



**Royal Commission**  
into Institutional Responses  
to Child Sexual Abuse

# REPORT OF CASE STUDY NO. 32

The response of Geelong Grammar  
School to allegations of child  
sexual abuse of former students

DECEMBER 2016

ISBN: 978-1-925289-91-6

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# Report of Case Study No. 32

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The response of Geelong Grammar School to allegations  
of child sexual abuse of former students

December 2016

## COMMISSIONERS

Justice Jennifer Coate  
Professor Helen Milroy

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# Preface

## The Royal Commission

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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](http://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 4 November 2016, the Royal Commission has held 6,148 private sessions and more than 2,015 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

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This case study examined the way in which Geelong Grammar School in Victoria responded to allegations of child sexual abuse of former students.

The scope and purpose of the public hearing of the case study was to examine:

- a. The experiences of former students of Geelong Grammar.
- b. The responses of the School Council, principals and other members of staff of Geelong Grammar to:
  - i. concerns raised about inappropriate conduct; or
  - ii. complaints about child sexual abuse
- c. where the concerns raised or complaints made related to the behaviour of teaching and non-teaching staff of Geelong Grammar towards students.
- d. The past and current practices, policies and procedures in place at Geelong Grammar in relation to raising and responding to concerns and complaints about child sexual abuse.
- e. Any related matters.



# Executive Summary

## Geelong Grammar School

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This case study examined the way in which Geelong Grammar School in Victoria responded to allegations of child sexual abuse made by former students.

Geelong Grammar School is a prestigious coeducational school. It is Australia's largest coeducational boarding school, catering for approximately 1,500 students from preschool to year 12.

The school operates across four campuses. The main campus at Corio in Geelong, which has boarding facilities, comprises the middle school and senior school. The other campuses are:

- Timbertop at Mansfield, which has full-time boarding
- Bostock House in the Geelong suburb of Newtown, which caters for day students
- Toorak campus (formerly Glamorgan) in the Melbourne suburb of Toorak, which caters for day students.

At the times with which this case study was concerned, a campus at Highton, which housed boarders, also existed. The Highton campus was located about 15 kilometres from the main Geelong Grammar campus at Corio. Highton closed in about 1997.

During the period examined in the public hearing, there were four principals of Geelong Grammar:<sup>1</sup>

- Mr John Elliot Lewis – 1980 to 1994
- Mr Lister Hannah – 1995 to 1999
- Mr Nicholas Sampson – 2001 to July 2004
- Mr Stephen Meek – October 2004 to the present day.

## The experiences of former students of Geelong Grammar

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We received evidence from 13 former students who gave evidence that they were abused by staff at the school during the period from 1956 to 1989. The mothers of two former students also gave evidence.

Some of the students reported their abuse to the school, while others came forward to the Royal Commission after the announcement of this public hearing. Each student gave evidence about the sexual abuse they suffered at the school and many gave evidence about the devastating impact of the abuse.

## Disclosures of abuse

The Royal Commission heard evidence that two survivor witnesses and their mothers reported the sexual abuse at the time it was occurring. These survivor witnesses said that no action was taken by Geelong Grammar and the perpetrators remained at the school.

## Reasons for not disclosing abuse

Some survivor witnesses did not report sexual abuse at the time it was occurring because they did not think they would be believed or did not know to whom they could report. There was a culture at Geelong Grammar that was authoritarian, disciplined and 'devoid of pastoral care'.

Other survivor witnesses did not report being sexually abused because they felt they would be ostracised or bullied if they did so.

## Criminal convictions against staff employed by Geelong Grammar

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Five members of staff have been convicted of child sex offences against Geelong Grammar students. They are:

- Graham Leslie Dennis
- John Hamilton Buckley
- John Fitzroy Clive Harvey (known as Jonathan Harvey)
- Philippe Trutmann
- Stefan Van Vuuren.

### Graham Leslie Dennis

Dennis was a teacher at Geelong Grammar who resided at Bostock House during the 1950s.<sup>2</sup>

Dennis was charged in 2008 and ultimately convicted of two counts of gross indecency with a male Geelong Grammar student and two counts of indecent assault on a male Geelong Grammar student in the late 1950s. He was sentenced to a term of imprisonment.

## John Hamilton Buckley

Buckley was a resident housemaster at Geelong Grammar during the 1980s.

Buckley pleaded guilty to five charges of indecent assault upon a male person and three charges of gross indecency, one charge of sexual penetration with a person aged between 10 and 16 and one charge of possession of child pornography. The charges related to offences that took place between 1980 and 1983, when he was housemaster of a boarding house at Glamorgan. He was sentenced on 11 September 2015 to a total term of imprisonment of seven years and six months. He is required to serve four years and nine months before being eligible for parole.

## Jonathan Harvey

Harvey was employed as a mathematics teacher at Geelong Grammar from 1969 to the end of 2004. He was also the housemaster of Allen House – a day boarding house for boys and girls in years 10 to 12 – from 1976 to 1991. At the end of 2004, after complaints were made against him, Harvey agreed to retire, receiving a full extra year's payout for 2005.

In 2007, Harvey pleaded guilty to 10 counts of gross indecency committed against a Geelong Grammar student, BLF, between 1976 and 1978.<sup>3</sup> He was sentenced in December 2007 to a total of two years and eight months jail, of which 10 months were to be served immediately and 22 months were suspended.

## Philippe Trutmann

Trutmann was a former student of Geelong Grammar, who was later employed by the school as a live-in boarding house assistant at the Highton campus boarding house between 1985 and 1996.

In April 2005, Trutmann pleaded guilty to 19 counts of gross indecency, 22 counts of indecent acts with a child under the age of 16 and one charge of possessing 485 images and 159 videos of pornography involving children. In total, he was convicted of offences against 40 students at Geelong Grammar between 1985 and 1995. He was sentenced to six and a half years imprisonment. In 2011, Trutmann was charged with indecently assaulting Geelong Grammar student BIW. He pleaded guilty and was sentenced to 12 months imprisonment, which was wholly suspended.

## Stefan Van Vuuren

Van Vuuren was employed as a teacher at Geelong Grammar in 2007. On 30 October 2007, he took pictures up the skirts of female students while on a field trip. He admitted the allegations to the school and subsequently pleaded guilty to charges. He was convicted in April 2008. He received a community-based order for nine months.

## What Geelong Grammar knew about complaints of child sexual abuse

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### BIM

The Royal Commission heard evidence from four former students – BKO, BKV, BKQ and BIR – who said that they had been sexually assaulted by BIM. BIM was a teacher at the Corio campus between 1970 and 1973.

There were rumours at Geelong Grammar that BIM was moved from the Corio campus to the Glamorgan campus after 1973 because of a classroom incident where BIM dropped his pants while teaching biology at Corio. BIM was dismissed from the school in about 1974.

Mr Ivan Sutherland was the head of the Glamorgan campus in 1980. Mr Sutherland believed BIM had been dismissed in 1974 as a result of allegations of misconduct that were probably sexual in nature. Despite this knowledge, Mr Sutherland permitted BIM access to students at Glamorgan in 1980, either as an emergency relief teacher or in some other capacity. Mr Sutherland allowed BIM to take students from Glamorgan on activities away from the school. There was evidence that BIM sexually abused boys to whom he had access while at Glamorgan in 1980.

In 1997, BIR, a student at the Glamorgan campus in 1980, approached Geelong Grammar and reported that he was sexually abused by BIM in 1980. Ms Phillipa Beeson was head of Glamorgan in 1997. She investigated BIR's allegation in consultation with the then principal, Mr Hannah.

By August 1997, the school had information that:

- BIM had access to students in 1980
- he may have been employed as an emergency teacher at Glamorgan at that time
- he was or may have been in jail for paedophilia.

The school did not disclose this information to BIR.

BIR made a claim for compensation from the school which settled for a sum of \$32,000. At no stage did the school reveal information about BIM's employment history with the school in the 1970s or BIM's employment with the school at the time of BIR's abuse. We are satisfied that BIR would have benefited from this knowledge of BIM and, in not disclosing the information to BIR, the school preferred its financial interests to BIR's interests.

## Jonathan Harvey

In 1982, BKM and his mother, BIA, approached Mr Lewis and told him that Harvey had tried to have sex with BKM. BKM and BIA said that Mr Lewis cautioned them to be sure of their facts before taking the matter further because previously, at another school, a teacher accused of sexual abuse had died by suicide. Mr Lewis spoke to Harvey about the complaint but did not take any further action. According to Mr Lewis' statement, Harvey immediately apologised in person to BIA and BKM. Harvey remained employed at the school. Mr Lewis did not report BKM's allegation to the police or notify the school council. We are satisfied that Mr Lewis should have reported the matter to the school council.

In 1985, BKZ, a student at Geelong Grammar, travelled with Harvey on a private trip to the United Kingdom. BKZ was under Harvey's care during the trip. Sometime after 1986, BKZ's father approached Mr Lewis and told him that during the trip BKZ had been 'subjected to abuse', which Mr Lewis understood to be 'sexual abuse'. Mr Lewis did not believe he was entitled to investigate the matter: the father had said he wanted to keep the matter confidential, so he felt bound by the father's wishes. Mr Lewis did not raise the matter with Harvey or take any other action, including reporting the matter to the police. Mr Lewis did not consider suggesting that BKZ see a professional to help him deal with the sexual abuse he alleged he had suffered.

In 1991, senior staff members raised concerns about Harvey with Mr Lewis. Their concerns included Harvey's relationships with pupils. No official caution was given to Harvey by Mr Lewis or anyone else. Mr Lewis did not investigate these concerns. We are satisfied that Mr Lewis should have done so, particularly due to the knowledge he had about the complaints made against Harvey by BKM in 1982 and BKZ's father sometime after 1986. Harvey continued to occupy a position where he had unsupervised access to students.

By 1991, Mr Lewis knew about:

- the allegation by BKM that Harvey 'tried to have sex' with him
- the allegation by BKZ's father that BKZ had been subjected to sexual abuse by Harvey
- visits by students to Harvey's residence
- Mr Twigg's concerns that BKZ, a man over the age of 18 and studying elsewhere, was living with Harvey in his residence on campus
- Harvey giving alcohol to students.

Despite this knowledge, Mr Lewis allowed Harvey to remain in a position where he had unsupervised access to students. Mr Lewis did not take any steps to prepare policies or procedures to protect the safety and welfare of the students at Geelong Grammar.

In 2004, the then principal of Geelong Grammar, Mr Sampson, received a complaint from BLW (a member of staff) that Harvey had sexually abused BLW's brother, BLF, between 1976 and 1978. BLW said that his brother did not want his identity revealed when Harvey was confronted<sup>4</sup> and he also said that his brother wanted Harvey out of the school.<sup>5</sup> After receiving the complaint, Mr Sampson conducted an investigation and spoke to a number of other staff members about Harvey. He arranged a meeting with Harvey and, at that meeting, told Harvey that it would be best that he left the school. Mr Sampson accepted that his investigation was 'fairly cursory, and that it could far better have been done by somebody with more time and more independence, but I felt it was incumbent on me to put the allegation straight to [Harvey]'

After the meeting, Harvey agreed to retire at the end of 2004. Harvey remained at the school for the remainder of 2004 and then retired. He was paid a full year's salary for 2005. Mr Sampson did not inform the police about the allegations and he did not make any report to the Victorian Institute of Teaching. We accept that Mr Sampson attempted to act in the best interests of BLF by securing Harvey's resignation without disclosing his identity. It is clear, however, that he should have notified the Victorian Institute of Teaching.

Mr Sampson told the deputy principal, Mr John Gilson, about the allegations against Harvey. Mr Sampson also told the chair of the finance committee, Mr Jeremy Kirkwood, of the circumstances of Harvey's departure. Mr Kirkwood said that Mr Sampson told him that he had informed the chair of the school council.

Mr Sampson did not record in writing the real reasons for Harvey's departure from Geelong Grammar. We are satisfied that Mr Sampson should have made a documentary record of those reasons. No document was produced to the Royal Commission which recorded the true reasons for Harvey's departure from the school.

Mr Sampson gave evidence that he would now approach a similar situation very differently. He emphasised the importance of using an external party to investigate allegations of child sexual abuse. We accept Mr Sampson's evidence about both of these matters.

## Philippe Trutmann

In 1989, BIW made a complaint to his mother, BLX, that he was sexually assaulted in the Highton boarding house by an unidentified member of staff. BLX phoned the matron, Ms Kate Parsons. Ms Parsons then informed Mr Paul Claridge, the deputy master of Highton, of the incident. Mr Claridge informed Mr Robert Bugg, master of Highton, and telephoned Mr Lewis.

After BLX made the complaint, a meeting was held between, BIW, Mr Bugg, Ms Parsons and Mr Claridge. Mr Bugg had no recollection of this meeting. We accept the evidence of Mr Claridge, Ms Parsons and BIW that Mr Bugg was at the meeting.

During that meeting, BIW said that he had been sexually abused and that the perpetrator was probably a member of staff. At that meeting, Mr Bugg and Mr Claridge told BIW to keep the matter to himself. BIW was later asked to leave the school after he was overheard discussing the sexual assault with two other students.

No member of staff notified the police of the allegation of sexual abuse that BIW had made. Neither Mr Lewis nor Mr Bugg notified the police or took steps to ensure that any person under their supervision notified the police. We are satisfied that there was no investigation of the allegation. Mr Lewis should have ensured that the allegation was investigated.

We are satisfied that the school council was not notified of this allegation. We accept Mr Lewis' evidence that it was a failure by him not to notify the school council.

We are satisfied Mr Bugg was involved in BIW's dismissal from the school in response to BIW discussing the sexual assault with two other students. Mr Bugg must have believed that the likely perpetrator was probably a staff member. In removing BIW from the school and not investigating the complaint, Mr Bugg failed to protect BIW's interests and the interests of other students at Highton.

Trutmann has convictions for sexually abusing a number of students between this incident and when he left the school in 1996.

### Mr Andrew MacCulloch

Mr Andrew MacCulloch was a teacher at Geelong Grammar from 1985 until his death by suicide in 1991.

Mr Lewis was the principal when Mr MacCulloch taught at the school. Mr Lewis agreed that he had some concerns about Mr MacCulloch's behaviour during Mr MacCulloch's first year at the school in 1985. At some time during 1986, Mr Lewis became aware that a student at Geelong Grammar had become concerned about Mr MacCulloch's behaviour towards him.

In 1987, Mr MacCulloch was transferred to Clyde House, which was a house for senior girls.

In 1990, Mr Lewis became aware of concerns about Mr MacCulloch's relationships with a number of boys. In 1990 or 1991, the father of a student reported to Mr Lewis that his son had been 'disturbed' by the interest Mr MacCulloch took in him. There was another similar occasion where Mr MacCulloch showed 'excessive interest' in another boy. Mr Lewis said he spoke to Mr MacCulloch 'on several occasions about this tendency'.

On 3 September 1991, Mr Lewis wrote to Mr MacCulloch and asked him not to single out another boy. On 5 September 1991, Mr Lewis received a written complaint from the boy's mother, who said she was considering removing him from the school. Mr Lewis determined that Mr MacCulloch could stay at the school if he received counselling or some professional help. Mr Lewis believed that Mr MacCulloch was receiving help. Mr Lewis took no further action against Mr MacCulloch and did not notify the police. In November 1991, Mr Lewis discovered that Mr MacCulloch had not obtained any professional help and dismissed him. Mr MacCulloch took his own life shortly thereafter.

## BIJ

When Mr Sampson was principal, he conducted an investigation of a teacher, BIJ, who was employed at the Timbertop campus in the early 2000s. After BIJ had been appointed as a teacher, the school received notification from a family overseas that BIJ had abused a child from that family in another country. Mr Sampson involved the school's lawyers, consulted the head of the Timbertop campus where BIJ was teaching and put in place a formal process to investigate the allegations. Although BIJ denied the allegations, he ultimately resigned from his position at the school.

Appropriately, Mr Sampson reported the matter to the Victorian Institute of Teaching in about 2003 and also to the Registered Schools Board. The Registered Schools Board was established in 1982 under the *Education Act 1958 (Vic)*. Its primary functions are to register non-government schools and also to monitor ongoing compliance of schools with the Education Act.

## Stefan Van Vuuren

Van Vuuren was employed as a teacher at Geelong Grammar in 2007. On 30 October 2007, he took pictures up the skirts of female students while on a field trip.<sup>6</sup>

The then principal, Mr Meek, reported the allegations against Van Vuuren to the police.<sup>7</sup> Van Vuuren was suspended on full pay and the school held a disciplinary hearing.<sup>8</sup> During the disciplinary hearing, Van Vuuren made admissions and was dismissed on the spot.<sup>9</sup>

Mr Meek then notified the Victorian Institute of Teaching.<sup>10</sup> The Victorian Institute of Teaching held a hearing and then made a declaration that Van Vuuren could no longer be a registered teacher. Van Vuuren was subsequently charged and convicted of relevant offences in April 2008.<sup>11</sup> He received a community-based order for nine months.



