.075.01005.0010_R.
- 35 Exhibit 41-0002, Case Study 41, CTJH.075.01005.0010_R.
- 36 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0160_R.
- 37 Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [18]; Exhibit 41-0010, Case Study 41, NSW.COMS.575.001.0160 at 0161_R.

38 Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [18];
Exhibit 41-0010, Case Study 41, NSW.COMS.575.001.0160 at 0161_R.

39 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0182_R.

40 Transcript of G Groves, Case Study 41, 13 July 2016, 20247:41–20248:1.

41 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0182_R.

42 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0182_R.

43 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0182_R at 0184_R; Exhibit 41-0008,
'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [23].

44 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0182_R at 0183_R.

45 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0182_R.

46 Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [21];
Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0162_R

47 Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [23g]–[23h];
Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0182_R at 0184_R.

48 Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [23j];
Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0182_R at 0184_R.

49 Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [27];
Exhibit 41-0010, Case Study 41, NSW.COMS.575.001.0179_R.

50 Transcript of G Groves, Case Study 41, 13 July 2016, 20248:45–20249:11.

51 Transcript of G Groves, Case Study 41, 13 July 2016, 20281:1–6.

52 Exhibit 41-0032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [1];
Transcript of S Dixon, Case Study 41, 22 July 2016, 20701:46–47.

53 Exhibit 41-0032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [80].

54 Exhibit 41-0002, Case Study 41, CTJH.075.01005.0010_R.

55 Exhibit 41-0002, Case Study 41, CTJH.075.01005.0002_R

56 Exhibit 41-0002, Case Study 41, CTJH.075.01006.0217_R.

57 Exhibit 41-0002, Case Study 41, CTJH.075.01006.0217_R.

58 Exhibit 41-0002, Case Study 41, CTJH.075.01006.0217_R.

59 Exhibit 41-0002, Case Study 41, CTJH.075.01006.0217_R.

60 Exhibit 41-0002, Case Study 41, CTJH.075.01006.0217_R.

61 Exhibit 41-0002, Case Study 41, CTJH.075.01006.0217_R.

62 Exhibit 41-0002, Case Study 41, CTJH.075.01006.0217_R.

63 Exhibit 41-0002, Case Study 41, CTJH.075.01006.0217_R.

64 Exhibit 41-0002, Case Study 41, CTJH.075.01006.0217_R.

65 Exhibit 41-0002, Case Study 41, CTJH.075.01006.0217_R at 0218_R.

66 Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [31]–[32].

67 Exhibit 41-0002, Case Study 41, NSW.COMS.578.001.0056_R.

68 Exhibit 41-0002, Case Study 41, NSW.COMS.578.001.0056_R.

69 Exhibit 41-0002, Case Study 41, NSW.COMS.578.001.0056_R at 0057_R.

70 Exhibit 41-0002, Case Study 41, NSW.COMS.578.001.0056_R at 0057_R.

71 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0171_R.

72 Exhibit 41-0002, Case Study 41, CTJH.059.02001.0003_R; Exhibit 41-0002, Case Study 41,
CTJH.059.02001.0003_T_R; Exhibit 41-0002, Case Study 41, CTJH.059.02001.0008_R;
Exhibit 41-0002, Case Study 41, CTJH.059.02001.0011_R.

73 Exhibit 41-0032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [45].

74 Exhibit 41-0032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [45].

75 Exhibit 41-0002, Case Study 41, CTJH.059.02001.0001_T_R; Exhibit 41-0002, Case Study 41,
CTJH.059.02001.0001_R.

76 Exhibit 41-0002, Case Study 41, NSW.COMS.578.001.0058_E_R.

77 Exhibit 41-0002, Case Study 41, NSW.COMS.578.001.0058_E_R.

78 Exhibit 41-0002, Case Study 41, NSW.COMS.578.001.0058_E_R.

79 Exhibit 41-0032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [43], [56], [80].

- 80 Transcript of S Dixon, Case Study 41, 22 July 2016, 20705:17–24.
- 81 Transcript of S Dixon, Case Study 41, 22 July 2016, 20706:11–47.
- 82 Transcript of S Dixon, Case Study 41, 22 July 2016, 20710:28–38.
- 83 Exhibit 41-0032, ‘Statement of S Dixon’, CTJH.500.76001.0001_R at [44].
- 84 Transcript of S Dixon, Case Study 41, 22 July 2016, 20710:40–47.
- 85 Exhibit 41-0032, ‘Statement of S Dixon’, Case Study 41, CTJH.500.76001.0001_R at [53].
- 86 Transcript of S Dixon, Case Study 41, 22 July 2016, 20711:9–19.
- 87 Transcript of S Dixon, Case Study 41, 22 July 2016, 20708:36–20709:7;
Exhibit 41-0032, ‘Statement of S Dixon’, Case Study 41, CTJH.500.76001.0001_R at [51].
- 88 Transcript of S Dixon, Case Study 41, 22 July 2016, 20711:23–30.
- 89 Exhibit 41-0008, ‘Statement of G Groves’, Case Study 41, STAT.1045.001.0001_R at [38].
- 90 Transcript of G Groves, Case Study 41, 13 July 2016, 20253:13–34.
- 91 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [21].
- 92 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [69].
- 93 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [33].
- 94 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [6].
- 95 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [8].
- 96 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [8].
- 97 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [8].
- 98 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [11].
- 99 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [11].
- 100 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [9].
- 101 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [15]–[20].
- 102 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [21].
- 103 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [13].
- 104 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [26]–[27].
- 105 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [28].
- 106 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [32].
- 107 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [31].
- 108 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [33].
- 109 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [31].
- 110 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [34].
- 111 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [33].
- 112 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [36].
- 113 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [37].
- 114 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [32].
- 115 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [34].
- 116 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [33].
- 117 Transcript of S Dixon, Case Study 41, 22 July 2016, 20715:21–42.
- 118 Transcript of S Dixon, Case Study 41, 22 July 2016, 20741:10–28.
- 119 Transcript of S Dixon, Case Study 41, 22 July 2016, 20715:28–42.
- 120 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [29].
- 121 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [29].
- 122 Truth Justice and Healing Council, Sisters of the Good Samaritan of the Order of Saint Benedict,
Mater Dei and Good Samaritan Education (the Church Parties).
- 123 Submissions of Truth Justice and Healing Council, Sisters of the Good Samaritan of the Order of Saint
Benedict, Mater Dei and Good Samaritan Education, Case Study 41, SUBM.1041.005.0001_R at [53]–[58].
- 124 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [32], [34].
- 125 Transcript of S Dixon, Case Study 41, 22 July 2016, 20741:30–20742:28.
- 126 Transcript of S Dixon, Case Study 41, 22 July 2016, 20716:4–37.
- 127 Submissions of Truth Justice and Healing Council, Sisters of the Good Samaritan of the Order of Saint
Benedict, Mater Dei and Good Samaritan Education, Case Study 41, SUBM.1041.005.0001_R at [45].