## Geelong Grammar School's systems, policies and procedures

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### Policies and procedures before 1994

Before 1994, the school had no formal systems, policies and procedures in place dealing specifically with child sexual abuse or designed to prevent child abuse. There were no specific systems, policies or procedures for taking disciplinary action against a staff member for child sexual abuse. Mr Lewis said that any arrangements for staff training on matters concerning child safety were of a general nature and were not exclusively or specifically addressed to child sexual abuse.

In 1994, the school issued a seven-step policy relating to mandatory reporting of child abuse.

### Current policies and procedures

Since becoming principal in October 2004, Mr Meek and the school have implemented new policies and procedures and updated existing policies and procedures aimed at ensuring the safety of children at the school.

In 2015, Geelong Grammar updated its Pastoral Policies. It now includes detailed sections on the obligation to disclose sexual offences committed against a child, the mandatory reporting policy, guidelines for response to a claim of sexual assault and the initial response of staff to a student reporting or alleging sexual assault.

Although policies are in place, there is no system to either monitor the success of the policies or capture how often teachers are reporting allegations in accordance with the policies and procedures.

### System of employment

There was limited evidence available to the Royal Commission about the practice of pre-employment screening of staff before the 2000s. Mr Meek said that since 2007 all non-teaching staff must have a Working with Children Check. No employment contracts will be issued until two reference check forms have been completed. All teaching staff employed at the school must have Victorian Institute of Teaching registration, which automatically includes a National Police Check.

# 1 History and Governance of Geelong Grammar School

This case study examined the way in which Geelong Grammar School in Victoria responded to allegations of child sexual abuse of former students.

Geelong Grammar School is a prestigious independent coeducational school. It is Australia's largest coeducational boarding school, catering for approximately 1,500 students from preschool to year 12. This includes over 900 boarders from year 5 to year 12. At the time of the public hearing, the school had more than 350 staff members, 181 of whom were teaching staff.

The school operates across four campuses. The main campus is at Corio in Geelong, where the middle school and senior school are located. There is a campus at Timbertop, Mansfield, for full-time boarding; Bostock House in the Geelong suburb of Newtown; and the Toorak campus (formerly Glamorgan) in the Melbourne suburb of Toorak.

At the times with which this case study is concerned, a campus at Highton, which housed boarders, also existed. The Highton campus was located about 15 kilometres from the main Geelong Grammar campus at Corio. Highton closed in 1997.

## 1.1 Establishment and history

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The school was first established in 1855 as an Anglican school in Geelong. Apart from a short period during which it was closed, it has operated continuously since then.

In 1970, for the first time and as a trial, girls attended sixth form classes at the Corio campus. By 1972, Geelong Grammar was coeducational, with 33 girls in fifth and sixth forms.

On 3 January 1973, Geelong Church of England Grammar School was incorporated under the *Companies Act 1961* (Vic) as a company limited by guarantee. It changed its name to Geelong Grammar School on 2 August 1988<sup>12</sup> and is now an Australian public company limited by guarantee.<sup>13</sup>

## 1.2 Governance

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### Principals

During the times with which this case study is concerned, four principals served as heads of the school:

- Mr John Elliot Lewis was the headmaster/principal from 1980 until 1994 (his title changed from headmaster to principal in about 1990). Before his appointment as headmaster of Geelong Grammar, Mr Lewis taught at Eton College in the United Kingdom. After leaving Geelong Grammar in 1994, he was appointed headmaster of Eton College.<sup>14</sup>

- Mr Lister Hannah succeeded Mr Lewis as principal on 1 January 1995.<sup>15</sup> He served as principal until 31 December 1999.<sup>16</sup> Mr Hannah was a former student of Geelong Grammar.<sup>17</sup>
- Mr Nicholas Sampson succeeded Mr Hannah in January 2001 and remained principal until July 2004.<sup>18</sup> He first became a teacher in 1984 in the United Kingdom.<sup>19</sup> After he left Geelong Grammar, Mr Sampson returned to the United Kingdom and was appointed head of a school in Wiltshire. He returned to Australia in 2012 to take up a post as headmaster of Cranbrook School in Sydney – a position he held at the time of the public hearing.<sup>20</sup>
- Mr Stephen Meek is the current principal of Geelong Grammar. He was appointed principal of Geelong Grammar on 1 October 2004<sup>21</sup> and held this position at the time of the public hearing. Before Geelong Grammar, Mr Meek taught at a London day school from 1978 to 1985. He then took up a post in Dorset, teaching history. In 1995, he was appointed headmaster of Hurstpierpoint College in Sussex, and he remained there until he took up his post as principal of Geelong Grammar.<sup>22</sup>

We heard evidence from Mr Lewis that running a four-campus school presented a ‘considerable challenge’.<sup>23</sup> Each campus of Geelong Grammar had a head who was responsible for the management of that campus. The heads of each campus reported to the principal of Geelong Grammar. Mr Lewis spent most of his time at the main school at Corio.<sup>24</sup>

Mr Hannah, who was principal after Mr Lewis, said that, during his time, the four campuses operated ‘fairly autonomously’,<sup>25</sup> although he said that during his time as principal ‘we made a very determined effort to create much more of a cohesive sense of one school, and that involved as much pastoral policies as co-ordination of other matters’.<sup>26</sup>

## The school council

The school council is the governing body of Geelong Grammar.<sup>27</sup> It is responsible for the strategic direction of Geelong Grammar, the management of the business and affairs of the school and the custody and control of the funds and property of Geelong Grammar.<sup>28</sup> The current Constitution was adopted in 2006.

There were no documents produced to the Royal Commission in which the responsibilities of the principal to report to the school council were set out.

Mr Lewis said that the ‘lines of authority’ at the four campuses during his tenure ended with him<sup>29</sup> and that he was accountable to the school council.<sup>30</sup>

Mr Lewis was asked about reporting allegations of child sexual abuse to the school council. Mr Lewis stated that he did not report various complaints of child sexual abuse to the school council and that he regretted that he did not do so.<sup>31</sup>

Mr Hannah and Mr Sampson gave evidence that they brought serious matters to the attention of the school council, but there were no specific protocols or policies about this. For example, Mr Hannah said that the chairman of the school council was aware of allegations when they were made against John Hamilton Buckley in 1995 but that ‘these concerns had not been brought to council’.<sup>32</sup> Mr Hannah also spoke to school council members about BIR’s claim of sexual abuse by teacher BIM, which he approached the school about in 1996.<sup>33</sup> Mr Sampson said that he spoke to someone from the council<sup>34</sup> in 2004 about the decision to pay Jonathan Harvey out for a year of work after he retired.

Mr Jeremy Kirkwood, the chair of the school council during the period with which this case study is concerned, gave evidence about the current governance structure. He said that it should be a mandatory obligation on the part of the principal to inform the school council about an allegation of child sexual abuse.<sup>35</sup> However, when asked whether there is a process of checks and balances to make sure relevant material is not withheld from the school council, he said that currently there is ‘no system, except that council members have a duty to enquire, to do their due diligence and to ask questions of the principal’.<sup>36</sup>

Under the current Constitution, the school council comprises between 10 and 16 members.<sup>37</sup> It must have three members approved by the Archbishop-in-Council of the Anglican Church. Up to 11 members are nominated by the school council and are then eligible for election.<sup>38</sup> Three subcommittees are responsible for administering the various areas of audit, finance and risk and asset management.<sup>39</sup>

Mr Kirkwood gave evidence that the school council meets formally four times a year and as required. Council members also discuss matters via teleconference and Mr Kirkwood communicates with the principal by telephone on other various matters.<sup>40</sup>

The school council is responsible for appointing the principal.<sup>41</sup> Together, the chairman and the principal appoint the commercial director of the school.<sup>42</sup> At the time of the public hearing, the commercial director was Mr Andrew Moore. The commercial director, the principal, the vice-principal and the director of community relations make up the executive team, which meets generally once a week.<sup>43</sup>

Mr Kirkwood said that ‘it is the council that is responsible for appointing the principal and making sure that he, or she, follows the necessary policies and governance of the school’.<sup>44</sup> He also agreed that ‘where there’s any major policy decision to be made, it’s the council who makes those’.<sup>45</sup>

## 1.3 The regulatory system governing non-government schools in Victoria

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### Introduction of mandatory reporting obligations in 1994

Mandatory reporting obligations for teachers and principals in Victoria commenced on 18 July 1994. The obligations were introduced in section 64(1A) and (1C) of the *Children and Young Persons Act 1989* (Vic).<sup>46</sup> They apply to registered teachers (section 64(1C)(d)) and principals of registered schools (section 64(1C)(e)).

The requirement to report in section 64(1A) arises only if:

- the reporter formed a belief on reasonable grounds that a child was in need of protection (section 64(1A))
- relevantly, a child was in need of protection only if the child had or was likely to suffer 'significant harm' as a result of sexual abuse *and* the child's parents had not or were unlikely to protect the child from that harm (section 63(d))
- the reporter formed the belief in the course of his or her employment (section 64(1A)).

The obligation was to report to the 'protective intervener'. Protective interveners were defined to be all members of the police force and the Director-General (*Children and Young Persons Act*, section 64(2)).

## 1.4 The experiences of former students at Geelong Grammar

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### Mr Philip Constable

Mr Philip Constable first attended Geelong Grammar as a boarder in 1956, when he was eight years old.<sup>47</sup>

He gave evidence that between 1956 and 1958 he was sexually abused by Graham Leslie Dennis, who was a resident master at Bostock House.<sup>48</sup> Mr Constable said that Dennis' role at Bostock House included waking the boys up in the morning and putting them to bed at night. He said that Dennis would watch the boys in the showers.<sup>49</sup>

Mr Constable felt that he could never escape from Dennis.<sup>50</sup> Most nights, Mr Constable would have to sneak up the stairs at Bostock House into Dennis' room. Mr Constable said that, while he was in

Dennis' room, Dennis would 'play with his own dick' and with Mr Constable's and tell Mr Constable that he loved him.<sup>51</sup>

In about 1959 or 1960, Mr Constable disclosed the abuse to his parents.<sup>52</sup> Mr Constable never saw Dennis again.<sup>53</sup>

Mr Constable reported his abuse to the police many decades later.<sup>54</sup>

Dennis was convicted of abusing Mr Constable and sentenced to a term of imprisonment.<sup>55</sup>

Mr Constable told the Royal Commission that the abuse he suffered at Geelong Grammar has been 'very consuming and very debilitating'. Mr Constable spoke of the fear he now lives with and his distrust of authority. Mr Constable described his abuse at Geelong Grammar:

I don't know how to convey in words the absolute sense of being unable to escape this hell for three long years. As a little boy, that length of time seemed like an eternity. There was no light. It was like being buried alive.<sup>56</sup>

## BKO

BKO gave evidence at the hearing.<sup>57</sup> In the late 1960s, when he was 10, he was sent to Geelong Grammar to board.<sup>58</sup> He initially boarded at Glamorgan.<sup>59</sup> In 1969, when he was in year 6, BKO attended a school camp, which he said was attended by one of the boarding housemasters, BIM.<sup>60</sup> BKO said that BIM had started to be friendly towards him in the days before the camp.<sup>61</sup>

The students at the camp slept in an open dormitory that housed about 20 boys. On one morning, BKO said that he awoke to find himself in the dormitory alone with BIM, who was lying in a bed close by. BKO stated that BIM started talking to BKO and then lifted his blanket to show his underpants. BKO thinks that BIM had an erection. BKO stated that BIM invited him into his bed, but BKO felt uncomfortable and left the dormitory.<sup>62</sup>

BKO did not report this incident with BIM.<sup>63</sup> He found Glamorgan to be a strict, authoritarian<sup>64</sup> and regimented place<sup>65</sup> and did not think that there was anyone or anywhere to make such a report.<sup>66</sup>

When BKO was in year 7, he attended the middle school at Corio as a boarder.<sup>67</sup> Reverend John Davison (deceased) was an Anglican minister at Corio and taught classes in a building that was separate from the main buildings at the school.<sup>68</sup> BKO recalls that Reverend Davison had developed an interest in hypnosis. He invited a number of boys back to his classroom, where he attempted to hypnotise them.<sup>69</sup> On one occasion, BKO said that Reverend Davison had a number of boys lay down in a darkened room. As Reverend Davison moved around the room, he placed his hands on BKO's genitals and said, 'push against me'. BKO gave evidence that Reverend Davison then unzipped BKO's fly and fondled his genitals.<sup>70</sup>

BKO attended the Timbertop campus in 1973. He described it as being 'out in the bush with the 14 boys in your unit and you live closely with those boys throughout the year.'<sup>71</sup> He felt confined at Timbertop, which he described as being a remote and isolated environment.<sup>72</sup> While he was at Timbertop, BKO remembered that one of the boys suggested writing a letter to a newspaper, exposing the school. When the teachers found out, one of them told BKO that he would be thrown out of the school if he wrote that letter.

BKO told the Royal Commission that he feels lucky and that 'I was able to escape these awful situations, but what I didn't escape was the way that the school dealt with it'. BKO said that he does not show emotion and attributes this to his experiences at Timbertop. BKO said that some of his most emotional memories from the time relate to the abuse, which evokes 'in me a hopelessness and an outrage with what was said and done'.<sup>73</sup>

## BKV

In his statement to the Royal Commission, BKV said that he first attended Glamorgan in his primary years and in 1971 started as a boarder at the senior school at the Corio campus.<sup>74</sup> As a new boy, he was placed in Fraser House.<sup>75</sup> One of the teachers responsible for the new boys was BIM, who had a room in Fraser House and was responsible for supervising the boys.<sup>76</sup>

Early one morning in 1971, BKV said that BIM entered BKV's dormitory and directed BKV to follow him, which he did. BIM climbed into a bed and directed BKV to get into bed with him. BKV gave evidence that, when he got into bed, BIM lay down behind him and started to touch BKV's penis. BKV tried not to get an erection but eventually did while BIM continued to touch his penis. After a while, BIM stopped and BKV went back to his dormitory.<sup>77</sup>

BKV did not disclose the abuse while he was at the school. He did not feel comfortable talking about things like that and did not know who he could have gone to see.<sup>78</sup> He was not sure he would be believed. He also assumed that the complaint would not be anonymous and that there would be consequences for him.<sup>79</sup> BKV gave evidence of the impact of the abuse by BIM. Before the abuse, BKV said he had been a very good student at Glamorgan. While at Geelong Grammar, BKV could not recall achieving anything notable. BKV does not feel comfortable talking about the abuse, which has put pressure on his relationships. BKV gave evidence that he continues to 'suffer feelings of guilt for being a victim of abuse and failing to recognise or stop it then'.<sup>80</sup>

## BKQ

BKQ started his schooling as a boarder at Geelong Grammar in 1968, when he was 11 years old and in year 7.<sup>81</sup> Throughout his schooling years, he said that he was sexually abused by BIM.<sup>82</sup> Not long after BKQ arrived at the school, he recalled BIM holding his hand and telling him that he was there

to look after him. He said that BIM was responsible for getting the boys ready for bed at night and he would walk around checking that everything was okay.<sup>83</sup>

BKQ gave evidence that he was first abused by BIM in 1968. BKQ said that BIM came into the dormitory and took BKQ into his room, having told him that 'I'm going to teach you about sex'. The next thing BKQ remembered was that BIM was lying on his back with his pants pulled down and BKQ was kneeling next to him. BKQ stated that BIM had a pencil in his hand, pointing to the head of his erect penis. BKQ gave evidence that BIM said to him, 'put it on your mouth, lick it, go on try it'. BKQ closed his eyes and did as he was told.<sup>84</sup> After that night, BKQ would always go to bed facing the wall because he felt safer. He said that he could not bear to see BIM.<sup>85</sup> BKQ also remembered that BIM would take the boys into the showers and just stand there and watch them.<sup>86</sup>

BKQ stated he was again sexually abused by BIM in 1969. BKQ said that BIM took him to the last row of bench seats in the chapel and told BKQ to masturbate. BKQ said that he did not know how to do it, so BIM showed him by 'playing with [BKQ's] genitals' and BIM then masturbated himself.<sup>87</sup> Sometime after this incident, BKQ found himself in a dimly lit room which was underground in the main middle school building. BKQ said that he could not remember how he got there, but he remembers BIM showing him how to masturbate in this room.<sup>88</sup> Another time, BKQ said that BIM told BKQ to go to that same room and he had to masturbate in front of another boy.<sup>89</sup>

During 1972 and 1973, BKQ gave evidence that he was again sexually abused by BIM. At that time he was in senior school. There were a couple of times that he found himself in unusual areas, including in a storeroom with another boy. He felt that he was in a trance and under the control of BIM.<sup>90</sup> BKQ gave evidence that, on another occasion, he was lying naked on a table with another boy in the '69' position and they performed oral sex with each other while BIM watched and told BKQ what to do. BKQ stated that this occurred more than once.<sup>91</sup> BKQ also recalled that, during his two senior years, there were other times and places within the school grounds where he was involved in some form of masturbation.<sup>92</sup>

BKQ did not disclose the abuse while he was at school. BKQ did not think anyone would believe him and that he would be ostracised if he spoke out.<sup>93</sup> He described Geelong Grammar as having a culture of 'discipline and old school traditions' and that the school's reputation was paramount.<sup>94</sup>

BKQ spoke to police in 2008 but did not proceed with a complaint because he thought it would be too difficult for him and his parents.<sup>95</sup>

BKQ gave evidence of the impact of the abuse on his life, comparing it to 'receiving a 47 year sentence which started when I was 11 years old'. BKQ gave evidence that the abuse he suffered was a direct cause of not receiving the education he deserved at Geelong Grammar. BKQ gave evidence that, after leaving school, he had difficulty forming relationships with women and he continues to feel unsafe around adult men.<sup>96</sup>



## BIR

BIR was a student at Glamorgan from 1976 until 1982.<sup>97</sup> While he was at Glamorgan he was sexually assaulted by BIM. The sexual assault occurred in 1980, when BIR was nine years old.<sup>98</sup>

BIR did not report the abuse at the time but told his parents about it when he was 26 years old. In 1997, he also reported the abuse to Geelong Grammar School. BIR gave evidence about his dealings with the school after he made that report, and we discuss that evidence below.