- 128 Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [38].
- 129 Exhibit 41-0002, Case Study 41, NSW.2090.001.0023_R.
- 130 Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [40]–[41].
- 131 Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [43];
Exhibit 41-0002, Case Study 41, NSW.2090.001.0023_R.
- 132 Exhibit 41-0002, Case Study 41, NSW.2090.001.0023_R.
- 133 Exhibit 41-0002, Case Study 41, NSW.2090.001.0023_R.
- 134 Exhibit 41-0002, Case Study 41, NSW.2090.001.0049_R at 0055_R.
- 135 Exhibit 41-0002, Case Study 41, NSW.2090.001.0018_R.
- 136 Exhibit 41-002, Case Study 41, NSW.2090.001.0049_T_R at 0050_R.
- 137 Exhibit 41-002, Case Study 41, NSW.2090.001.0049_T_R at 0054_R.
- 138 Exhibit 41-002, Case Study 41, NSW.2090.001.0049_T_R at 0056_R.
- 139 Exhibit 41-002, Case Study 41, NSW.2090.001.0049_T_R at 0057_R.
- 140 Exhibit 41-002, Case Study 41, NSW.2090.001.0049_T_R at 00057;
Exhibit 41-002, Case Study 41, NSW.2090.001.0049_T_R.
- 141 Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [45].
- 142 Exhibit 41-0002, Case Study 41, NSW.COMS.577.001.0008_R at 0009_R.
- 143 Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [52].
- 144 Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [52].
- 145 Transcript of S Dixon, Case Study 41, 22 July 2016, 20718:30–41, 20724:18–24.
- 146 Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [53].
- 147 Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [53].
- 148 Submissions of Truth Justice and Healing Council, Sisters of the Good Samaritan of the Order of Saint
Benedict, Mater Dei and Good Samaritan Education, Case Study 41, SUBM.1041.005.0001_R at [113].
- 149 Exhibit 41-002, Case Study 41, CTJH.075.01002.0015_R.
- 150 Exhibit 41-002, Case Study 41, CTJH.075.01002.0015_R at 0017_R.
- 151 Exhibit 41-002, Case Study 41, CTJH.059.02009.0071_R.
- 152 Exhibit 41-002, Case Study 41, CTJH.059.02009.0071_R at 0072_R.
- 153 Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [51].
- 154 Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [54].
- 155 Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [47].
- 156 Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [48].
- 157 Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [62].
- 158 Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [62].
- 159 Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [62].
- 160 Exhibit 41-00032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [60].
- 161 Exhibit 41-00032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [64].
- 162 Exhibit 41-00032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [64].
- 163 Exhibit 41-00032, 'Statement of S Dixon', Case Study 41, CTJH.500.76001.0001_R at [64].
- 164 Exhibit 41-0002, Case Study 41, NPF.094.003.0064_R.
- 165 See, for example, Exhibit 41-0002, Case Study 41, NSW.COMS.577.002.0003_R;
Exhibit 41-0002, Case Study 41, NSW.COMS.577.001.0024_R.
- 166 Exhibit 41-0002, Case Study 41, NSW.COMS.577.001.0024_R at 0024_R.
- 167 Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [69].
- 168 Exhibit 41-0002, Case Study 41, NPF.090.001.0023_R.
- 169 The FACS record is extracted in Exhibit 41-0008, 'Statement of G Groves,' Case Study 41,
STAT.1045.001.0001_R at [52].
- 170 Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [65].
- 171 Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [64].
- 172 Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [64].
- 173 Transcript of S Dixon, Case Study 41, 22 July 2016, 20719:22–31.
- 174 Transcript of S Dixon, Case Study 41, 22 July 2016, 20719:36–38.