BIR told the Royal Commission of the psychological effects of both the abuse and the school's response to the abuse. BIR said that it had been devastating for him and his family. BIR spoke of the years it has taken to understand the ways he had 'internalised the shame and guilt associated' with the abuse and the effect it has had on him.<sup>99</sup>

## BKM

BKM began his schooling at Geelong Grammar as a day boy in 1970.<sup>100</sup> His mother, BIA, worked at Geelong Grammar. He left Geelong Grammar to attend a local school in 1972 but then returned in 1979, when he was 13 years old.<sup>101</sup> He was placed in Allen House. The housemaster of Allen House at that time was Jonathan Harvey.<sup>102</sup>

BKM was a prefect in 1982. This required him to attend early morning meetings. He also played rugby and, because of rugby training, he would often finish school very late during the week.<sup>103</sup> In around autumn of 1982, Harvey approached BKM and told him that he was not permitted to sleep overnight in his study room. Harvey invited him to stay in his spare room in his house on campus. BKM accepted his offer.<sup>104</sup>

When he stayed at Harvey's house, BKM found that the spare bed was in fact in Harvey's bedroom and not in a spare room. BKM stated that Harvey came into the room and began to talk inappropriately. BKM pretended to be asleep. Harvey slept in the same room but in his own bed.<sup>105</sup> About a week later, BKM stayed again in Harvey's house. This time the beds had been pushed together. BKM gave evidence that, when Harvey came to bed, he started touching BKM on his upper body and asked him if he would like a massage. BKM refused, but Harvey massaged him anyway.<sup>106</sup>

On the third or fourth stay at Harvey's house, BKM stated that Harvey touched BKM's genitals. He did this several times. BKM initially froze but then told him to stop and pushed him away. After that incident, BKM did not stay at his house again.<sup>107</sup>

BKM disclosed the abuse to his mother, BIA,<sup>108</sup> who reported it to Mr Lewis, the principal of Geelong Grammar.<sup>109</sup> We discuss the evidence in relation to that disclosure below.

BKM told the Royal Commission that in 2007 he made an appointment with Mr Meek to discuss his abuse. BKM told Mr Meek that he had been abused by Harvey and that he and his mother reported this abuse to Mr Lewis. BKM said that Mr Meek apologised to him and encouraged him to seek legal advice in relation to compensation. BKM said that Mr Meek assured him that the processes at Geelong Grammar were very different today. BKM stated that 'overall, I found my dealings with Stephen Meek to be very positive'.<sup>110</sup>

BKM said that he believed the abuse limited his opportunities in many ways. After the abuse, BKM found it difficult to concentrate in class and he failed his final exams. BKM developed a cynical attitude to institutions and still does not trust them.<sup>111</sup>

## BIA

BIA is BKM's mother. She commenced working at Geelong Grammar sometime in 1972<sup>112</sup> until she retired in 1985.<sup>113</sup>

When BKM was in year 12, in 1982, he told BIA that Harvey 'had been touching him and making him feel uncomfortable ... he started rubbing his leg and going up his leg and touching him in a sexual way'.<sup>114</sup> BIA said that she reported what BKM had told her to Mr Lewis. BIA gave evidence about her experiences with Mr Lewis, and we discuss that evidence below.

BIA told the Royal Commission that 'I carry a burden that I should have done more at the time and made more noise about the situation'.<sup>115</sup>

## BIZ

BIZ gave evidence that he was a full-time boarder at the Highton campus in the 1980s from year 5 to year 8.<sup>116</sup> When he first started at Geelong Grammar he was in a shared room, but by the beginning of 1985 he had his own room.<sup>117</sup>

BIZ gave evidence that during 1985 and 1986 he was sexually abused by a live-in boarding house assistant, Philippe Trutmann. BIZ said that the first time he was sexually abused he woke up to find Trutmann kneeling on the floor next to his bed and fondling him through the fly-front of his pyjama pants. BIZ pretended to be asleep. He stated that he could feel something sharp. He thought that his penis was being squeezed and Trutmann's other hand was in his lap and that Trutmann may have been masturbating.<sup>118</sup>

BIZ gave evidence that he was abused in the same way on a number of occasions.<sup>119</sup> After the second or third time, BIZ went to tell the matron, Ms Jenny Davis, that Trutmann had been coming into his room and playing with him in his bed. She said, 'he must have been looking for the cat'. After she dismissed BIZ, he never tried to tell anyone again.<sup>120</sup> BIZ said that he rigged up a warning

system which would alert him if someone came into his room. The system had the effect of stopping the abuse for a period of time, but despite this the abuse later continued.<sup>121</sup> The last time Trutmann attempted to abuse him, Trutmann tried to roll BIZ onto his back, but BIZ resisted by holding onto the leg of his bed. After that, Trutmann did not return to BIZ's room.<sup>122</sup>

In 2005, BIZ read an article about someone coming forward about Trutmann, so he contacted the police.<sup>123</sup>

BIZ gave evidence of the psychological and behavioural problems he has had since leaving Geelong Grammar. BIZ has had suicidal periods since the abuse. At the time of the hearing, BIZ was unemployed and had been unable to get a job for many years. BIZ gave evidence of the distrust he has in others and his strong dislike of people in authority.<sup>124</sup>

## Mr Luke Benson

Mr Luke Benson gave evidence that he started at the Highton campus as a boarder in 1988, when he was in year 7.<sup>125</sup> He enjoyed his time at Geelong Grammar and formed close bonds with a number of people at the Highton campus.<sup>126</sup> He had a good relationship with Trutmann and saw him as a father figure. He recalled Trutmann was intimate with him and gave him back rubs. He said he had no recollection of being sexually abused by Trutmann.<sup>127</sup>

In 2005, Mr Benson was called to the police station at Prahran. Police told Mr Benson that Trutmann had admitted to sexually abusing him approximately 30 or 40 times over a two-year period. Mr Benson had no recollection of the abuse. He said that this news changed his life and he considered that day to be the worst day of his life.<sup>128</sup> Mr Benson waited for Geelong Grammar to respond and take responsibility, but it did not reach out to help him, even after Trutmann was convicted.<sup>129</sup>

Mr Benson told the Royal Commission that, other than a victim impact statement, he has never been heard. Mr Benson said that 'whatever the legacy of this historic Royal Commission, no one will be able to take away the fact that I have been heard and believed'.<sup>130</sup>

## BIY

BIY gave evidence that he began his schooling as a boarder at the Highton campus in 1991, when he was 10 years old.<sup>131</sup> BIY found that life in the boarding house took some getting used to and there was a culture of bullying at the school.<sup>132</sup>

BIY recalled Trutmann living in the boarding house for the entire time that he was there. Trutmann would help the students get ready for their day and help with homework. On weekends Trutmann would participate in a lot of the things that the students would do.<sup>133</sup>

BIY's earliest memory of Trutmann was from his first night at the school. He recalled being in his shared room with another student, BKE, and was told that he had to 'have one of Trutty's back scratches'.<sup>134</sup> Over the latter half of the first year and into the second year, BIY became very close to Trutmann. They would talk and Trutmann would help him out when he was homesick.<sup>135</sup>

In 1992 BIY was in grade 7 and had his own room.<sup>136</sup> BIY gave evidence that sometime in the middle of 1992 he woke up in the night and found Trutmann sitting on his bed with the lights off and the door shut. BIY said that Trutmann was in his pyjamas. BIY could feel Trutmann's erect penis in his hand. BIY did not move and pretended to be asleep.<sup>137</sup> A few weeks later the same thing happened. BIY said that this time he pretended to be asleep and rolled over and within 30 seconds Trutmann had left his room. This happened about three times in 1992.<sup>138</sup> After 1992, BIY was placed in shared accommodation and was not abused by Trutmann again.<sup>139</sup>

BIY did not disclose the abuse while he was at the school. He did not want to be bullied or teased about it and did not want to get Trutmann into trouble and ruin the relationship he had with Trutmann.<sup>140</sup>

In 2004 or 2005, BIY gave a statement to police against Trutmann.<sup>141</sup>

BIY told the Royal Commission that he became involved in a civil claim against Geelong Grammar in around 2006. BIY gave evidence that Geelong Grammar offered him an appropriate settlement amount and he received an apology from lawyers on behalf of the school. BIY said that the school never tried to contact him about the abuse.<sup>142</sup>

BIY gave evidence about the impacts the abuse has had on his life. BIY gave evidence that a 'big part of my defence mechanism has been to stay as far removed from this as possible'. While BIY has spoken about his experience extensively with his family, he has not seen a counsellor.<sup>143</sup>

## BIW

BIW gave evidence at the hearing. In 1989, he started as a boarder at the Highton campus of Geelong Grammar. He was 14.<sup>144</sup> When he came to Highton, the housemaster was Mr Anthony Inkster and Trutmann was the live-in boarding house assistant.<sup>145</sup> He said that he had been at the school for only two weeks when he woke up one night because he felt a hand under his blankets touching his genitals and trying to masturbate him. BIW stated that he could clearly see a hand rubbing his penis and his testicles and he could feel this hand rubbing all over his genital area. The person doing this to him was breathing next to him and he knew it was a male.<sup>146</sup>

BIW said that he lay there scared and pretended to be asleep. Then he started stretching as though he was waking up and he hoped that this would make the person stop. Eventually, BIW turned his back to the person and the person then pulled his hand away. BIW then turned and saw an adult male in the doorway but could not see who it was.<sup>147</sup>

The next day, BIW called his mother and told her what had happened. He begged her not to tell anyone. His mother told Ms Kate Parsons, a matron at Highton.<sup>148</sup> BIW described a meeting he attended with the master, Mr Robert Bugg, at his residence together with the deputy master, Mr Paul Claridge, and Ms Parsons.<sup>149</sup> BIW told them that the perpetrator could have been Mr Inkster.<sup>150</sup> BIW also told them that another student had told him that the same thing had happened to him.<sup>151</sup> After the meeting, BIW said that Mr Bugg and Mr Claridge told him not to tell anybody else about what he had said.<sup>152</sup>

On the following day, BIW described how he was in the cafeteria with two students and they were talking about who they had seen in the hallway the night BIW had been sexually abused.<sup>153</sup> BIW gave evidence that Mr Claridge walked towards him and then ‘exploded’.<sup>154</sup> He grabbed BIW by the back of the collar, lifted him out of his seat and dragged him into the office. BIW said that he was made to sit in a private office until his mother collected him. He gave evidence that Mr Claridge told him that he had broken their agreement and that he was in serious trouble.<sup>155</sup> His mother collected him and BIW was removed from the school.<sup>156</sup>

BIW reported the abuse to police in 2010.<sup>157</sup>

BIW spoke about the impact of the sexual abuse upon him, particularly the guilt he has felt knowing that he was expelled for reporting to the school and that his abuse was never reported to the police. BIW said that he felt guilt that other children were abused because no-one would listen to him. BIW had great difficulty throughout his schooling years, as he hated male authority. BIW said that for a long time he suffered depression, self-harm and suicidal thoughts.<sup>158</sup>

## BLX

BLX is BIW’s mother. She described receiving a phone call from BIW in which he told her that someone had entered his room in the night and fondled him.<sup>159</sup> She remembered that she travelled to Geelong Grammar the next day and attended a meeting with Mr Bugg, Mr Claridge, Ms Parsons and BIW.<sup>160</sup> Her evidence and BIW’s subsequent removal are described later in this report.

## Dr Robert Llewellyn-Jones

Dr Robert Llewellyn-Jones gave evidence that when he was 15 he was sexually abused by the school chaplain, Reverend Davison.<sup>161</sup> Reverend Davison had befriended Dr Llewellyn-Jones during regular evening meetings with him in his study. Reverend Davison became increasingly friendly. Over time, a trusting relationship formed.<sup>162</sup>

Dr Llewellyn-Jones described how, in 1971, he met with Reverend Davison alone in his study.<sup>163</sup> He stated that Reverend Davison locked the study door and, after offering him tea and biscuits, told Dr Llewellyn-Jones that he would find it easier if he relaxed.<sup>164</sup> He drew a watch from his trouser

pocket and started to swing it at eye level.<sup>165</sup> Dr Llewellyn-Jones gave evidence that Reverend Davison then encouraged Dr Llewellyn-Jones to tell him everything about his sexual life, how often he masturbated and whether he was sexually attracted to other boys. Reverend Davison told him that he would teach him about sex and that he would do it with him.<sup>166</sup> Dr Llewellyn-Jones stated that, when Reverend Davison put his hand on Dr Llewellyn-Jones' upper thigh, he yelled for him to stop and bolted for the door, which was locked.<sup>167</sup> Dr Llewellyn-Jones said that after a brief exchange, during which Reverend Davison told Dr Llewellyn-Jones that no-one would believe him if he said anything, he unlocked the door and Dr Llewellyn-Jones left the room.<sup>168</sup>

Dr Llewellyn-Jones gave evidence that on numerous occasions he witnessed several of his peers being indecently assaulted by another student.<sup>169</sup> Dr Llewellyn-Jones described being 'traumatised by the sexual abuse that [he] had witnessed and by repeated physical and psychological abuse'.<sup>170</sup>

Dr Llewellyn-Jones did not disclose the abuse while he was a student at Geelong Grammar. He gave evidence that he did not think he would be believed and also there was a 'code of silence' in the school's culture.<sup>171</sup> He said he felt strongly discouraged from reporting the abuse.<sup>172</sup>

Dr Llewellyn-Jones told the Royal Commission of the short-term and long-term impacts the abuse has had on his life. Dr Llewellyn-Jones gave evidence that at the time of the abuse he 'experienced shame, helplessness and powerlessness'.<sup>173</sup> Dr Llewellyn-Jones said that coming to terms with the abuse he suffered has been a 'substantial personal challenge'.<sup>174</sup> Dr Llewellyn-Jones gave evidence that, paradoxically, he has managed to use his experiences of abuse to become a better doctor.<sup>175</sup>

## BKL

BKL gave evidence during the hearing. She first attended Geelong Grammar in 1975 as part of a trial group of girls who attended Geelong Grammar. She was placed at Bostock House.<sup>176</sup> There, she played a number of musical instruments and wanted to learn to play the flute. She said that Mr Max Guzelian (deceased) told her that she should learn to play the clarinet instead.<sup>177</sup>

BKL gave evidence that she started music lessons with Mr Guzelian on the clarinet.<sup>178</sup> She said that she did not remember exactly when the abuse started but described what happened as follows:

Initially, he would lean towards me, while on his chair and fondle my legs. When that happened, I froze and I also couldn't speak. This continued and eventually, although I don't know exactly when, he would insert his finger into my vagina. I would still freeze but continue playing because I didn't know what else to do.<sup>179</sup>

BKL also described how Mr Guzelian would pull her out of class on the pretext that the band or orchestra needed another player and that he also abused her on those occasions.<sup>180</sup>

BKL said that the abuse continued for three years, until she was about 13 years old.<sup>181</sup>

BKL also gave evidence that when she was in year 12 at Geelong Grammar in 1980 she was repeatedly sexually abused by another teacher at the school. She said that this teacher would come and find her playing the piano when he was drunk. She stated that he would first ask her questions about her day. He would then start to play with her vagina and then put his fingers in her vagina. She said that she had to lie on her back and he placed his knee on her chest. She said that he would also 'put his cock in [her] mouth' and hold her arms down so that she could not move.<sup>182</sup> She stated that she tried putting on weight in the hope that he would no longer want to abuse her.<sup>183</sup> She said that the abuse stopped only when she left the school at the end of year 12.<sup>184</sup>

BKL did not report the abuse by this other teacher while she was a student at Geelong Grammar.

BKL told the Royal Commission that 'I felt that as a result of the abuse, everything was taken away from me, including all love'. BKL has struggled with intimacy and has not had children, not wanting a child to experience what she did. BKL believes that she was forced into teaching and stopped from becoming a very successful musician and writer.<sup>185</sup>

## BKU

BKU gave evidence that he started school at Glamorgan when he was five years old.<sup>186</sup> He remained there until 1963, when he was in year 6.<sup>187</sup> After Glamorgan, he boarded at Corio between 1964 and 1966.<sup>188</sup> During his time at junior school, he was bullied by other students. He gave evidence that both the teachers and older students were permitted to discipline younger students.<sup>189</sup>

BKU said that when he was in year 7 he was sexually abused by John Hamilton Buckley, who he said was then a junior house resident master.<sup>190</sup> Buckley taught BKU art and some sport.<sup>191</sup> In the second term of year 7, BKU attended a drama performance and had body paint over his body. BKU gave evidence that Buckley took BKU to his study, where he insisted that BKU remove all of his clothes and underwear so that he could remove the body paint. BKU said that, after he did this, Buckley began to stroke and feel his penis.<sup>192</sup>

BKU also told the Royal Commission that Buckley used watch the students in the boarding house have showers.<sup>193</sup>

When BKU was 14, he attended the Timbertop campus.<sup>194</sup> He gave evidence that while he was there he was sexually abused on two occasions by a chaplain, Reverend Norman Smith (deceased).<sup>195</sup> According to BKU, the students at Timbertop were required to take turns assisting Reverend Smith for a week in chapel services. When it came to BKU's turn, he was summoned to Reverend Smith's quarters in the evening.<sup>196</sup> BKU said that the first time he was sexually abused by Reverend Smith another much smaller boy was also in the room. He gave evidence that Reverend Smith chased the boys around and then had the boys sit on his lap, and the boys had to fight and push him away.<sup>197</sup>

BKU said that the second time he was abused, some nights later, Reverend Smith dragged BKU onto his lap and thrust his erect penis into his buttocks. BKU said that he fought back by punching and pushing Reverend Smith away and eventually managed to escape.<sup>198</sup>

BKU did not disclose the abuse to the school while he was a student at Geelong Grammar.<sup>199</sup> He gave evidence that this was because the school had a 'punishing culture devoid of pastoral care'.<sup>200</sup> BKU did not report the abuse to the police.<sup>201</sup>

BKU spoke of the impact the sexual abuse had on him. BKU described himself as isolated and a 'huge under-achiever' towards the end of his schooling. BKU has spent 'what seems like a lifetime in counselling' and frequently has had suicidal ideation, especially between 1969 and 1972. BKU has anxiety about groups of men and a distrust and disrespect for authority.<sup>202</sup>

## 1.5 Criminal convictions against Geelong Grammar staff

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The following teachers who were employed by Geelong Grammar have been convicted of child sex offences against Geelong Grammar students:

- Graham Leslie Dennis was charged in 2008 and ultimately convicted of two counts of gross indecency with a male Geelong Grammar student and two counts of indecent assault of a male Geelong Grammar student in the late 1950s. He was sentenced to a term of imprisonment.
- John Hamilton Buckley pleaded guilty to five charges of indecent assault upon a male person and three charges of gross indecency, one charge of sexual penetration with a person aged between 10 and 16 and one charge of possession of child pornography. The charges related to offences that took place between 1980 and 1983, when he was housemaster of a boarding house at Glamorgan. He was sentenced on 11 September 2015 to a total term of imprisonment of seven years and six months. He is required to serve four years and nine months before being eligible for parole.<sup>203</sup>
- John Fitzroy Clive (Jonathan) Harvey pleaded guilty in 2007 to 10 counts of gross indecency committed against a student from Geelong Grammar, BLF, between 1976 and 1978. He was sentenced in December 2007 to a total of two years and eight months jail, of which 10 months were to be served immediately and 22 months were suspended.<sup>204</sup>
- Philippe Trutmann was convicted in April 2005 after pleading guilty to 19 counts of gross indecency, 22 counts of indecent acts with a child under the age of 16 and one charge of possessing 485 images and 159 videos of pornography involving children. In total, he was convicted of offences against 40 students at Geelong Grammar between 1985 and 1995. He was sentenced to six and a half years imprisonment. In 2011 Trutmann was charged with indecently assaulting BIW. He pleaded guilty and was sentenced to 12 months imprisonment, which was wholly suspended.



- Stefan Van Vuuren pleaded guilty to charges relating to an incident on 30 October 2007 when he took pictures up the skirts of female students while on a field trip. He was convicted in April 2008. He received a community-based order for nine months.

## 2 Geelong Grammar's Response to Allegations of Sexual Abuse

### 2.1 BIM

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BIM attended Geelong Grammar as a student and was taught by Mr Ivan Sutherland when Mr Sutherland was a teacher at Glamorgan.<sup>205</sup> In the late 1960s, BIM trained to become a teacher and after that he returned to Geelong Grammar as a resident tutor at Fraser House. Mr Sutherland was the housemaster of Fraser House at the time.<sup>206</sup>

After Fraser House closed at the end of 1971,<sup>207</sup> Mr Sutherland became housemaster of Barrabool House and remained in that position until 1979.<sup>208</sup> By 1972 or 1973, BIM was employed as a resident tutor at Barrabool House.<sup>209</sup> Mr Sutherland gave evidence of a close personal relationship with BIM.<sup>210</sup>

The Royal Commission heard evidence from four former students – BKO, BKV, BKQ and BIR – who said that they had been sexually assaulted by BIM while they were students at Geelong Grammar. They gave evidence that the abuse took place between 1968 and 1980.

The students did not disclose the abuse to the school while they were students. BIM has not been charged with offences against BKO, BKV, BKQ and BIR.

#### BIM's employment

Although it is not entirely clear from the evidence when BIM was first employed as a teacher at Geelong Grammar, it is clear that, at least by 1972 or 1973, he was employed as a resident tutor at Barrabool House.<sup>211</sup> Barrabool House was located at the Corio campus.

Sometime in the early 1970s, the then headmaster of Geelong Grammar, Mr Thomas Garnett, made a decision to move BIM from the Corio campus to Glamorgan (located in Toorak).<sup>212</sup> Mr Sutherland, who was housemaster of Barrabool House at the time,<sup>213</sup> gave evidence that he could not recall why BIM was moved from the Corio campus to Glamorgan but said that there were rumours about a classroom incident<sup>214</sup> where BIM dropped his pants while he was teaching biology.<sup>215</sup>

BIM later returned to Corio but, according to Mr Sutherland, he 'disappeared suddenly sometime after he came back to Corio'.<sup>216</sup> Mr Sutherland said that he understood that, when Mr Charles Fisher succeeded Mr Garnett as headmaster in 1974,<sup>217</sup> Mr Fisher made the decision to 'sack' BIM.<sup>218</sup> He said that he thought Mr Fisher may have read more files relating to BIM and found out that there were there other allegations against BIM of a sexual nature.<sup>219</sup>

In 1979, Mr Sutherland was appointed as the head of Glamorgan,<sup>220</sup> but he did not take up that position until second term in 1980. He remained in that position until he retired in 1993.<sup>221</sup>

BIR gave evidence that in 1980 BIM was a teacher at Glamorgan.<sup>222</sup> He said that he had contacted his year 4 teacher, Mr Gary Peters, who had confirmed that BIM was teaching at Glamorgan in 1980.<sup>223</sup> BIR said that he was sexually assaulted by BIM during a school activity while he was at Glamorgan in 1980.<sup>224</sup>

Geelong Grammar investigated BIR's allegations after BIR made a complaint in 1997. Notes of that investigation record that, in about 1997, two long-serving members of staff recalled BIM subsequently returning to the school at the Glamorgan campus as an 'emergency teacher' in 1980.<sup>225</sup>

As we have noted, Mr Sutherland was head of Glamorgan in 1980. Mr Sutherland denied appointing BIM as an emergency teacher at Glamorgan.<sup>226</sup> However, he was aware that BIM took some students from Glamorgan on an activity away from the school in that year.<sup>227</sup> To the extent that BIM had access to students at Glamorgan in 1980, Mr Sutherland's position was that he did not gain that access by virtue of being employed as a teacher at the school.

In the absence of contemporaneous notes about the circumstances of BIM's employment at Geelong Grammar ceasing in 1974, including when and why he left the school, we cannot reach a conclusion about whether Mr Fisher terminated BIM's employment after he read 'files' containing other allegations about BIM.

We are satisfied that BIM returned to Glamorgan in 1980 in some capacity and had access to students at Glamorgan. We are satisfied that Mr Sutherland knew this and he knew that BIM took students from Glamorgan on activities away from the school. We are also satisfied that, at the time BIM took the students on those activities, Mr Sutherland believed BIM had been dismissed in 1974 as a result of allegations of misconduct against him that were probably sexual in nature.

## BIR reports his abuse to the school

BIR gave evidence that in about April 1997, when he was 26 years old, he first told his parents that he had been sexually assaulted by BIM during a school activity. He told his parents that the assault took place in 1980, when he was nine years old. He had never before told anyone about the sexual assault.<sup>228</sup>

In May 1997, BIR attended a meeting between the then principal of Glamorgan, Ms Phillipa Beeson, and probably his parents and his support person.<sup>229</sup> BIR stated that his impression was that 'Ms Beeson struggled to respond to our complaint, but did tell my parents and I that she did not have the authority to discuss this matter any further'.<sup>230</sup>

Eventually, BIR's father contacted Mr Hannah, who was then the principal of Geelong Grammar, and met with him. According to BIR, Mr Hannah told his father that 'BIM was not employed by the

school in 1980, and that subsequently, the School held no responsibility'.<sup>231</sup> Mr Hannah did not recall meeting with BIR's father.<sup>232</sup>

It is unnecessary to resolve whether the meeting between Mr Hannah and BIR's father took place. It is clear that the sequence of events set out below involved discussions between BIR and Mr Hannah directly and, later, between BIR's lawyers and the school's lawyers and not BIR's father.

In about May 1997, Ms Beeson carried out some investigations to obtain more information about BIM. As head of Glamorgan, she reported to the principal, Mr Hannah.<sup>233</sup> She kept Mr Hannah informed of the results of her investigations.

Mr Hannah confirmed that, by about May 1997, he and Ms Beeson were 'digging into BIM. We were trying to find out just what the details were about him, where he was, where he had been'.<sup>234</sup> On 26 May 1997, Mr Hannah recorded a discussion he had with Ms Beeson about BIM:

Ivan ... we don't know where he is ... where is he now – probably in jail why?  
For paedophilia ...<sup>235</sup>

Over the course of the investigation, Ms Beeson and Mr Hannah received information that at the time BIM was employed at the school:

- staff thought that BIM was 'dodgy'<sup>236</sup>
- Mr Fisher had fired BIM for inappropriate conduct<sup>237</sup>
- two long-serving members of staff recalled BIM subsequently returning to the school at the Glamorgan campus as an emergency teacher in 1980.<sup>238</sup>

On 7 August 1997, Ms Beeson wrote a fax to a lawyer, Mr Jamie Fisher, which recorded the following:

In 1980 Mim, Davo's wife remembers him teaching Grade 2 for a period of time, Davo believes that he was there as an Emergency Teacher. He thinks that he probably would have taken children [redacted] during his time there as this was his way. He has spent some time in jail, Davo believes 6 to 8 years on a paedophilia charge ...<sup>239</sup>

Ms Beeson agreed that the note established that she received information in August 1997 from 'Davo' (Mr Davidson – a teacher at Glamorgan who was at the school in 1980), his wife and Mr Sutherland that BIM had spent time in jail on a paedophilia charge.<sup>240</sup>

Mr Hannah said that it would have been 'unlikely' that Ms Beeson did not mention to him the information contained in the fax, which included the information relating to BIM being jailed on paedophilia charges.<sup>241</sup> Mr Hannah said at 'some point' he came to understand that BIM had spent time in jail on a paedophilia charge.<sup>242</sup> He said it was 'possible' that he knew this information by

15 August 1997.<sup>243</sup> We are satisfied that Mr Hannah was told of the information in the 7 August 1997 facsimile by Ms Beeson.

On 15 August 1997, Ms Beeson, Mr Hannah, BIR and a friend of BIR's had a meeting. Mr Hannah took notes of the meeting.<sup>244</sup> During the meeting, Mr Hannah did not tell BIR that Mr Davidson and his wife had disclosed that BIM had been employed as a teacher in the second half of 1980.<sup>245</sup> Mr Hannah's notes recorded that the school told BIR the following:

Started with us indicating no records ... working in any capacity at Glamorgan in 1980, however, anecdotally, although not specific or clear one recall ... thought she could remember him around at that time ...<sup>246</sup>

Mr Hannah explained that the meeting on 15 August 1997 was a 'preliminary meeting'<sup>247</sup> and that he had received legal advice that there was to be 'limited disclosure, particularly until we had a better idea of the clients, or the claimant's claims'.<sup>248</sup> During the meeting on 15 August 1997, neither Mr Hannah nor Ms Beeson informed BIR of the information they had about BIM, apart from the information referred to in the notes that Mr Hannah made of the meeting. Mr Hannah did not recall revealing to BIR any information he had about BIM being a convicted paedophile<sup>249</sup> or information that BIM had been fired in or around 1974.<sup>250</sup> Ms Beeson's evidence was that she thought that perhaps BIR had a right to know about the information the school had about BIM but that it was not her place to provide it.<sup>251</sup>

During this meeting, the school acknowledged that BIM had taught at Glamorgan in 1980 but, because the assault had not occurred on school property, the school could not take responsibility for it.<sup>252</sup>

BIR ultimately made a claim for compensation from the school. There was a series of negotiations between the school and BIR's lawyers.<sup>253</sup> Those negotiations culminated in a settlement of BIR's claim in the sum of \$32,000.<sup>254</sup>

At no stage during the negotiations or during the period in which the school was dealing with BIR did the school reveal the information it had about BIM's employment as a teacher with the school at the time of the abuse of BIR or about BIM's earlier employment history in the 1970s.<sup>255</sup> Mr Hannah gave evidence that he did not think that disclosing the information about BIM to BIR was 'appropriate in that particular setting at that particular time'.<sup>256</sup> He said that he was following legal advice generally.<sup>257</sup>

In reaching a financial settlement with BIR, the school's lawyers required BIR to keep the alleged incident confidential. Mr Hannah explained that this was 'risk management from the school' because if BIR disclosed the allegations it might harm the reputation of the school. There was also the possibility that other students or former students who had been abused by BIM would come forward and make claims.<sup>258</sup>

BIR described Geelong Grammar's attitude towards him as 'very distressing'.<sup>259</sup> He said he believed that if the school had been honest with him it would have helped him to heal from the 'serious emotional and psychological damage caused by BIM whilst under the School's care'.<sup>260</sup> He said that he resented the confidentiality clause in the settlement deed which precluded him from discussing the assault and the school's response to it both in private and in public.<sup>261</sup> He felt that the school was only concerned with defending its reputation and had no intention of acting compassionately towards him.<sup>262</sup> He also felt that the school minimised the seriousness of the assault.<sup>263</sup>

We are satisfied that, by 15 August 1997, the school had information that BIM may be or had been in jail for paedophilia.

We are also satisfied that BIR would have benefited from the school disclosing to him what it knew about BIM and that, in not disclosing the information to BIR at any time, including during the negotiations with BIR to resolve his claim, the school preferred its financial interests to BIR's interests.

## 2.2 Jonathan Harvey

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Harvey was employed as a mathematics teacher at Geelong Grammar from 1969<sup>264</sup> to the end of 2004. From 1976 to 1991, he was also the housemaster of Allen House – a day boarding house for boys and girls in years 10 to 12.<sup>265</sup> While he was the housemaster, he lived on the Corio campus in a house near Allen House.<sup>266</sup>

Harvey gave evidence that, up until about 1982, he was permitted to have students stay at his residence overnight from time to time.<sup>267</sup> After 1991, Harvey resided away from the main campus of Geelong Grammar.

BKM gave evidence that he was sexually abused by Harvey at Geelong Grammar. There was also evidence before the Royal Commission that a former student, BKZ, had been sexually abused by Harvey.