175	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [65].
176	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [66].
177	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [69].
178	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [67].
179	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [68].
180	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [87].
181	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [88].
182	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [88].
183	Transcript of CIC, Case Study 41, 11 July 2016, 20116:5-8.
184	Transcript of CIC, Case Study 41, 11 July 2016, 20116:9-10.
185	Transcript of CIC, Case Study 41, 11 July 2016, 20116:36-44.
186	Transcript of S Dixon, Case Study 41, 22 July 2016, 20720:9-46.
187	Transcript of S Dixon, Case Study 41, 22 July 2016, 20721:8-12.
188	Transcript of S Dixon, Case Study 41, 22 July 2016, 20746: 19-27.
189	Transcript of S Dixon, Case Study 41, 22 July 2016, 20722:22-38.
190	Transcript of S Dixon, Case Study 41, 22 July 2016, 20724:3-12.
191	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [55].
192	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [56].
193	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [57].
194	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [61].
195	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [58].
196	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [59].
197	Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [42].
198	Transcript of G Groves, Case Study 41, 13 July 2016, 20255:10-19.
199	Transcript of G Groves, Case Study 41, 13 July 2016, 20255:38-41.
200	Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [45]-[46].
201	Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [46].
202	Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [46]; Exhibit 41-0002, Case Study 41, NSW.COMS.577.002.0003_R at 0005_R.
203	Transcript of G Groves, Case Study 41, 13 July 2016, 20258:30-45.
204	Exhibit 41-0002, Case Study 41, NSW.COMS.577.002.0003_R.
205	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [70].
206	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [71].
207	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [73].
208	Exhibit 41-0003, 'Statement of S Wagner', Case Study 41, CTJH.500.75001.0001_R.
209	Exhibit 41-0003, 'Statement of S Wagner', Case Study 41, CTJH.500.75001.0001_R at [93]-[94].
210	Exhibit 41-0003, 'Statement of S Wagner', Case Study 41, CTJH.500.75001.0001_R at [99]-[100].
211	Transcript of S Wagner, Case Study 41, 11 July 2016, 20131:24-35.
212	Exhibit 41-0003, 'Statement of S Wagner', Case Study 41, CTJH.500.75001.0001_R at [108].
213	Exhibit 41-00002, Case Study 41, CTJH.059.02009.0070_R.
214	Transcript of S Wagner, Case Study 41, 11 July 2016, 20134:28-38.
215	Transcript of S Wagner, Case Study 41, 11 July 2016, 20134:28-38.
216	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [73].
217	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [74].
218	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [73].
219	Exhibit 41-0002, Case Study 41, CTJH.059.02009.0077_R.
220	Exhibit 41-0002, Case Study 41, CTJH.059.02009.0075_R.
221	Exhibit 41-0002, Case Study 41, CTJH.059.02009.0077_R.
222	Exhibit 41-0001, 'Statement of CIC', Case Study 41, STAT.1034.001.0001_R at [76].
223	Transcript of S Wagner, Case Study 41, 11 July 2016, 20132:5-20.
224	Transcript of S Wagner, Case Study 41, 11 July 2016, 20133:30-44.
225	Transcript of S Wagner, Case Study 41, 11 July 2016, 20132:43-20133:6.

226 Transcript of S Wagner, Case Study 41, 11 July 2016, 20137:20–30.
227 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [80].
228 Transcript of S Wagner, Case Study 41, 11 July 2016, 20136:27–35.
229 Transcript of S Wagner, Case Study 41, 11 July 2016, 20137:32–44.
230 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [81].
231 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [82].
232 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [89].
233 Exhibit 41-0001, ‘Statement of CIC’, Case Study 41, STAT.1034.001.0001_R at [89]–[90].
234 Exhibit 41-0002, ‘Statement of S Dixon’, Case Study 41, CTJH.075.01006.00 27_R at [10].
235 Exhibit 41-0032, ‘Statement of S Dixon’, Case Study 41, CTJH.500.76001.0001_R at [91]–[92].
236 Exhibit 41-0002, Case Study 41, CTJH.075.01006.0066_R; Exhibit 41-0002, ‘Statement of S Dixon’
Case Study 41, CTJH.075.01006.0027_R at [11].
237 Exhibit 41-0002, Case Study 41, CTJH.075.01006.0046_R at 0047_R, 0048_R.
238 Exhibit 41-0032, ‘Statement of S Dixon’, Case Study 41, CTJH.500.76001.0001 at [94].
239 Transcript of S Dixon, Case Study 41, 22 July 2016, 20725:42–20726:3.
240 Exhibit 41-0032, ‘Statement of S Dixon’, Case Study 41, CTJH.500.76001.0001 at [95]–[96];
241 Exhibit 41-0032, ‘Statement of S Dixon’, Case Study 41, CTJH.500.76001.0001 at [97].
242 Exhibit 41-0032, ‘Statement of S Dixon’, Case Study 41, CTJH.500.76001.0001 at [100]–[103].
243 Exhibit 41-0032, ‘Statement of S Dixon’, Case Study 41, CTJH.500.76001.0001 at [103].
244 Exhibit 41-0002, Case Study 41, CTJH.075.01006.0014_R.
245 Exhibit 41-0002, Case Study 41, CTJH.075.01006.0075_R; Exhibit 41-0032, ‘Statement of S Dixon’,
Case Study 41, CTJH.500.76001.0001 at [107].
246 Exhibit 41-0032, ‘Statement of S Dixon’, Case Study 41, CTJH.500.76001.0001 at [105].
247 Exhibit 41-0032, ‘Statement of S Dixon’, Case Study 41, CTJH.500.76001.0001 at [106].
248 Exhibit 41-0002, Case Study 41, CTJH.075.01006.0075_R; Exhibit 41-0032, ‘Statement of S Dixon’,
Case Study 41, CTJH.500.76001.0001 at [107].
249 Exhibit 41-0032, ‘Statement of S Dixon’, Case Study 41, CTJH.500.76001.0001 at [108].
250 Transcript of S Dixon, Case Study 41, 22 July 2016, 20730:13–26.
251 Exhibit 41-0032, ‘Statement of S Dixon’, Case Study 41, CTJH.500.76001.0001 at [114].
252 Transcript of G Groves, Case Study 41, 13 July 2016, 20253:32–41; 20253:43–20254:8.
253 Transcript of G Groves, Case Study 41, 13 July 2016, 20255:1–8.
254 Exhibit 41-0009, ‘Second statement of G Groves’, Case Study 41, STAT.1050.001.0001_R at [19].
255 Transcript of G Groves, Case Study 41, 13 July 2016, 20255:1–8.
256 Transcript of G Groves, Case Study 41, 13 July 2016, 20253: 32–41.
257 Transcript of G Groves, Case Study 41, 13 July 2016, 20251:15–18.
258 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0139_R.
259 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0139_R.
260 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0139_R.
261 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0139_R at 0139_R.
262 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0139_R at 0139_R.
263 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0139_R at 0140_R–0142_R.
264 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0139_R at 0142_R.
265 Exhibit 41-0002, Case Study 41, NSW.COMS.577.001.0027_R.
266 Exhibit 41-0002, Case Study 41, NSW.COMS.577.001.0027_R at 0027_R.
267 Exhibit 41-0002, Case Study 41, NSW.COMS.577.001.0027_R at 0027_R.
268 Exhibit 41-0002, Case Study 41, NSW.COMS.577.001.0027_R.
269 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0139_R.
270 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0139_R at 0142_R, 0143_R.
271 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0139_R at 0143_R.
272 Exhibit 41-0002, Case Study 41, NSW.COMS.575.001.0139_R at 0144_R.
273 Transcript of S Dixon, Case Study 41, 22 July 2016, 20747:17–33.
274 Transcript of S Dixon, Case Study 41, 22 July 2016, 20738:2–24.