In 2007, Harvey pleaded guilty to 10 counts of gross indecency committed against a Geelong Grammar student, BLF, between 1976 and 1978. He was sentenced in December 2007 to a total of two years and eight months imprisonment, of which 10 months were to be served immediately and 22 months were suspended.<sup>268</sup>

### Mr Lewis' response to allegations of sexual assault

Mr Lewis gave the following evidence about the way in which he generally dealt with a sexual assault on a student:

If an allegation could be proved beyond reasonable doubt, it has the potential of course to move into an area of criminal procedure. Unfortunately, some doubts arose which meant that it was very rare for an instance to fall, in my judgment, into that area.<sup>269</sup>

He said that this reflected the standards that applied to the question of reporting allegations of sexual abuse during his time at Geelong Grammar – that is, he would not report a matter unless he was satisfied beyond reasonable doubt that the allegations were true.<sup>270</sup>

He also said that this was ‘probably the minimum standard that [you] applied in dealing with the whole range of diverse disciplinary matters that might end up before you’.<sup>271</sup>

Mr Lewis also said this about reporting matters to the police:

I don’t think it was necessarily my business to report allegations to police until one had made every attempt that you could to establish the truth or otherwise of the allegation.<sup>272</sup>

He said, ‘[I had] allowed myself to form the understanding that police themselves in that period were very reluctant to allow themselves to be involved in matters where it was merely a word against another’.<sup>273</sup>

Mr Lewis did not make clear the basis on which he decided that this was an appropriate position.

The evidence of Mr Claridge, the deputy master of Highton campus in 1989, about his attitude to notifying the police of allegations of sexual assault was different from Mr Lewis’ attitude to that matter. Mr Claridge notified Mr Lewis and his immediate superior, Mr Bugg, of the credible allegations of sexual assault of Highton student BIW. Mr Claridge’s position was that, having notified Mr Lewis and Mr Bugg, he ‘trusted the organisation to do what it had to do, and supposed that they were doing that, and that they would make the judgment and go to the police if appropriate’.<sup>274</sup> Mr Claridge felt ‘constrained’ about doing more to notify the authorities by the hierarchical structure of the school, but he said that, putting that constraint to one side, ‘there should be nothing stopping a responsible person from going to the authorities’.<sup>275</sup> The effect of Mr Claridge’s evidence is that he considered that the responsible course of action was for the authorities to be notified of credible allegations of sexual assault on a student.

### BIA reports BKM’s abuse to Mr Lewis

After BKM disclosed the abuse by Harvey to his mother, BIA, in 1982, she made an appointment to see Mr Lewis.<sup>276</sup>

BIA worked at Geelong Grammar until she retired in 1985. She said that in 1982 BKM told her that Harvey had been touching him and making him feel uncomfortable. She said that he had told her that Harvey had been rubbing his leg and going up his leg and touching him in a sexual way.<sup>277</sup>

BIA said that she had two meetings with Mr Lewis: one at the school and a later one at her home. At the first meeting, where BKM was also present,<sup>278</sup> BIA said that she told Mr Lewis that Harvey had made sexual advances towards BKM.<sup>279</sup> BKM said that he told Mr Lewis that he stayed with Harvey at his residence on several occasions and that, on all but one of those occasions, Harvey had tried to have sex with him.<sup>280</sup>

Both BKM and BIA gave evidence that Mr Lewis cautioned them to be sure of their facts before taking this matter further because another teacher had been accused of sexual abuse at another school and had died by suicide.<sup>281</sup> Mr Lewis accepted that it was likely that he told BKM that he should be sure of his allegations and had to be discreet about the matter until he had a chance to deal with it.<sup>282</sup>

Mr Lewis' account in his statement was that BKM's complaint 'involved an unwanted attempt to massage a rugby injury to BKM's thigh'.<sup>283</sup> However, when Mr Lewis was asked whether he had a recollection of BKM describing Harvey trying to have sex with him, he said that 'it would surprise me, but that's not something I could speak precisely about'.<sup>284</sup> Later he said that 'it's possible, but I do not remember the exact things that BKM alleged to me'.<sup>285</sup>

BIA said that, a couple of weeks later, Mr Lewis visited her home<sup>286</sup> and told her again that she needed to be absolutely sure of her facts. Mr Lewis agreed that he went to BIA's home to speak with her about the allegations.<sup>287</sup> According to Mr Lewis, the second meeting took place after he had discussed the matter with Harvey.<sup>288</sup>

Harvey continued to be employed at the school as a teacher until the end of 2004.

Counsel Assisting submitted that the evidence of BKM and BIA about what was said during the meeting with Mr Lewis should be preferred over Mr Lewis' evidence. Counsel Assisting submitted that BKM had made a contemporaneous complaint to his mother, BIA, about Harvey and the details of the complaint are consistent with what BKM said that he told Mr Lewis. BKM's account was corroborated by his mother, who had a clear recollection.<sup>289</sup>

Counsel for Mr Lewis submitted that there were differences between the accounts of BKM and his mother as to the detail of the report of Harvey's conduct and that Counsel Assisting misstated the evidence when he asserted that BIA and BKM both gave evidence that BKM told Mr Lewis that Harvey tried to have sex with him.<sup>290</sup> Counsel for Mr Lewis submitted that, although BKM and BIA should be accepted as honest witnesses because they were giving evidence of historical events, the reliability of their evidence has been compromised and therefore the evidence of what BKM told BIA and Mr Lewis is uncertain.<sup>291</sup>

Counsel for Harvey also submitted that, if we prefer the evidence of BKM to that of Harvey (who denied the events took place as described by BKM), this would effectively result in a finding of criminal conduct.<sup>292</sup>



We reject the submissions of Mr Lewis. We are satisfied that Counsel Assisting has not misstated the evidence.

We are satisfied that the differences between the accounts of BKM and BIA in relation to what was first said to Mr Lewis are immaterial and that BKM and BIA told Mr Lewis at the first meeting that Harvey had ‘tried to have sex’ with BKM. Mr Lewis did not deny the possibility that BKM told him that Harvey tried to have sex with him – the highest his evidence went was that ‘it would surprise him’ if this occurred.<sup>293</sup>

As to Harvey’s submission, the standard of proof applied by the Royal Commission is that set out in *Briginshaw v Briginshaw*. It is not the function of the Royal Commission to make findings of criminal conduct, and our findings set out below cannot be so construed.

In making these findings, we do not make any finding as to whether or not the sexual abuse occurred.

BKM said that, to his knowledge, nothing further was done about his complaint.<sup>294</sup> Mr Lewis said that he spoke to Harvey about the complaint.<sup>295</sup> Harvey said that Mr Lewis had told him that BKM should not stay in his house anymore and that Harvey should apologise to BKM and BIA for making BKM feel uncomfortable.<sup>296</sup> Mr Lewis said that Harvey had told him that ‘his intentions had been misunderstood and misinterpreted’.<sup>297</sup>

Mr Lewis gave evidence that he did not speak to any other teachers about the allegations – he would not have considered it appropriate because ‘you don’t want to idly, loosely, provoke a hornet’s nest until you are much surer of your ground’.<sup>298</sup> Mr Lewis did not investigate the allegations to allow him to become ‘surer of [his] ground’. Mr Lewis said the ‘only formal step [he] took in the first instance’<sup>299</sup> was to tell Harvey that he was not to have students staying over at his house.

Mr Lewis did not report BKM’s allegations to the police.<sup>300</sup> He explained that this would not have been done ‘until some attempt had been made to clarify what happened’.<sup>301</sup> Mr Lewis said that he did not investigate the allegations further because he ‘wouldn’t have seen that as an appropriate priority’.<sup>302</sup> He said he found it unlikely that Harvey had behaved in the way alleged and there had been no complaints to him before this incident.<sup>303</sup>

Mr Lewis did not notify the school council of BKM’s complaint, although he accepted that ‘it was remiss’ of him not to do so.<sup>304</sup> He regretted that he did not report the matter to the school council<sup>305</sup> because the council might have been a source of guidance and advice for him.<sup>306</sup> We are satisfied that Mr Lewis should have reported the matter to the school council.

## BKZ

BKZ was a student at Geelong Grammar in the mid-1980s.<sup>307</sup> He left the school in 1986.<sup>308</sup>

Harvey told the Royal Commission that in 1985 he travelled with BKZ to the United Kingdom on a private trip.<sup>309</sup> BKZ was under Harvey's care during the trip.<sup>310</sup> The precise date of the trip is not clear from the evidence.

Sometime after 1986, Mr Lewis said that BKZ's father informally raised concerns about Harvey during conversations at school cricket matches.<sup>311</sup> Mr Lewis said that the father's concerns arose from BKZ's overseas trip with Harvey in 1985. Mr Lewis said he understood that BKZ had been 'subjected to abuse',<sup>312</sup> by which he meant 'sexual abuse'.<sup>313</sup>

When BKZ's father brought the allegations against Harvey to Mr Lewis' attention during a cricket match sometime after 1986, Mr Lewis said he did not believe that he was 'entitled to investigate'<sup>314</sup> because, although he had no reason to disbelieve the account,<sup>315</sup> Mr Lewis felt 'absolutely bound by'<sup>316</sup> and abided by the father's wishes for confidentiality.<sup>317</sup>

Mr Lewis did not raise the matter with Harvey or take any other action to investigate or deal with the matter.<sup>318</sup> Mr Lewis did not consider suggesting that BKZ see a professional to help him deal with the sexual abuse he alleged he had suffered.<sup>319</sup> We are satisfied that Mr Lewis should have recommended to BKZ's father that he take steps to see that his son obtain some counselling about what had happened to him.

Mr Lewis did not report to the police what BKZ's father had told him.<sup>320</sup>

Mr Lewis had been principal since 1980. By the time he received this complaint about Harvey's abuse of BKZ, he had received two credible allegations against Harvey – one from BKM and one from BKZ's father. Mr Lewis explained his position about Harvey as follows:

Well, Mr Harvey had been a house master since 1976; we're now I think a decade later. There had been no complaints raised against Mr Harvey to my knowledge before I arrived as headmaster. The only previous complaint I knew of took place in 1982. I did not take the view that boys in general or pupils in general, were at daily or regular risk of being abused. I do not think, in an institution peopled by human beings, that you can ever conceivably eliminate all possibility of risk.<sup>321</sup>

## Other complaints against Harvey by 1991

In 1991, Harvey was serving his final year as housemaster of Allen House.<sup>322</sup> During this year, a number of concerns were raised about Harvey.

In February 1991, Mr Lewis met with Harvey and then wrote him a letter in which he recorded some of the matters discussed during their meeting.<sup>323</sup> Mr Lewis said that one of the matters discussed was the issue of visits by students to Harvey's residence.<sup>324</sup> The letter also said that 'barriers had arisen' between Harvey and his colleagues. When he wrote 'barriers had arisen' in his letter, Mr Lewis said that he was referring to the perception that Harvey was showing favouritism to some students over others<sup>325</sup> and that this was one of the concerns that Mr Lewis had about Harvey.<sup>326</sup> Mr Lewis said that the concerns of other housemasters related to student visits being arranged in an irregular way and that 'this was a problem that could not be allowed to exist when he was living away from the school'.<sup>327</sup>

In mid-June 1991, Mr Albert Twigg, then the deputy principal at Geelong Grammar, wrote a detailed memo about Harvey.<sup>328</sup> In this memo, he raised concerns about BKS, an international student who was over the age of 18 and studying at TAFE. BKS had been living with Harvey in his residence on campus.<sup>329</sup> Mr Twigg recommended that Harvey be dismissed for 'conduct unbecoming' and 'using a known homosexual as a group leader on a school trip without the knowledge or permission of the school'.<sup>330</sup>

Mr Lewis was also aware of concerns about Harvey's relationship with BKS.<sup>331</sup> Mr Lewis wrote to Harvey and had a number of discussions with him about the fact that BKS had been living with Harvey<sup>332</sup> in his residence on campus and that Harvey was in a homosexual relationship with BKS.<sup>333</sup> Mr Lewis said that he asked Harvey whether he had a homosexual relationship with BKS and Harvey responded that he did.<sup>334</sup>

Mr Lewis did not raise with Harvey Mr Twigg's view that his conduct was sufficiently serious to justify dismissal.<sup>335</sup> In his statement, Mr Lewis said that he could not recall what discussions followed after he had received Mr Twigg's memo.<sup>336</sup> The issue in Mr Lewis' mind was that BKS was living on the campus.<sup>337</sup> Shortly after, Harvey made arrangements for BKS to move out of the school accommodation.<sup>338</sup>

Mr Lewis was also concerned about Harvey giving alcohol to students.<sup>339</sup> Harvey said that, in addition to these matters, Mr Lewis also raised with him concerns that staff at the school had about his relationships with students.<sup>340</sup> Mr Lewis recorded these concerns in a handwritten note that included the following:

A real problem for your continuing work in the school ... is that barriers of distrust have grown up between you and a good number of your senior colleagues ... Without wishing to find members in that sort of situation, several house masters ... (not just from the current group) have found themselves in situations where they are torn between the trust which they would like to exhibit in a colleague and their responsibility. Their concern is over relationships with some pupils which they do not believe to be in the best interests of those pupils ...

It is also the case that some of your colleagues believe themselves to have ... information about activities outside the school which they find distressing.<sup>341</sup>

When Mr Lewis was asked whether one of the concerns he was recording was that the 'inappropriateness' might be inappropriateness in the context of a risk that Harvey was sexually abusing students, Mr Lewis said, 'It's possibly an intended subtext for his hearing, or reading, but it's by no means exclusively with that in mind'.<sup>342</sup>

Mr Lewis agreed that what was recorded was his knowledge that some senior members of staff had concerns, which included concerns about Harvey's relationship with some pupils.<sup>343</sup> He also said that it was his intention to 'remind Mr Harvey that his behaviour towards pupils must be something to which he gave very careful consideration'.<sup>344</sup>

When Mr Lewis was asked whether he had spoken to Harvey about the need for him not to sexually abuse students, Mr Lewis responded that 'I do not think that I had cause or reason to say that to him'.<sup>345</sup> He said that his concerns about Harvey were of a general nature relating to students' visits to Harvey and the possibility of consuming alcohol there.<sup>346</sup> However, when asked what other members of staff found 'distressing' about Harvey, Mr Lewis was unable to recall. The best he could say was that 'I know it to have been a raft of matters in which he was obliged to conform'.<sup>347</sup>

Harvey said that no official caution or warning was ever given to him by Mr Lewis or anyone else.<sup>348</sup>

We are satisfied that Mr Lewis did not investigate concerns that senior staff members raised with him about Harvey's relationships with students in 1991 and that he should have done so, particularly in light of the knowledge that Mr Lewis had about the complaints about Harvey by BKM in 1982 and BKZ's father sometime after 1986.

By 1991, Mr Lewis knew about:

- the allegation by BKM that Harvey 'tried to have sex' with him
- the allegation by BKZ's father that BKZ has been subjected to sexual abuse by Harvey
- visits by students to Harvey's residence
- perceptions that Harvey was showing favouritism to some students
- Mr Twigg's concern that BKS, a man over the age of 18 and studying elsewhere, was living with Harvey in his residence on campus
- Harvey giving alcohol to students.

With that knowledge, Mr Lewis permitted Harvey to occupy a position where he had unsupervised access to students.

Mr Lewis did not take any steps to prepare policies or procedures to protect the safety and welfare of the students at Geelong Grammar. He conceded:

[I]t would have been a good thing to have done something in that area, if only to make sure that pupils and their parents understood that it was their proper, necessary right to bring such matters to attention and not to feel embarrassed in a way that might prevent them from doing so.<sup>349</sup>

## Harvey's departure from Geelong Grammar

### **BLW's disclosure to Mr Nicholas Sampson**

From 2001<sup>350</sup> to July 2004, Mr Sampson was the principal of Geelong Grammar. Although Harvey had moved off the main campus at Corio by December 1991, he was still employed as a mathematics teacher at the school in 2004.

Mr Sampson gave evidence that, in the first half of 2004, he received a complaint from BLW (a member of the school staff) that Harvey had sexually abused BLW's brother, BLF, while BLF was a student at the school between 1976 and 1978.<sup>351</sup>

There was a conflict in the evidence about the timing of the complaint. BLW said that the meeting with Mr Sampson occurred in the first week of February 2004.<sup>352</sup> Mr Sampson said that the meeting was in about June 2004.<sup>353</sup> An entry in the minutes of the meeting of the school council held on 17 March 2004 records the following:

A third case is one of historic nature between a member of staff and a number of students in the 1970's. There is no record, no allegation and no individual has come forward on this yet but it is felt that the School should take action to resolve it as quickly and as quietly as possible. Whilst the statute of limitations does protect the School to a degree from financial outcomes, it does nothing to protect the School from a negative reputation outcome. The Principal then articulated the process of dealing with an allegation in the School. Any allegation that is made is immediately put to the member who is entitled to representation and an interview with the Principal. If it is found that there are grounds for the allegation the member is immediately suspended pending a formal resolution of the issue. One complication that does arise is when the member is living on site; this is currently being addressed by the School's Lawyers.<sup>354</sup>

There was no evidence at the public hearing which suggested that the teacher or incident referred to in the minutes was anything other than the complaint about Harvey by BLW.<sup>355</sup> In the circumstances, we find that the entry does record the allegations about Harvey and supports BLW's

recollection as to timing, noting that the minutes record the discussion at the council meeting in March 2004, which was a few weeks after BLW says he made his disclosure to Mr Sampson.

Mr Sampson gave evidence that, when BLW spoke to him, he understood that the nature of the allegation was that Harvey had sexually abused BLF.<sup>356</sup> BLW said to Mr Sampson that BLF did not want his identity revealed when the matter was raised with Harvey.<sup>357</sup>

BLF's wish was for Harvey to be removed from the school.

### **Mr Sampson's investigations of the allegations against Harvey**

After receiving BLW's complaint, Mr Sampson said that he arranged a meeting with Harvey.<sup>358</sup> Before the meeting, Mr Sampson spoke to a number of other staff members about Harvey.<sup>359</sup> He said he looked at Harvey's employment file<sup>360</sup> and he discovered that documents were missing from it.<sup>361</sup>

Mr Sampson gave evidence that another file was brought to him. That file contained a document which recorded a previous complaint against and investigation of Harvey.<sup>362</sup> This complaint was about Harvey's relationship with BKS,<sup>363</sup> who had been living with Harvey in his residence on campus. The document recommended Harvey's dismissal from the school as an available option.<sup>364</sup> Mr Sampson could find no documents which recorded or referred to any complaints or allegations about Harvey that involved students in the past.<sup>365</sup>

Mr Sampson said that he sought advice from the school's lawyers.<sup>366</sup>

Mr Sampson accepted that his investigation was 'fairly cursory and that it could far better have been done by somebody with more time and more independence, but I felt it was incumbent on me to put the allegation straight to [Harvey]'.<sup>367</sup>

### **Mr Sampson's meeting with Harvey**

After his investigation, Mr Sampson arranged to meet with Harvey.<sup>368</sup> This meeting took place sometime in mid-2004.<sup>369</sup>

During the meeting, Mr Sampson said he told Harvey that an allegation had been made 'that [Harvey] had engaged in an improper relationship with, or abused, somebody who was a member of the school'.<sup>370</sup> Harvey said that, while Mr Sampson did not say who had made the allegations, Harvey 'guessed' that it was BLF<sup>371</sup> – the student in respect of whom Harvey was later convicted. Harvey denied the allegations.<sup>372</sup> Harvey also said that at no time during this conversation did Mr Sampson say whether or not the 'misconduct' referred to was 'sexual misconduct'.<sup>373</sup>

Mr Sampson said that he told Harvey that it would be best that he left the school at the earliest point.<sup>374</sup> Harvey recalled that he asked Mr Sampson whether, if he retired, the allegations would not be made formally. Mr Sampson said that he told Harvey that he thought that might be the case.<sup>375</sup> Mr Sampson agreed that this was the message that BLW had given him and that it was likely that he suggested this to Harvey.<sup>376</sup> Mr Sampson's understanding was that BLF's wish was to get Harvey out of the school and for the matter to remain confidential.<sup>377</sup>

Mr Sampson said that he now considers that it is better to call on people outside of the school to investigate a complaint of inappropriate behaviour by a teacher.<sup>378</sup>

Mr Sampson did not inform the police of the allegation against Harvey.<sup>379</sup>

Section 27 of the *Victorian Institute of Teaching Act 2001* as it was in force in 2004 imposed an obligation on an employer of a registered teacher to inform the Victorian Institute of Teaching if 'the employer has taken any action against the registered teacher in response to allegations of serious incompetence of the registered teacher, serious misconduct of the registered teacher or that the registered teacher is unfit to be a teacher or any other actions that may be relevant to the registered teacher's fitness to teach'.

Harvey was a registered teacher in 2004<sup>380</sup> and Geelong Grammar was an employer.

Mr Sampson said that in 2004, when he was dealing with the allegations against Harvey, he did not understand that the obligation in section 27 applied to where a teacher resigned in response to allegations of misconduct. In retrospect, Mr Sampson thought that it should have applied in those circumstances.<sup>381</sup>

Mr Sampson said that he did not make any report to the Victorian Institute of Teaching<sup>382</sup> and that he should have done so.<sup>383</sup> Mr Sampson accepted that had he done so, he would have been acting in the best interests of the students.<sup>384</sup> Mr Sampson submitted that, while his actions were 'flawed in its execution, he did attempt to act in the best interests of the students by securing Mr Harvey's resignation'.<sup>385</sup> Mr Sampson also submitted that, even if he had notified the Victorian Institute of Teaching, it was difficult to see what it could have or would have done with a non-specific, unidentified complaint.<sup>386</sup>

We accept that Mr Sampson did attempt to act in the best interests of BLF in securing Harvey's resignation without disclosing BLF's identity. However, it is clear that he should have notified the Victorian Institute of Teaching. It was a matter for the institute to take whatever action it wished. What it may or may not do does not affect the obligation to report.

### Mr Sampson's communications about Harvey's retirement

After Mr Sampson's meeting with Harvey, Harvey agreed to retire at the end of 2004.<sup>387</sup> He wrote a letter to Mr Sampson to that effect on 15 June 2004.<sup>388</sup> Mr Sampson responded to Harvey with two letters on 15 June 2004 as follows:

Dear Jonathan,

Thank you for your letter bearing today's date advising me of your decision to retire at the end of the current academic year. I understand the reasons for your decision and would like to thank you for the outstanding service you have offered Geelong Grammar School since 1970: you have been a wonderful teacher, an outstanding Housemaster, a fine and thoughtful colleague and a tremendous and committed schoolmaster. It is a little premature, but I would like to wish you a long, healthy and happy retirement.

On a personal note, thank you for your friendship and kindness towards my family. We will keep in touch and look forward to seeing you before too long, whichever the hemisphere!

With warmest wishes,

Yours ever,

Nick<sup>389</sup>

And:

Dear Jonathan,

Further to our discussion this morning, and due to the exceptional service you have offered the school, I am writing to confirm that we will pay out your contract in full, i.e. to the end of 2005, and would ask you to liaise with Andrew Moore over the arrangements.

Yours ever,

Nick<sup>390</sup>

Harvey remained at the school for the remainder of 2004<sup>391</sup> and he then retired with a further year's salary.<sup>392</sup>

Mr Sampson said he was not the only person who knew about the allegations against Harvey. He said he told the deputy principal, Mr John Gilson, about the allegations.<sup>393</sup> He also told the then chair of the finance committee, Mr Kirkwood,<sup>394</sup> of the circumstances of Harvey's departure.



Mr Kirkwood said that Mr Sampson told him that he had informed the chair of the school council.<sup>395</sup> Mr Gilson was not required to give evidence.

Mr Sampson left Geelong Grammar in July 2004. He was asked by Counsel Assisting whether he agreed that, given the way things were left when he left the school, Harvey 'at least had the potential to pose a risk to the Geelong Grammar student and any other students under Harvey's care'.<sup>396</sup> His response was as follows:

Yes, although there had been – this was an historic allegation from decades before; there hadn't at that point been any sense – and we asked ourselves that question a lot – there hadn't been any sense of continuing or recent risk.<sup>397</sup>

Mr Kirkwood said that he thought that for the rest of 2004, while Harvey remained at the school, 'he was only providing strict class time services; he wasn't providing any other extracurricular or other care to students and he was resident off campus'.<sup>398</sup>

Harvey left Geelong Grammar at the end of 2004. He said that he applied for tutoring work in 2005, but his application was rejected.<sup>399</sup>

Mr Sampson could not recall making any written record of the real reasons for Harvey's departure from the school or of the allegations that BLW made to him.<sup>400</sup>

When questioned about his correspondence with Harvey, Mr Sampson agreed that there was no mention of the allegations against Harvey.<sup>401</sup>

Mr Kirkwood understood that the background to the proposed payment was that there had been an allegation of abuse against Harvey.<sup>402</sup> He also assumed that there was substance to the allegation, otherwise:

I would have thought we shouldn't be making any such payment, and it was only because of the rather unusual circumstances, the victim not wanting to be disclosed and limited sort of objective that the victim had that made this the best course of action.<sup>403</sup>

Mr Kirkwood said that he did not know whether or not Mr Sampson had recorded relevant matters about Harvey's retirement. Mr Kirkwood did not raise the matter of record-keeping at the time because he had every reason to believe that a proper record had been made. Mr Kirkwood did not record anything in writing about the real reason for Harvey's departure.<sup>404</sup>

Mr Sampson said that it was his usual practice to make written records.<sup>405</sup> He could not recall whether he made a record of the real reasons for Harvey's departure.<sup>406</sup> Mr Meek gave evidence of the searches for relevant documents which were made. Those searches did not turn up any note made by Mr Sampson recording the real reasons for Harvey's departure.<sup>407</sup> Mr Kirkwood, who is

the current chair of the school council, said that no-one at the school had been able to locate a document which records the allegations made against Harvey.<sup>408</sup>

No document was produced to the Royal Commission which recorded the true reasons for Harvey's departure from the school.

Counsel Assisting submitted that Mr Sampson left a documentary trail about Harvey's departure which had the effect of omitting any reference to the allegations made against him and which were in the form of letters that contained praise for Harvey.<sup>409</sup> Counsel Assisting also submitted that the letters from Mr Sampson to Harvey were misleading in that they omitted details as to the real reasons for Harvey's departure and that, in leaving this documentary trail, Mr Sampson failed to have regard for the interests of the students of any school at which Harvey may teach.<sup>410</sup>

Mr Sampson submitted that the letters he wrote to Harvey were 'intended for no other purpose than his personal consumption'.<sup>411</sup> He also submitted that Mr Gilson and the finance department were copied in and both Mr Kirkwood and Mr Gilson were aware of the underlying circumstances of Harvey's departure; therefore, the letters to Harvey were not misleading and cannot be connected to any failure to have regard to the protection of the interests of the students.<sup>412</sup>

We reject the submission that the letters between Mr Sampson and Harvey were for personal consumption only. The letters were plainly kept amongst the school's formal records in relation to Harvey. They were produced to the Royal Commission by the school, not by Harvey or Mr Sampson. As such, the correspondence had significance beyond an informal private communication between friends or colleagues.

We also reject the submission that the letters were not misleading. No other records were produced which recorded the real reason for Harvey's departure from the school, and no explanation was given as to why such documents were not produced. The evidence was that, despite searches being made, no other documents were found. The documents that do exist do not say anything about the allegations against Harvey.

We are satisfied that Mr Sampson did not make a written record of the real reason that Harvey left the school and that he should have made a documentary record of that reason.

Mr Sampson gave evidence that he would approach a situation such as this very differently now.<sup>413</sup> He emphasised the importance of using a person external to the school to investigate allegations of child sexual abuse.<sup>414</sup> We accept Mr Sampson's evidence about both of these matters.

## 2.3 Philippe Trutmann

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Trutmann was a former student of Geelong Grammar.<sup>415</sup> Between 1985 and 1996, he was a live-in boarding house assistant at the Highton campus boarding house.<sup>416</sup>

The Highton campus had both day students and boarders. The boarding house at Highton housed approximately 50 male and female students between the ages of nine and 14.<sup>417</sup>

The master of Highton between May 1981 and May 1993 was Mr Bugg.<sup>418</sup> Mr Bugg was responsible for the entire Highton campus.<sup>419</sup> Mr Bugg reported directly to Mr Lewis, the then principal of Geelong Grammar.<sup>420</sup> Between 1986 and June 1993, the deputy master of Highton was Mr Claridge.<sup>421</sup>

When describing the structure of the Highton boarding house, Mr Bugg said that it was ‘managed by a Housemaster, a number of teaching staff on rostered duty and a Matron’.<sup>422</sup>

Until the end of second term in 1989, the boarding housemaster at Highton was Mr Chris Noble. Mr Noble was replaced by Mr Inkster.<sup>423</sup> Mr Inkster supervised Trutmann.<sup>424</sup> Ms Parsons was employed as a live-in matron at the boarding house in January 1988.<sup>425</sup>

BIZ, Mr Benson, BIY and BIW all gave evidence that they were sexually abused by Trutmann while they were students at Geelong Grammar and residing in the boarding house at Highton.

Trutmann was convicted in April 2005 after pleading guilty to 19 counts of gross indecency, 22 counts of indecent acts with a child under the age of 16 and one charge of possessing 485 images and 159 videos of pornography involving children. He was convicted of offences against 40 students at Geelong Grammar between 1985 and 1995. He was sentenced to six and a half years imprisonment.

In 2011, Trutmann was charged with indecently assaulting BIW. He pleaded guilty and was sentenced to 12 months imprisonment, which was wholly suspended.

### Trutmann’s role at Geelong Grammar

As a boarding house assistant at Highton, Trutmann lived in the boarding house and performed a number of duties. His position carried a significant amount of responsibility.<sup>426</sup> He would get the boys up in the morning, usher them into the showers and get them off to breakfast. He would help supervise breakfast. He would also sometimes help with ‘prep’ in the evening and he would assist with supervision in the dining room at night. On weekends, he would organise activities and help entertain the children.<sup>427</sup> Trutmann had unsupervised access to students at Highton.<sup>428</sup>

Boarding house assistants reported to the boarding housemasters.<sup>429</sup> It was common for people who were appointed to the position, or other similar positions, to remain in that role for a year – often a student on a gap year between school and university would fill the role, even though they were not employed as a teacher at the school.<sup>430</sup> That Trutmann held the role for such a long time put him in a ‘different category’ from all of the other people who had filled a similar role.<sup>431</sup>

On 6 March 1989, Mr Bugg wrote to Trutmann confirming Trutmann's continued residence in the Highton boarding house and stating that the position was an annual appointment which would be reviewed each October.<sup>432</sup> Mr Inkster said that, from the time he became housemaster of Highton in 1989, he could not recall Mr Bugg or anyone else telling him that Trutmann's employment would be reviewed annually or each October or at any other time.<sup>433</sup> Mr Inkster gave evidence that he did not think that Trutmann was subject to any annual review or performance review.<sup>434</sup>

## BIW's complaint

We have set out above BIW's evidence about the sexual abuse Trutmann perpetrated on him in mid-1989. Trutmann was convicted of indecent assault in relation to BIW.

There was a considerable amount of evidence about the school's response to BIW's complaint and there were many matters of detail which were in contest. However, it is unnecessary for us to resolve most of those differences in matters of detail, as the differences are not relevant to our findings set out below.

It is clear that BIW was sexually assaulted by Trutmann in mid-1989 and that the sexual assault came to the attention initially of Ms Parsons, the matron, and then Mr Claridge,<sup>435</sup> the deputy head of Highton. Mr Claridge gave evidence that, once he became aware of the complaint, he informed both Mr Bugg<sup>436</sup> and Mr Lewis. He told Mr Lewis that BIW had been 'interfered' with or 'molested'.<sup>437</sup>

Mr Bugg has no recollection at all of the incident.<sup>438</sup> Accordingly, he was not in a position to deny the possibility that Mr Claridge informed him of the allegations, as Mr Claridge said in his evidence. We are satisfied that Mr Claridge informed Mr Bugg.

Mr Lewis recalled receiving a telephone call from Mr Claridge and accepted it may have occurred as Mr Claridge said.<sup>439</sup> Mr Lewis said that, at or around the time of speaking to Mr Claridge, he knew, or ought to have known, that the likely perpetrator of the assault against BIW was a member of staff.<sup>440</sup>

There followed a meeting between Mr Bugg, Ms Parsons, BIW and Mr Claridge.<sup>441</sup> Again, Mr Bugg had no recollection of that meeting.<sup>442</sup> We accept the evidence of Mr Claridge, Ms Parsons and BIW that Mr Bugg was at the meeting.

We are also satisfied that at this meeting BIW made an allegation that he had been sexually assaulted. Mr Claridge accepted that at this meeting he knew that the 'assault had almost certainly been perpetrated by a staff member'.<sup>443</sup> He said that the suspects were Mr Inkster and Trutmann.<sup>444</sup>

We are also satisfied that BIW was told at this meeting that he was not to discuss the incident with anyone else. BIW later discussed the sexual assault with two other students and he said that Mr Claridge took him to a private office and his mother was called.<sup>445</sup>

BIW's mother, BLX, said that she was contacted and told that BIW was to be expelled because he had breached the direction not to talk to other students about the incident. BLX said that both Mr Bugg and Mr Claridge told her that her son was to be expelled.<sup>446</sup>

Mr Bugg had no recollection of the incident.<sup>447</sup> Mr Claridge denied that he was involved in BIW's removal from the school.<sup>448</sup>

We accept BLX and BIW's evidence that Mr Bugg informed them that BIW was to leave the school because he had discussed the sexual abuse with two other students. Mr Bugg had no recollection, and BIW and BLX both had a good recollection. Their evidence was broadly consistent.

We make no finding about whether Mr Claridge knew of or was involved in BIW's removal from the school. He denied being involved and, applying the *Briginshaw* principles, we cannot be satisfied he was involved in the decision to remove BIW from the school.

We are satisfied that Mr Bugg was involved in the dismissal of BIW from the school in response to BIW discussing the sexual abuse with two other students. Mr Bugg must have believed that the likely perpetrator was probably a staff member. There was no evidence of any investigation of the allegation. We are satisfied that there was no investigation.