- 275 Transcript of S Dixon, Case Study 41, 22 July 2016, 20738:2–19.
- 276 Submissions of Counsel Assisting the Royal Commission, Case Study 41, SUBM.0041.001.0001 at [94].
- 277 Submissions of Counsel Assisting the Royal Commission, Case Study 41, SUBM.0041.001.0001 at [97].
- 278 Submissions on behalf of the Truth Justice and Healing Council, Sisters of the Good Samaritan of the Order of Saint Benedict, Mater Dei and Good Samaritan Education, Case Study 41, SUBM.1041.005.0001_R at 0040_R.
- 279 Exhibit 41-0004, ‘Statement of A Fitzgerald’, Case Study 41, CTJH.500.77001.0001_R.
- 280 Exhibit 41-0004, ‘Statement of A Fitzgerald’, Case Study 41, CTJH.500.77001.0001_R at [56].
- 281 Transcript of A Fitzgerald, Case Study 41, 12 July 2016, 20147:34–44.
- 282 Transcript of A Fitzgerald, Case Study 41, 12 July 2016, 20148:4–8.
- 283 Transcript of A Fitzgerald, Case Study 41, 12 July 2016, 20148:13–15.
- 284 Transcript of A Fitzgerald, Case Study 41, 12 July 2016, 20148:17–27.
- 285 Transcript of A Fitzgerald, Case Study 41, 12 July 2016, 20148:17–30.
- 286 Transcript of A Fitzgerald, Case Study 41, 12 July 2016, 20148:35–20149:24; Exhibit 41-0011, Case Study 41, STAT.1046.001.0215.
- 287 Transcript of A Fitzgerald, Case Study 41, 12 July 2016, 20149:19–24.
- 288 Transcript of A Fitzgerald, Case Study 41, 12 July 2016, 20149:26–34.
- 289 Exhibit 41-0002, Case Study 41, CTJH.075.01012.0279 at 0294.
- 290 Transcript of A Fitzgerald, Case Study 41, 12 July 2016, 20150:40–20151:2.
- 291 Transcript of A Fitzgerald, Case Study 41, 12 July 2016, 20151:17–21.
- 292 Transcript of A Fitzgerald, Case Study 41, 12 July 2016, 20152:47–20153:13.
- 293 Exhibit 41-0002, Case Study 41, CTJH.075.01012.0279 at 0287–0288, 0293–0294.
- 294 Exhibit 41-0002, Case Study 41, CTJH.075.01007.0192.
- 295 Exhibit 41-0002, Case Study 41, CTJH.075.01001.0004.
- 296 Transcript of A Fitzgerald, Case Study 41, 12 July 2016, 20164:22–29.
- 297 Transcript of A Fitzgerald, Case Study 41, 12 July 2016, 20164:22–42.
- 298 Transcript of A Fitzgerald, Case Study 41, 12 July 2016, 20171:23–40.
- 299 Transcript of A Fitzgerald, Case Study 41, 12 July 2016, 20165:37–20166:12.
- 300 Exhibit 41-0004, ‘Statement of A Fitzgerald’, Case Study 41, CTJH.500.77001_R at [154].
- 301 Exhibit 41-0004, ‘Statement of A Fitzgerald’, Case Study 41, CTJH.500.77001_R at [156].
- 302 Exhibit 41-0004, ‘Statement of A Fitzgerald’, Case Study 41, CTJH.500.77001_R at [80].
- 303 Exhibit 41-0002, Case Study 41, CTJH.075.01007.0279.
- 304 Exhibit 41-0004, ‘Statement of A Fitzgerald’, Case Study 41, CTJH.500.77001_R at [80].
- 305 Exhibit 41-0004, ‘Statement of A Fitzgerald’, Case Study 41, CTJH.500.77001.0001_R at [156].
- 306 Exhibit 41-0004, ‘Statement of A Fitzgerald’, Case Study 41, CTJH.500.77001.0001 at [159].
- 307 Exhibit 41-0004, ‘Statement of A Fitzgerald’, Case Study 41, CTJH.500.77001.0001 at [174].
- 308 Exhibit 41-0007, ‘Statement of M Bowen’, Case Study 41, STAT.1035.001.0001_R at [30].
- 309 Exhibit 41-0007, ‘Statement of M Bowen’, Case Study 41, STAT.1035.001.0001_R at [31]–[32].
- 310 Exhibit 41-0007, ‘Statement of M Bowen’, Case Study 41, STAT.1035.001.0001_R at [33].
- 311 Exhibit 41-0006, ‘Statement of CIF’, Case Study 41, STAT.1032.001.0001_R at [42]–[44]; Exhibit 41-0007, ‘Statement of M Bowen’, Case Study 41, STAT.1035.001.0001_R at [33].
- 312 Exhibit 41-0006, ‘Statement of CIF’, Case Study 41, STAT.1032.001.0001_R at [9].
- 313 Exhibit 41-0006, ‘Statement of CIF’, Case Study 41, STAT.1032.001.0001_R at [13].
- 314 Exhibit 41-0006, ‘Statement of CIF’, Case Study 41, STAT.1032.001.0001_R at [24].
- 315 Exhibit 41-0006, ‘Statement of CIF’, Case Study 41, STAT.1032.001.0001_R at [28].
- 316 Transcript of CIF, Case Study 41, 12 July 2016, 20197:7.
- 317 Exhibit 41-0006, ‘Statement of CIF’, Case Study 41, STAT.1032.001.0001_R at [29], [31].
- 318 Exhibit 41-0006, ‘Statement of CIF’, Case Study 41, STAT.1032.001.0001_R at [30].
- 319 Exhibit 41-0006, ‘Statement of CIF’, Case Study 41, STAT.1032.001.0001_R at [32], [37].
- 320 Exhibit 41-0006, ‘Statement of CIF’, Case Study 41, STAT.1032.001.0001_R at [32].
- 321 Exhibit 41-0006, ‘Statement of CIF’, Case Study 41, STAT.1032.001.0001_R at [39].
- 322 Exhibit 41-0006, ‘Statement of CIF’, Case Study 41, STAT.1032.001.0001_R at [33].