We find that Mr Bugg's conduct in removing BIW from the school and not investigating the complaint involved a failure to protect BIW's interests and the interests of the other students at Highton.

As we have said, Mr Lewis was also told that BIW had been sexually assaulted. Mr Lewis accepted that he must have known that the likely perpetrator of the assault was a staff member. Mr Lewis agreed that 'it was a matter which positively demanded, at the very least, an investigation to be conducted ... at the first instance within the school, to find out whether the allegation was credible'.<sup>449</sup> However, he did not have any clear recollection of what happened next<sup>450</sup> and he said that 'it is on that score that I have regrets about not ensuring that a full and careful follow-up occurred'.<sup>451</sup>

We find that Mr Lewis should have ensured that the allegation was investigated.

During the public hearing, it was put to Mr Lewis that he ought to have notified the police of the assault on BIW. Mr Lewis disagreed with this.<sup>452</sup> When Mr Lewis was asked about what he would have done after Mr Claridge had told him about BIW, Mr Lewis said he would not have contacted the police because he believed that 'It is too soon in a case like that to reach any conclusion'.<sup>453</sup>

Mr Lewis said the following about the police:

I have allowed myself to form the understanding that police themselves in that period were very reluctant to allow themselves to be involved in matters where it was merely a word against another.<sup>454</sup>

He also said that, although he held these views about the police, he had no direct experience of how the police worked except in the case of a post-mortem.<sup>455</sup>

Mr Lewis had no recollection of whether he told the school council about what he had been told had happened to BIW. He accepted that, if he did not tell the school council, it was a failure on his part in that he should have told the school council.<sup>456</sup>

There is no evidence to suggest that the school council was notified. We are satisfied that it was not. Mr Lewis did not take that step on any other occasion on which he received a complaint of sexual abuse, and there is no evidence suggesting he took that step here. We accept Mr Lewis' evidence that it was a failure by him not to notify the school council.

Mr Lewis did not accept that he should have notified the police. He said that he should be judged against the standards of the time.<sup>457</sup> We accept that Mr Lewis should be judged against the standards of the time. However, we do not accept that his attitude towards notifying the police represents those standards. His view of the reluctance of police to be involved in matters where it was the word of one person against another was not to the point. In any event, he had no personal experience of that attitude. When Mr Lewis was asked about his response to complaints about Harvey, his evidence on the topic was difficult to understand. The standard he required before contacting the police was that the allegations had to be proved beyond a reasonable doubt.<sup>458</sup> That standard was wrong and Mr Lewis did not persuade us that his view was reasonably held.

Further, on the issue of 'standards of the time', there is evidence that other senior staff had a different attitude. For example, Mr Claridge thought that this sexual assault on BIW was a matter for the police.

## 2.4 Mr Max Guzelian

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Mr Guzelian was a music teacher at Geelong Grammar between 1978 and 1998.

At the time Mr Guzelian was employed by the school, Mr Malcolm John was head of music, having been appointed to that position in 1975.<sup>459</sup> Mr John left the school in 1998.<sup>460</sup>

Mr Guzelian is now deceased.

### Geelong Grammar's response to allegations against Mr Guzelian

In 1978, BKL was in year 9 at the school. She gave evidence that she reported sexual abuse by Mr Guzelian to her mother.<sup>461</sup> Sometime after making this report to her mother, BKL said that she, her mother and Mr John had a meeting.<sup>462</sup> BKL gave evidence that she thought that Mr John already knew the purpose of the meeting was to 'talk about the school's response to the situation'.<sup>463</sup>

BKL said that she assumed her mother had spoken with Mr John before this meeting but that she had no direct knowledge of any conversation between her mother and Mr John.<sup>464</sup> BKL's mother did not give evidence.

BKL's recollection is that during the meeting:

[Mr John said that] Max Guzelian had lost his job because of my disclosure. He also said that the abuse was also partly my fault. As a result, I was told that I was not permitted to play in the band or any orchestra. I was to be excluded from all concert activities.<sup>465</sup>

BKL said that she never saw Mr Guzelian again at the school.<sup>466</sup> She said that it was only much later, in about 2013, that she found out that Mr Guzelian had remained at the school. BKL said that after the meeting she was prevented from participating in the music program, despite being a talented musician.<sup>467</sup>

Mr John gave evidence denying BKL's account. He said that Mr Guzelian had formally resigned from the school so he could obtain early access to his superannuation and that Mr Guzelian subsequently taught at the school for some time on a part-time basis.<sup>468</sup>

Mr John denied that the meeting with BKL and her mother ever happened. He said that BKL's mother had not raised any complaint with him.<sup>469</sup> He also denied taking any steps to prevent BKL from participating in the music program and said that he could not recall BKL,<sup>470</sup> although he recalled BKL's mother and her older brother. His recollection of BKL's mother extended to the detail that she had donated a piano.<sup>471</sup>

After the public hearing had concluded, Geelong Grammar produced documents which contained records of other complaints by Geelong Grammar students against Mr Guzelian.<sup>472</sup> By letter dated 6 May 2016, through its solicitors, Geelong Grammar explained that these documents had been 'misfiled' and were not located by the school before the public hearing.<sup>473</sup> The complaints in these documents were therefore not able to be explored during the public hearing.

It is unfortunate that these documents were not located earlier. Had they been, they would have allowed us to scrutinise the response to Mr Guzelian's conduct more thoroughly.

The evidence of BKL and Mr John is in direct conflict as to whether BKL disclosed to Mr John the sexual abuse by Mr Guzelian. There is no documentary record which sheds any light on the matter, and no other witness gave evidence to the Royal Commission about what occurred at the meeting or about any relevant events which surrounded it. As we have noted, BKL's mother did not give evidence.

Counsel Assisting submitted that one matter which may be thought to be an indication of a poor recollection by BKL – namely, that she thought Mr Guzelian had been dismissed from the school, whereas he actually remained employed for the remainder of her schooling – is not in truth any

reason to doubt the accuracy of her recollection. This is so because Mr John said in his evidence that Mr Guzelian ceased to work on a full-time basis and thereafter only worked as a part-time teacher. This, along with the fact that BKL ceased her involvement in the music program, could explain why BKL did not see Mr Guzelian on the school grounds for the remainder of her schooling.

Counsel Assisting also submitted that there was an aspect of Mr John's evidence that raises an issue about the accuracy of his recollection. He stated that he had no recollection of BKL at all.<sup>474</sup> This was despite the fact that BKL was the kind of student who, it might be thought, would have stood out to Mr John for several reasons:

- She was one of the first girls to attend Geelong Grammar.
- She was a gifted musician who played multiple instruments.
- Mr John remembered her mother and his recollection extended to the detail that her mother had donated a piano to the school.

One would expect that BKL was the sort of student that the head of a music department would remember. There was no problem in general with Mr John's recollection of other gifted students – he remembered BKL's brother, who was also a gifted musician.

However, the fact that this matter raises some doubt about the reliability of Mr John's recollection must be weighed against Mr John's evidence that he denied ever receiving a complaint from BKL or anyone else that Mr Guzelian had perpetrated sexual abuse.

We accept that BKL honestly believed the evidence she gave about the meeting. However, in light of Mr John's denial and in the absence of any other evidence on this issue, the evidence does not permit us to find that BKL disclosed to Mr John the sexual abuse by Mr Guzelian.

## 2.5 Mr Andrew MacCulloch

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Mr Andrew MacCulloch was a teacher at Geelong Grammar from 1985 until his death by suicide in 1991.

During his time as principal, Mr Lewis said that the first time he had some concerns about the behaviour of Mr MacCulloch was during Mr MacCulloch's first year as a full-time permanent employee at the school in 1985. Mr Lewis' concern at that time was that Mr MacCulloch had a 'tendency to look after a particular boy'.<sup>475</sup>

In 1986, Mr Lewis said he became aware that a relationship had formed between Mr MacCulloch and a student while that student had been at Timbertop the previous year. When the student moved from Timbertop to Corio, the relationship had continued. Mr Lewis said that the student's elder brother, the student's parents and Dr Peter Dunn (the then housemaster of the student's house at the school) raised concerns about this relationship.<sup>476</sup>



Dr Dunn and Mr Twigg (the then master of the Corio campus) prepared depositions to the Coroner following the death of Mr MacCulloch in 1991. The depositions made reference to these and other concerns about Mr MacCulloch. The depositions also contain allegations about Mr MacCulloch developing relationships with boys that reached a physical level<sup>477</sup> and that Mr MacCulloch had masturbated a boy. These allegations related to events in 1986. Both Mr Twigg and Dr Dunn said in their depositions that they held concerns about Mr MacCulloch's conduct and that Mr Lewis was told about their concerns.<sup>478</sup> Neither Dr Dunn nor Mr Twigg gave evidence at the public hearing.

In his evidence, Mr Lewis said that he spoke with Mr Twigg about Mr MacCulloch.<sup>479</sup> Mr Lewis made it clear that, so far as his recollection was concerned, the allegations against Mr MacCulloch of which he was aware did not go beyond 'saying that MacCulloch was crowding the boy in a way that they no longer wanted'.<sup>480</sup>

Mr Lewis denied that Dr Dunn had ever told him that a boy said that the relationship with Mr MacCulloch was physical<sup>481</sup> or that Mr MacCulloch had masturbated a boy. He said:

Well, it would have been shocking information, and I don't recall being shocked. I recall constantly being upset by a trend of behaviour which he did not seem easily able to curb or to stop, but that did not include, to my knowledge, information that had become physical in a sexual way.<sup>482</sup>

He said later in his evidence that he could not rule out the possibility that Mr Twigg may have told him about the details of a boy's complaints, including a complaint about masturbation.<sup>483</sup>

Whatever information Mr Lewis received, no action was taken to investigate the matter, suspend or supervise or speak with Mr MacCulloch, or notify the police.<sup>484</sup>

In 1987 Mr MacCulloch was transferred to Clyde House<sup>485</sup> – a house for senior girls.<sup>486</sup> Mr Lewis agreed with the proposition that the problematic attachments Mr MacCulloch was forming were with boys, not girls.<sup>487</sup> Mr Lewis did not know whether the reason for the transfer was that Mr MacCulloch would be less of a threat to the girls than to boys.<sup>488</sup>

There is documentary evidence that in 1990 Mr Twigg investigated Mr MacCulloch's conduct towards a male student.<sup>489</sup> The investigation revealed a very close attachment between Mr MacCulloch and the student. The investigation also revealed that at one point, when the student was staying in a house owned by Mr MacCulloch, the student was showering and saw a person he believed was Mr MacCulloch peering in through the window at him.<sup>490</sup> Mr Lewis was 'sure' he would have received Mr Twigg's report of his investigation, although he could not remember it specifically.<sup>491</sup>

In 1990 or 1991, the father of another student approached Mr Lewis and reported that his son 'had been disturbed by the interest allegedly taken in him by Andrew MacCulloch'.<sup>492</sup> There was no 'direct' allegation of physical or sexual misconduct.<sup>493</sup> Mr Lewis said there was another 'similar

indication of excessive interest in the case of another boy'.<sup>494</sup> Mr Lewis said he spoke to Mr MacCulloch 'on several occasions about this tendency'.<sup>495</sup>

Mr Lewis took no action against Mr MacCulloch until 1991 apart from speaking to him. On 3 September 1991, Mr Lewis wrote to Mr MacCulloch and asked him not to single out another boy.<sup>496</sup> Two days later, on 5 September 1991, Mr Lewis received a letter from another boy's mother in which she said that she was considering removing her son from the school.<sup>497</sup> On 10 September 1991, Mr Lewis received a response from Mr MacCulloch. Mr Lewis determined that Mr MacCulloch could stay at the school if he received counselling or some professional help.<sup>498</sup> Mr Lewis believed that Mr MacCulloch was receiving that help. However, in November 1991, Mr Lewis learned that Mr MacCulloch did not in fact obtain any professional help and Mr Lewis decided to dismiss him.<sup>499</sup> Mr MacCulloch took his own life shortly thereafter.

In relation to the 1986 incident, we have the following evidence of Mr Lewis' knowledge:

- The depositions prepared for the Coroner by the housemaster and master of the campus refer to having told Mr Lewis about their concerns. Those depositions were prepared following Mr MacCulloch's death. They were prepared for legal proceedings. The authors did not give evidence to us and the depositions were not sworn; however, they were prepared for the purposes of assisting the Coroner in his/her statutory function. They remain on the coronial file.
- Mr Lewis gave evidence to us of speaking with Mr Twigg about Mr MacCulloch.
- Mr Lewis denied that Dr Dunn had ever told him that a boy said that the relationship with Mr MacCulloch was physical or that Mr MacCulloch had masturbated a boy.
- Mr Lewis gave evidence that he could not rule out the possibility that Mr Twigg may have told him about the details of a boy's complaint, including a complaint about masturbation.

There is no evidence of any investigation of any sort by the school or of any protective action being taken, including supervising Mr MacCulloch.

There is no evidence that Mr Lewis notified the school council.

## 2.6 Allegations against other staff members and the responses of Geelong Grammar

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### BIJ

BIJ had been a teacher overseas before arriving to teach at Geelong Grammar. In the early 2000s, the school received an allegation from a family in living overseas where BIJ had taught, that BIJ had abused a child from that family.<sup>500</sup>

When Mr Sampson received that allegation, he took steps to involve the school's lawyers; consulted the head of the Timbertop campus, where BIJ was teaching; and put in place a formal process to investigate the allegations.<sup>501</sup> BIJ denied the allegations, but not long after the allegations were made he resigned from the school.<sup>502</sup>

Appropriately, Mr Sampson reported the matter to the Victorian Institute of Teaching in about 2003<sup>503</sup> and also to the Registered Schools Board.<sup>504</sup>

### BKF

BKF was a teacher at Geelong Grammar in the 1990s.

In about the later 1990s, police officers who attended a school event reported unease with BKF's actions towards a student, BLG.<sup>505</sup> Mr Hannah was principal of the school at that time. In response, the school investigated BKF.<sup>506</sup>

The steps the school took included discussing the matter with the school's lawyers; contacting the police; and involving Dr John Court, the school's medical consultant.<sup>507</sup> The school arranged for the student to be interviewed by Dr Court.<sup>508</sup> Dr Court met with the student and spoke to him at some length.<sup>509</sup> Following his investigation, Dr Court prepared a detailed report.<sup>510</sup>

Dr Court's opinion was that nothing untoward had happened<sup>511</sup> and that there should be no further action other than to counsel the teacher.<sup>512</sup> BKF was subsequently counselled and was directed that there must be no physical contact in his dealings with students other than what was necessary to fulfil his duties as a teacher.<sup>513</sup>

Sometime later, other concerns were raised about BKF.<sup>514</sup> Staff at the school 'shared unease' that BKF's behaviour was persistent and of serious concern.<sup>515</sup> Although no allegation of child abuse was raised, the deputy principal met with BKF and asked him to resign, which he did.<sup>516</sup>

When asked about whether he considered it necessary to make a mandatory report about BKF, Mr Hannah said that the school was dealing with the police and that, in any event, the 'mandatory report would probably come from, not from [him], but from the deputy principal who was head of campus'. He said that he did not know whether a mandatory report was made.<sup>517</sup>

Mr Hannah could not recall whether or not a policy or protocol existed at that time that required the school to notify parents of students about incidents or concerns that had been raised that involved their children, although he said that he would 'like to think we had'.<sup>518</sup> He said that the responsibility for notifying parents would lie with the head of campus, who in this particular case was the deputy principal.<sup>519</sup>

## Stefan Van Vuuren

Van Vuuren was employed as a teacher at Geelong Grammar in 2007. On 30 October 2007 he took pictures up the skirts of female students while on a field trip.<sup>520</sup>

After the allegations had been confirmed as being credible, Mr Meek reported the matter to the police.<sup>521</sup>

Van Vuuren was suspended on full pay and Mr Meek then implemented a disciplinary hearing.<sup>522</sup> During the disciplinary hearing, Van Vuuren made admissions and was consequently dismissed on the spot.<sup>523</sup>

Mr Meek then notified the Victorian Institute of Teaching.<sup>524</sup> The Victorian Institute of Teaching held a hearing, following which it made a declaration that Van Vuuren could no longer be a registered teacher.<sup>525</sup>

Van Vuuren was subsequently charged by police and convicted by a court in April 2008.<sup>526</sup> He received a community-based order for nine months.

## 3 Geelong Grammar School's Systems, Policies and Procedures

### 3.1 Record-keeping

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Until about 2004 or 2005, when Mr Meek was appointed principal, Geelong Grammar did not have any policy in place which required complaints of misconduct which may amount to child sexual abuse against staff at Geelong Grammar to be a written record.

The creation of accurate records and the exercise of good record-keeping practices by institutions that care for or provide services to children play a critical role in addressing, identifying, preventing and responding to child sexual abuse. They are also significant in alleviating the impact of child sexual abuse for victims and survivors.