323 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [67].
324 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [34].
325 Transcript of M Bowen, Case Study 41, 12 July 2016, 20222:29–36.
326 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [20], [21].
327 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [26].
328 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [22], [24];
Transcript of M Bowen, Case Study 41, 12 July 2016, 20201:13–19.
329 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [23].
330 Transcript of M Bowen, Case Study 41, 12 July 2016, 20201:33–38.
331 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [13(c)]–[14].
332 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [15].
333 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [16].
334 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [40].
335 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [40].
336 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [45].
337 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [45].
338 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [45].
339 Transcript of M Bowen, Case Study 41, 12 July 2016, 20219:5–8.
340 Transcript of M Bowen, Case Study 41, 12 July 2016, 20219:13–16.
341 Transcript of M Bowen, Case Study 41, 12 July 2016, 20219:29–47.
342 Transcript of M Bowen, Case Study 41, 12 July 2016 at 20219:37–38.
343 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [46].
344 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [47].
345 Transcript of M Bowen, Case Study 41, 12 July 2016, 20220:21–30.
346 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [48].
347 Exhibit 41-0013, Case Study 41, TDT.0001.001.0133_T_R at 0134_T_R.
348 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [52]–[53].
349 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [54].
350 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [54].
351 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [55].
352 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [39].
353 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [39].
354 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [44(i)].
355 Transcript of M Bowen, Case Study 41, 12 July 2016, 20203:11–13; Exhibit 41-0007,
'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [37].
356 Transcript of M Bowen, Case Study 41, 12 July 2016, 20205:39–40.
357 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [53(c)].
358 Transcript of M Bowen, Case Study 41, 12 July 2016, 20206:45–20207:6.
359 Transcript of M Bowen, Case Study 41, 12 July 2016, 20207:12–41.
360 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [56].
361 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [56].
362 Transcript of M Bowen, Case Study 41, 12 July 2016, 20221:15–26.
363 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [58].
364 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [58].
365 Exhibit 41-0013, Case Study 41, TDT.0001.001.0063_R.
366 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [62].
367 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [65];
Exhibit 41-0013, Case Study 41, TDT.0001.001.0070_R.
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369 Transcript of M Bowen, Case Study 41, 12 July 2016, 20222:14–27.
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- 371 Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [70].
- 372 Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [72].
- 373 Exhibit 41-0010, Case Study 41, NSW.COMS.577.002.0280_R at 0282_R.
- 374 Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [77].
- 375 Exhibit 41-0013, Case Study 41, NSW.COMS.577.001.0536_R.
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- 377 Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [79].
- 378 Exhibit 41-0013, Case Study 41, NSW.COMS.577.001.0536_R; Exhibit 41-0013, Case Study 41, NSW.COMS.577.001.0510_R.
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- 382 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [62(a)(i)].
- 383 Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [84].
- 384 Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [84].
- 385 Exhibit 41-0013, Case Study 41, TDT.0001.001.0120_R.
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- 388 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [73].
- 389 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [73].
- 390 Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [91].
- 391 Exhibit 41-0008, 'Statement of G Groves', Case Study 41, STAT.1045.001.0001_R at [97].
- 392 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [76]–[77].
- 393 Transcript of G Groves, Case Study 41, 13 July 2016, 20268:31–20269:2.
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- 410 Transcript of M Bowen, Case Study 41, 12 July 2016, 20209:9–16.
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- 412 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [79].
- 413 Transcript of M Bowen, Case Study 41, 12 July 2016, 20212:31–34.
- 414 Transcript of M Bowen, Case Study 41, 12 July 2016, 20212:36–41.
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- 416 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [80]–[81].

417 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [82]–[83].
 418 Transcript of G Groves, Case Study 41, 13 July 2016, 20273:45–20274:2.
 419 Exhibit 41-0013, Case Study 41, TDT.0001.001.0073_R.
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 423 Transcript of M Bowen, Case Study 41, 12 July 2016, 20214:25–33;
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 425 Transcript of M Bowen, Case Study 41, 12 July 2016, 20214:35–43.
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 427 Transcript of M Bowen, Case Study 41, 12 July 2016, 20214:35–43.
 428 Transcript of M Bowen, Case Study 41, 12 July 2016, 20216:20–30.
 429 Transcript of M Bowen, Case Study 41, 12 July 2016, 20216:36–47.
 430 Exhibit 41-0013, Case Study 41, TDT.0001.001.0078 at 0080.
 431 Transcript of M Bowen, Case Study 41, 12 July 2016, 20242:18–42.
 432 Transcript of M Bowen, Case Study 41, 12 July 2016, 20217:3–12.
 433 Transcript of M Bowen, Case Study 41, 12 July 2016, 20217:17–24.
 434 Transcript of M Bowen, Case Study 41, 12 July 2016, 20217:17–24.
 435 Exhibit 41-0013, Case Study 41, TDT.0001.001.0084_R at 0084_R, 0085_R.
 436 Transcript of M Bowen, Case Study 41, 12 July 2016, 20226:34–44.
 437 Transcript of M Bowen, Case Study 41, 12 July 2016, 20227:24.
 438 Exhibit 41-0013, Case Study 41, TDT.0001.001.0087_R.
 439 Transcript of M Bowen, Case Study 41, 12 July 2016, 20228:18–35.
 440 Exhibit 41-0013, Case Study 41, TDT.0003.001.0171_R at 0172_R; Exhibit 41-0007,
 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [137].
 441 Transcript of M Bowen, Case Study 41, 12 July 2016, 20229:2–24.
 442 Transcript of M Bowen, Case Study 41, 12 July 2016, 20229:19–27.
 443 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [237].
 444 Transcript of M Bowen, Case Study 41, 12 July 2016, 20229:29–35.
 445 Transcript of M Bowen, Case Study 41, 12 July 2016 20229:29–45.
 446 Transcript of M Bowen, Case Study 41, 12 July 2016, 20229:47–20230:10.
 447 Transcript of M Bowen, Case Study 41, 12 July 2016, 20230:34–42.
 448 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [159].
 449 Transcript of M Bowen, Case Study 41, 12 July 2016, 20231:42–20232:5.
 450 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [183];
 Exhibit 41-0013, Case Study 41, TDT.0001.001.0149_R.
 451 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [188];
 Exhibit 41-0013, Case Study 41, TDT.0001.001.0156_R.
 452 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [191].
 453 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [80]–[81].
 454 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [82].
 455 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [86].
 456 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [68].
 457 Transcript of M Bowen, Case Study 41, 12 July 2016, 20225:18–40.
 458 Transcript of M Bowen, Case Study 41, 12 July 2016, 20225:42–20226:5.
 459 Transcript of M Bowen, Case Study 41, 12 July 2016, 20225:42–20226:5.
 460 Exhibit 41-0007, 'Statement of M Bowen', Case Study 41, STAT.1035.001.0001_R at [235].
 461 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [87].
 462 Transcript of M Bowen, Case Study 41, 12 July 2016, 20226:7–16.
 463 Exhibit 41-0012, 'Statement of S Josephsen', Case Study 41, STAT.1044.001.0001_R at [10]–[11].
 464 Exhibit 41-0012, 'Statement of S Josephsen', Case Study 41, STAT.1044.001.0001_R at [10].

- 465 Exhibit 41-0012, 'Statement of S Josephsen', Case Study 41, STAT.1044.001.0001_R at [11].
- 466 Exhibit 41-0012, 'Statement of S Josephsen', Case Study 41, STAT.1044.001.0001_R at [12].
- 467 Exhibit 41-0012, 'Statement of S Josephsen', Case Study 41, STAT.1044.001.0001_R at [12].
- 468 Exhibit 41-0012, 'Statement of S Josephsen', Case Study 41, STAT.1044.001.0001_R at [8].
- 469 Exhibit 41-0012, 'Statement of S Josephsen', Case Study 41, STAT.1044.001.0001_R at [8].
- 470 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [70]–[71].
- 471 Exhibit 41-0006, 'Statement of CIF', Case Study 41, STAT.1032.001.0001_R at [72].
- 472 Exhibit 41-0012, 'Statement of S Josephsen', Case Study 41, STAT.1044.001.0001_R.
- 473 Exhibit 41-0012, 'Statement of S Josephsen', Case Study 41, STAT.1044.001.0001_R at [9].
- 474 Exhibit 41-0012, 'Statement of S Josephsen', Case Study 41, STAT.1044.001.0001_R at [14].
- 475 Exhibit 41-0012, 'Statement of S Josephsen', Case Study 41, STAT.1044.001.0001_R at [15].
- 476 Exhibit 41-0012, 'Statement of S Josephsen', Case Study 41, STAT.1044.001.0001_R at [19].
- 477 Exhibit 41-0012, 'Statement of S Josephsen', Case Study 41, STAT.1044.001.0001_R at [16].
- 478 Exhibit 41-0012, 'Statement of S Josephsen', Case Study 41, STAT.1044.001.0001_R at [21].
- 479 Exhibit 41-0012, 'Statement of S Josephsen', Case Study 41, STAT.1044.001.0001_R at [22];
Exhibit 41-0013, Case Study 41, ISI.0001.001.0410_R.
- 480 Exhibit 41-0012, 'Statement of S Josephsen', Case Study 41, STAT.1044.001.0001 at [22].
- 481 Exhibit 41-0013, Case Study 41, ISI.0001.001.0437.
- 482 Exhibit 41-0013, Case Study 41, ISI.0001.001.0460.
- 483 Exhibit 41-0012, 'Statement of S Josephsen', Case Study 41, STAT.1044.001.0001 at [24].
- 484 Exhibit 41-0013, Case Study 41, ISI.0001.001.0435_R; Exhibit 41-0012, 'Statement of S Josephsen',
Case Study 41, STAT.1044.001.0001 at [25].
- 485 Exhibit 41-0012, 'Statement of S Josephsen', Case Study 41, STAT.1044.001.0001 at [31].
- 486 Exhibit 410-0013, Case Study 41, ISI.0001.001.0024; Exhibit 410-0013,
Case Study 41, ISI.0001.001.0051; Exhibit 410-0013, Case Study 41, ISI.0001.001.0063;
Exhibit 410-0013, Case Study 41, ISI.0001.001.0079;
Exhibit 410-0013, Case Study 41, ISI.0001.001.0104; Exhibit 41-0012, 'Statement of S Josephsen',
Case Study 41, STAT.1044.001.0001 at [32].
- 487 Exhibit 41-0013, Case Study 41, ISI.0001.001.0063; Exhibit 41-0012, 'Statement of S Josephsen',
Case Study 41, STAT.1044.001.0001 at [39].
- 488 Exhibit 41-0022, 'Statement of L Hastings', Case Study 41, STAT.1031.001.0001_R at [12].
- 489 Exhibit 41-0023, 'Annexure to the Statement of V Batten', Case Study 41, STAT.1038.001.0003_R at 0003_R.
- 490 Exhibit 41-0022, 'Statement of L Hastings', Case Study 41, STAT.1031.001.0001_R at [18]–[20].
- 491 Exhibit 41-0023, 'Annexure to the Statement of V Batten', Case Study 41, STAT.1038.001.0003_R at 0003_R.
- 492 Exhibit 41-0023, 'Annexure to the Statement of V Batten', Case Study 41, STAT.1038.001.0003_R at 0004_R.
- 493 Exhibit 41-0023, 'Statement of V Batten', Case Study 41, STAT.1038.001.0001_R at [3].
- 494 Exhibit 41-0023, 'Annexure to the Statement of V Batten', Case Study 41, STAT.1038.001.0003_R at 0004_R.
- 495 Transcript of V Batten, Case Study 41, 15 July 2016, 20493:8–28.
- 496 Exhibit 41-0023, 'Statement of V Batten', Case Study 41, STAT.1038.001.0003_R at [8]; Transcript of V Batten,
Case Study 41, 15 July 2016, 20487:46–20488:1.
- 497 Exhibit 41-0023, 'Statement of V Batten', Case Study 41, STAT.1038.001.0003_R at [7]; Transcript of V Batten,
Case Study 41, 15 July 2016, 20488:3–5.
- 498 Exhibit 41-0023, 'Annexure to the Statement of V Batten', Case Study 41, STAT.1038.001.0003_R;
Transcript of V Batten, Case Study 41, 15 July 2016, 20488:23–33.
- 499 Transcript of V Batten, Case Study 41, 15 July 2016, 20497:43–20498:8.
- 500 Exhibit 41-0023, 'Annexure to the Statement of V Batten', Case Study 41, STAT.1038.001.0003_R at 0004_R.
- 501 Transcript of V Batten, Case Study 41, 15 July 2016, 20506:25–40, 20507:3–6.
- 502 Transcript of V Batten, Case Study 41, 15 July 2016, 20507:20–33.
- 503 Transcript of V Batten, Case Study 41, 15 July 2016, 20507:35–39.
- 504 Transcript of V Batten, Case Study 41, 15 July 2016, 20507:46–20508:2.
- 505 Transcript of V Batten, Case Study 41, 15 July 2016, 20490:30–20491:37.
- 506 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [6]–[9].

507 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [17].

508 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [17].

509 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [19].

510 Exhibit 41-0015, "Statement of M Welch", Case Study 41, STAT.1040.001.0001 at [26]–[48].

511 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [26]–[30].

512 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [31]–[33].

513 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [35]–[41].

514 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [44]–[48].

515 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [49].

516 Transcript of M Welch, Case Study 41, 13 July 2016, 20343:19–20345:1.

517 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [50].

518 Transcript of M Welch, Case Study 41, 13 July 2016, 20345:12–20.

519 Transcript of M Welch, Case Study 41, 14 July 2016, 20360:9–16.

520 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [54].

521 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [56].

522 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [58]–[63].

523 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [66]–[76].

524 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [79].

525 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [82].

526 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [76].

527 Exhibit 41-0024, 'Statement of J McWatters', Case Study 41, STAT.1041.001.0001 at [8]–[13].

528 Exhibit 41-0024, 'Statement of J McWatters', Case Study 41, STAT.1041.001.0001 at [14]–[17].

529 Exhibit 41-0025, 'Statement of K Ash', Case Study 41, STAT.1042.001.0001 at [9].

530 Exhibit 41-0021, 'Statement of M Edwards', Case Study 41, STAT.1037.001.0001_R at [41], [45], [46].

531 Exhibit 41-0021, 'Statement of M Edwards', Case Study 41, STAT.1037.001.0001_R at [45].

532 Exhibit 41-0021, 'Statement of M Edwards', Case Study 41, STAT.1037.001.0001_R at [53].

533 Exhibit 41-0021, 'Statement of M Edwards', Case Study 41, STAT.1037.001.0001_R at [68].

534 Transcript of M Edwards, Case Study 41, 14 July 2016, 20429:32–35.

535 Transcript of M Edwards, Case Study 41, 14 July 2016, 20431:46–20432:19.

536 Transcript of M Edwards, Case Study 41, 14 July 2016, 20433:27–20434:7.

537 Exhibit 41-0019, 'Statement of D Williams', Case Study 41, STAT.1058.001.0001_R at [32].

538 Exhibit 41-0019, 'Statement of D Williams', Case Study 41, STAT.1058.001.0001_R at [32].

539 Exhibit 41-0019, 'Statement of D Williams', Case Study 41, STAT.1058.001.0001_R at [39].

540 Exhibit 41-0019, 'Statement of D Williams', Case Study 41, STAT.1058.001.0001_R at [34].

541 Transcript of D Williams, Case Study 41, 14 July 2016, 20406:47–20407:1.

542 Transcript of D Williams, Case Study 41, 14 July 2016, 20403:44–20404:12.

543 Transcript of M Edwards, Case Study 41, 14 July 2016, 20431:46–20432:3.

544 Submissions of FSG Australia, Case Study 41, SUBM.1041.007.0001 at [27].

545 Submissions of FSG Australia, Case Study 41, SUBM.1041.007.0001 at [60].

546 Submissions of FSG Australia, Case Study 41, SUBM.1041.007.0001 at [60].

547 Submissions of FSG Australia, Case Study 41, SUBM.1041.007.0001 at [27].

548 Submissions of FSG Australia, Case Study 41, SUBM.1041.007.0001 at [33].

549 Submissions of FSG Australia, Case Study 41, SUBM.1041.007.0001 at [34].

550 Submissions of FSG Australia, Case Study 41, SUBM.1041.007.0001 at [43].

551 Submissions of FSG Australia, Case Study 41, SUBM.1041.007.0001 at [18]–[20].

552 Transcript of M Edwards, Case Study 41, 14 July 2016, 20431:46–20432:19.

553 Exhibit 41-0022, 'Statement of L Hastings', Case Study 41, STAT.1031.001.0001_R at [126].

554 Exhibit 41-0014, Case Study 41, IND.0449.003.0001_R.

555 Transcript of L Hastings, Case Study 41, 15 July 2016, 20450:16–20451:7, 20470:23–31.

556 Transcript of L Hastings, Case Study 41, 15 July 2016, 20534:37–43.

557 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [24].

558 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [80].

559 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [77].
 560 Transcript of M Edwards, Case Study 41, 14 July 2016, 20431:11.
 561 Exhibit 41-0021, 'Statement of M Edwards', Case Study 41, STAT.1037.001.0001_R at [59].
 562 Transcript of M Edwards, Case Study 41, 14 July 2016, 20435:14–21.
 563 Transcript of M Edwards, Case Study 41, 14 July 2016, 20445:39–47.
 564 Transcript of D Williams, Case Study 41, 14 July 2016, 20407:38–39.
 565 Transcript of D Williams, Case Study 41, 14 July 2016, 20409:40–42.
 566 Exhibit 41-0022, 'Statement of L Hastings', Case Study 41, STAT.1031.001.0001_R at [81].
 567 Exhibit 41-0022, 'Statement of L Hastings', Case Study 41, STAT.1031.001.0001_R at [82].
 568 Exhibit 41-0022, 'Statement of L Hastings', Case Study 41, STAT.1031.001.0001_R at [98]–[99];
 Transcript of L Hastings, Case Study 41, 14 July 2016, 20456:4.
 569 Exhibit 41-0014, Case Study 41, QLD.0088.002.0001_T_R.
 570 Exhibit 41-0014, Case Study 41, IND.0449.001.0533_R.
 571 Exhibit 41-0014, Case Study 41, IND.0449.001.0341_R.
 572 Exhibit 41-0020, Case Study 41, FSG.9999.003.0003_R.
 573 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [89]–[94].
 574 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [62].
 575 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [89].
 576 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [90]–[91].
 577 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [101]–[106].
 578 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [107]–[111].
 579 Exhibit 41-0014, Case Study 41, IND.0449.001.0533_R.
 580 Transcript of D Williams, Case Study 41, 14 July 2016, 20411:6–10.
 581 Exhibit 41-0014, Case Study 41, IND.0449.001.0341_R.
 582 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [79].
 583 Exhibit 41-0025, 'Statement of K Ash', Case Study 41, STAT.1042.001.0001 at [11].
 584 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [115], [117].
 585 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [113], [119], [121];
 Exhibit 41-0014, Case Study 41, FSG.0003.001.0069_R; Exhibit 41-0014, Case Study 41,
 IND.0449.001.0310_R; Exhibit 41-0014, Case Study 41, IND.0449.001.0333_R; Exhibit 41-0014,
 Case Study 41, IND.0449.001.0332_R.
 586 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [135]–[137], [146];
 Exhibit 41-0014, Case Study 41, IND.0449.001.0341_R; Exhibit 41-0014, Case Study 41,
 IND.0449.001.0372_R.
 587 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [158]–[167].
 588 Transcript of D Williams, Case Study 41, 14 July 2016, 20416:1–4.
 589 Transcript of D Williams, Case Study 41, 14 July 2016, 20409:44–47.
 590 Transcript of D Williams, Case Study 41, 14 July 2016, 20412:38–20413:9.
 591 Exhibit 41-0019, 'Statement of D Williams', Case Study 41, STAT.1058.001.0001_R at [47].
 592 Transcript of D Williams, Case Study 41, 14 July 2016, 20417:40–45.
 593 Exhibit 41-0015, 'Statement of M Welch', Case Study 41, STAT.1040.001.0001 at [151]–[153].
 594 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [8].
 595 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [8].
 596 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [8].
 597 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [9].
 598 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [15].
 599 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [16].
 600 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [17].
 601 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [17].
 602 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [19].
 603 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [19].
 604 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [19].

605 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [19].
606 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [19].
607 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [20].
608 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [20].
609 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [21].
610 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [22].
611 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [23].
612 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [24].
613 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [26].
614 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [26].
615 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [27].
616 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [27].
617 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [29]–[30].
618 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [28].
619 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [30].
620 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [28].
621 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [32].
622 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [33].
623 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [34];
Exhibit 41-0014, Case Study 41, IND.0437.001.0001_R.
624 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [34].
625 Exhibit 41-0023, 'Annexure to Statement of V Batten', Case Study 41, STAT.1038.001.0003_R at [6].
626 Transcript of V Batten, Case Study 41, 15 July 2016, 20489:11–22.
627 Transcript of V Batten, Case Study 41, 15 July 2016, 20489:11–22.
628 Transcript of V Batten, Case Study 41, 15 July 2016, 20519:23–26.
629 Transcript of V Batten, Case Study 41, 15 July 2016, 20518:31–41.
630 Transcript of V Batten, Case Study 41, 15 July 2016, 20522:31–36.
631 Transcript of V Batten, Case Study 41, 15 July 2016, 20509:15–18.
632 Transcript of V Batten, Case Study 41, 15 July 2016, 20525:43–20526:2.
633 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [37].
634 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [38].
635 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [39].
636 Exhibit 41-0017, 'Statement of CIR', Case Study 41, STAT.1052.001.0001.
637 Transcript of CIK, Case Study 41, 14 July 2016, 20395:21–33.
638 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [40].
639 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [41].
640 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [41].
641 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [48].
642 Exhibit 41-0018, 'Statement of Detective Fabian Colless', Case Study 41, STAT.1054.001.0001.
643 Exhibit 41-0018, 'Statement of Detective Fabian Colless', Case Study 41, STAT.1054.001.0001 at [14].
644 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [43].
645 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [45].
646 Exhibit 41-0016, 'Statement of CIK', Case Study 41, STAT.1039.001.0001 at [46].



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