At the time of the hearing, Mr Meek recognised that there are some gaps in the school's records and that some files for students, teachers and non-teaching staff cannot be located.<sup>527</sup> For example, as Mr Moore acknowledged in his evidence, BIW's files have not been located<sup>528</sup> and 'there are more than BIW's files missing'.<sup>529</sup> Mr Meek gave evidence that the school now maintains a file on all students for the period of their enrolment<sup>530</sup> and on all teaching and non-teaching staff for the period of their employment<sup>531</sup> at Geelong Grammar. Each student's file is stored for seven years after a student leaves the school or until they are 25. In practice, Mr Meek said that all files handed into the school archives have continued to be stored there.<sup>532</sup>

The school also keeps what are known as the 'K files', which are files that contain information of a sensitive and confidential nature about staff or students that has come to the attention of the school. K files are stored separately from the general files. The purpose of storing the K files separately is to limit access to them on the basis that they are sensitive and to ensure that staff who have access to the general files do not read the sensitive files.<sup>533</sup>

### 3.2 Policies and procedures before 1994

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In 1989, Mr Lewis appointed Dr Court as an honorary consultant at the school.<sup>534</sup> Dr Court's role was initially to provide medical and health care to the students.<sup>535</sup> He later wrote policies and procedures for the school, including policies that dealt with allegations of sexual abuse.<sup>536</sup> These were prepared after Mr Lewis had ceased his tenure in 1994.

Before 1994, the school had no formal systems, policies and procedures in place dealing specifically with allegations of child sexual abuse<sup>537</sup> or designed to prevent child abuse.<sup>538</sup> There were no specific systems, policies or procedures for taking disciplinary action against a staff member for child sexual abuse.<sup>539</sup> Mr Lewis said that any arrangements for staff training on matters concerning child safety were of a general nature and were not exclusively or specifically addressed to child sexual abuse.<sup>540</sup>

During 1993, the school circulated a document informing members of staff about the introduction of mandatory reporting.<sup>541</sup> Mr Lewis prepared a memo on 25 January 1994 to the heads of campus about mandatory reporting of child abuse.<sup>542</sup> The memo directed heads to brief staff and campus medical staff and foreshadowed the provision of further training opportunities.

In 1994, the school issued a seven-step policy relating to mandatory reporting of child abuse.<sup>543</sup> The steps can be summarised as follows:

- Document concerns or behaviour that have led to a belief that a report may be necessary.
- Discuss the concerns, in the first instance, with the Head of Campus.
- The teacher who formed the belief would then report to Child Protection Services or, if there are numerous teachers who hold the same belief, one nominated person contact the Child Protection Service on behalf of the group.
- If a report is made to the Child Protection Service, the reporting teacher should formally inform the Head of Campus, who will then inform the principal.
- The Head of Campus decides if anyone else should be informed.
- If, following a report, a family approaches the school, any interview should be conducted with a minimum of two school staff members present.
- Support for stakeholders (such as a student, a reporting teacher et cetera) should be arranged.

Mr Lewis accepted that he did not formulate specific formal policies before 1993<sup>544</sup> and that this was an area that Geelong Grammar did not get 'as right as we might have done'.<sup>545</sup> We accept that evidence. Mr Hannah was appointed principal in 1995 – the year after mandatory reporting was introduced. He said that, when he became principal, mandatory reporting was 'being assimilated' in the school.<sup>546</sup>

When Mr Sampson was appointed principal in January 2001, the school had a number of policies on a wide variety of matters, but he could not recall if there was a policy dealing directly or solely with child protection issues.<sup>547</sup> He described the state of the policies and procedures as needing 'constant renewal and updating according to best practice'.<sup>548</sup> He said, 'I think we knew we had work to do'.<sup>549</sup>

In 2002 Mr Sampson appointed Mr Stuart Davis as a director of student welfare. Mr Davis acted as a contact point for students with any problems and also to follow up on child protection issues.<sup>550</sup> At that point, according to Mr Sampson, the school published clear guidance to staff about awareness and prevention of abuse.<sup>551</sup> He also said that between 2001 and 2004, although he could not recall precise details, staff were trained in the areas of 'health and safety, child safety, regulatory requirements and updates'.<sup>552</sup>

### 3.3 Current policies and procedures

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Since becoming principal in October 2004, Mr Meek and the school have implemented new policies and procedures and updated existing policies and procedures aimed at ensuring the safety of children at the school.<sup>553</sup>

In 2005, the school issued a document which discussed duty of care issues. The document noted that allegations of impropriety between a student and a staff member would result in an investigation and, if proven, would be grounds for summary dismissal or suspension of, or other disciplinary action against, the staff member.<sup>554</sup>

In 2006, the school introduced a Discipline and Misconduct Policy<sup>555</sup> (updated in 2008 and 2011) to outline the procedures that apply when a staff member breaches the Staff Code of Conduct and engages in unacceptable behaviour. The policy sets out a procedure that must be followed 'when the conduct of an employee breaches the "Code of Conduct" and/or is unacceptable and which may include but is not limited to behavior that is illegal, damaging, negligent and/or dangerous'.

The principal is responsible for determining whether an allegation is to be investigated. If the principal 'determines that there is insufficient evidence or contrary evidence that does not support the allegations, then no further action will be taken'.<sup>556</sup>

The principal also has the authority to terminate an employment contract where 'it is determined that allegations of misconduct or gross misconduct are substantiated'.<sup>557</sup>

The school retains all records of investigations and the outcomes of hearings for the duration of the employee's employment and then for a minimum of seven years.

Geelong Grammar has prepared an online version of its Pastoral Policies, which includes five individual policies that relate to the prevention of sexual abuse of children.<sup>558</sup>

In 2015, Geelong Grammar updated its Pastoral Policies. It now includes detailed sections on the obligation to disclose sexual offences committed against a child, the mandatory reporting policy, guidelines for response to a claim of sexual assault and the initial response of staff to a student reporting or alleging sexual assault. There are four compulsory management steps for staff when responding to a student reporting or alleging sexual assault:

- treat the report seriously and without delay
- inform a senior staff member
- involve medical professionals if necessary
- document all information and action taken.

Where there is misconduct by teaching staff or senior non-teaching staff, steps are to be taken in accordance with the school's updated Discipline and Misconduct Policy.<sup>559</sup>

Although policies are in place, there is no system to either monitor the success of the policies or capture how often teachers are reporting allegations in accordance with the policies and procedures.<sup>560</sup>

Mr Meek told the Royal Commission that he believes that the school currently has 'robust child protection policies, does always put the child first, and always listens to any concerns that the students have ... [the] policies and ... culture are such that [the] staff are alert to any suspicion actions and that ... investigations are thorough'.<sup>561</sup> His evidence was that, as principal, he 'is ultimately responsible for the drawing up of all policies to do with child protection, but [that he] delegate[s] the drafting of such policies to other staff'.<sup>562</sup>

### 3.4 System of employment

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There was limited evidence available to the Royal Commission about the practice of pre-employment screening of staff before the 2000s.

Mr Sutherland was employed at Geelong Grammar between 1950 and 1993 and he taught at Glamorgan and Corio (the main campus). Between 1980 and 1993, Mr Sutherland was the head of Glamorgan. In his statement, Mr Sutherland said that he was unaware of the existence of a practice of employment screening.<sup>563</sup>

The school implemented a Criminal Record Policy in 2002. Under that policy, all new staff had to apply for a criminal record check as a prerequisite to being employed at Geelong Grammar.<sup>564</sup> Existing staff had the option of undergoing a criminal record check at the school's expense.

In 2004, Dr Court – who, as we have noted, was appointed in 1989 by the then principal, Mr Lewis – prepared a document entitled 'Responsibility of Health Care Staff for students who present with Health issues related to sexual activity'. He also prepared what seems to be the first 'Guidelines for Response to a claim of sexual assault' at the school.<sup>565</sup>

The current principal, Mr Meek, described the reference checks that are required before a contract of employment is issued. He said that, throughout his time as principal and even before 2004, there has been a requirement that staff applying for positions at the school needed to nominate at least two referees to provide references. In 2008, staff were required to follow specific guidelines for carrying out reference checks.<sup>566</sup>

In his evidence, Mr Meek referred to the staff induction program, which has been in place since at least 2005.<sup>567</sup> He also said that since 2007 all non-teaching staff must have a Working With Children Check.<sup>568</sup> No employment contracts will be issued until two reference check forms have been



completed.<sup>569</sup> All teaching staff employed at the school must have Victorian Institute of Teaching registration, which also automatically includes a National Police Record Check.<sup>570</sup>

On 27 October 2014, sections 327 and 328 of the Crimes Act 1958 (Vic) commenced. Under section 327(2), a person who has information that leads the person to form a reasonable belief that a sexual offence has been committed in Victoria against a child under 16 years of age by another person of or over the age of 18 years must disclose that information to a police officer as soon as it is practicable to do so, unless they have a reasonable excuse for not doing so.<sup>571</sup> Section 327(3) provides that a person has a 'reasonable excuse' if the person fears for the safety of any other person if the information was disclosed to the police<sup>572</sup> or the person has reasonable grounds that the information has already been disclosed to the police by another person.<sup>573</sup>

## 4 Systemic Issues

This case study provided the Royal Commission with insights into systemic issues within its Terms of Reference in the area of institutional response to concerns and allegations about incidents of child sexual abuse within the setting of a private educational institution.

In particular, the systemic issues raised in this case study included:

- understanding the scope and impact of child sexual abuse
- responding to concerns, allegations and incidents of child sexual abuse
- monitoring and oversight of effectiveness of and compliance with school policies
- reporting, regulation and oversight of educational institutions working with children
- arrangements within educational institutions to prevent child sexual abuse
- 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

<b>The Royal Commission</b>	Justice Peter McClellan AM (Chair) Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray
<b>Commissioners who presided</b>	Justice Jennifer Coate Professor Helen Milroy
<b>Date of hearing</b>	1 September 2015 – 11 September 2015 22 October 2015 23 October 2015
<b>Legislation</b>	Royal Commissions Act 1902 (Cth) Royal Commissions Act 1923 (NSW)
<b>Leave to appear</b>	Malcolm Powys Ivan Sutherland John Lewis Lister Hannah Anthony Inkster John Hendry Charlie Scudamore Dr Robert Llewellyn-Jones Jeremy Kirkwood Andrew Moore Stephen Meek Geelong Grammar School Nicholas Sampson Professor Fergus Cameron Catherine Parsons

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**Leave to appear**

Dr John Court  
 Robert John Bugg  
 BKL  
 Jonathan Harvey  
 Malcolm John  
 John Hamilton Buckley  
 BIA  
 BKM  
 Paul Claridge  
 BIW  
 BLW  
 BIR  
 BLX  
 Phillipa Beeson  
 The Estate of Mr John Davison  
 Luke Benson

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**Legal representation**

D Lloyd, Counsel Assisting the Royal Commission  
 P O'Brien, appearing for Malcolm Powys  
 S McGregor, instructed by M Henry of Maddocks Lawyers, appearing for Ivan Sutherland  
 M Cahill, instructed by A Erskine of Hardwood Andrews, appearing for John Lewis, Lister Hannah, Anthony Inkster, John Hendry, Charlie Scudamore and Dr John Court  
 M Marich of Dr Martine Marich & Associates, appearing for Dr Llewellyn Jones and BIR  
 R Stanley QC and M Hooper, instructed by G Forrest of Gadens Lawyers, appearing for Jeremy Kirkwood, Andrew Moore, Stephen Meek and Geelong Grammar School  
 M Fordham SC, instructed by M Slattery of Carrol & O'Dea, appearing for Nicholas Sampson

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<b>Legal representation</b>	<p>R Ball of John W Ball and Sons, appearing for Professor Fergus Cameron</p> <p>P Noonan, instructed by D Maddocks of Perry Maddocks Trollope Lawyers, appearing for Catherine Parsons</p> <p>M Gibson, instructed by J Tohme and F Awad of Tolhurst, Druce &amp; Emmerson, appearing for Robert John Bugg</p> <p>J McKenna, instructed by K Stowell of Ryan Carlisle Thomas, appearing for BKL</p> <p>A George, instructed by C O'Brien of Doogue O'Brien George Lawyers, appearing for Jonathan Harvey</p> <p>K Kothrakis, instructed by A Furrstenberg of Lewenberg &amp; Lewenberg Solicitors, appearing for Malcolm John</p> <p>A Brand of Slades &amp; Parsons, appearing for John Hamilton Buckley</p> <p>S Keogh-Barnes of Emma Turnbull Lawyers, appearing for BKM, BIA and BLW</p> <p>R Edney, instructed by G Nahma of Lewenberg &amp; Lewenberg Solicitors, appearing for Paul Claridge</p> <p>D Hore-Lacey, instructed by J Gerritsen of Robinson Gill Lawyers, appearing for BIW and BLX</p> <p>J Taaffe, instructed by B Doogue of Doogue, O'Brien, George Lawyers, appearing for Phillipa Beeson</p> <p>A Kernaghan of Kernaghan &amp; Associates, appearing for the estate of John Davison</p> <p>A Sdrinis of Angela Sdrinis Legal, appearing for Luke Benson</p>
<b>Pages of transcript</b>	1,144 pages
<b>Notice to Produce issued under <i>Royal Commissions Act 1902</i> (Cth) and documents produced</b>	44 notices to produce, producing 6,651 documents
<b>Summons to Produce Documents issued under <i>Evidence (Miscellaneous Provisions) Act 1958</i> (Vic) and documents produced</b>	44 summonses to produce, producing 66 documents

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<b>Summons to Attend issued under <i>Royal Commissions Act 1902</i> (Cth)</b>	25
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<b>Number of exhibits</b>	43 exhibits consisting of a total of 390 documents tendered at the hearing
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<b>Witnesses</b>	<p><b>BKU</b> Former student of Geelong Grammar School</p> <p><b>Dr Robert Llewellyn-Jones</b> Former student of Geelong Grammar School</p> <p><b>BKO</b> Former student of Geelong Grammar School</p> <p><b>BKV [statement read by DL]</b> Former student of Geelong Grammar School</p> <p><b>BIZ [statement read by DL]</b> Former student of Geelong Grammar School</p> <p><b>BKL</b> Former student of Geelong Grammar School</p> <p><b>Luke Benson</b> Former student of Geelong Grammar School</p> <p><b>BKM</b> Former student of Geelong Grammar School</p> <p><b>BIA</b> Mother of BKM and former teacher of Geelong Grammar School</p> <p><b>Philip Tasker Constable</b> Former student of Geelong Grammar School</p> <p><b>BIY [statement read by DL]</b> Former student of Geelong Grammar School</p> <p><b>BKQ</b> Former student of Geelong Grammar School</p> <p><b>BIW</b> Former student of Geelong Grammar School</p> <p><b>Catherine Parsons</b> Matron at Geelong Grammar School</p>
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**Witnesses****Anthony James Inkster**

Head of middle school at Geelong Grammar School

**Malcolm Powys**

Former head of Highton campus at Geelong Grammar School

**Paul Claridge**

Former deputy to the master of Highton campus at Geelong Grammar School

**Jonathan Harvey**

Former teacher and housemaster of Allen House at Geelong Grammar School

**Ivan Sutherland**

Former master at Geelong Grammar School and head of Glamorgan campus

**Lister Hannah**

Former principal of Geelong Grammar School

**Dr John Maurice Court**

Consultant to Geelong Grammar School and former Chief Medical Officer

**John Elliot Lewis**

Former headmaster of Geelong Grammar School

**Nicholas Sampson**

Former principal of Geelong Grammar School

**Phillipa Beeson**

Former head of Glamorgan campus

**BIR**

Former student of Geelong Grammar School

**BLX**

Mother of BIR

**BLW**

Former staff member of Geelong Grammar School

**Stephen Meek**

Current principal of Geelong Grammar School

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**Witnesses****Robert John Bugg**

Former master of Highton

**Malcolm John**

Former head of music at Geelong Grammar School

**Andrew Moore**

Commercial director of Geelong Grammar School

**Jeremy Kirkwood**

Current chair of the council of Geelong Grammar School

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# Endnotes

- 1 Before about 1990, the ‘head’ of the school was referred to as the ‘headmaster’. The title changed in about 1990, when Mr Lewis was headmaster. From then on, the head of Geelong Grammar was and remains known by the title of principal.
- 2 Exhibit 32-0012, ‘Statement of Philip Constable’, Case Study 32, STAT.0663.001.0001\_R at [15].
- 3 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10403:26–46; Exhibit 32-0021, Case Study 32, OPP.3029.001.0255\_R.
- 4 Transcript of BLW, Case Study 32, 11 September 2015 at 10833:35–39.
- 5 Transcript of BLW, Case Study 32, 11 September 2015 at 10838:46–10839:2.
- 6 Transcript of S Meek, Case Study 32, 11 September 2015 at 10887:25–30; Exhibit 32-0034, ‘Statement of Stephen Meek’, Case Study 32, STAT.0658.001.0001 at [75].
- 7 Transcript of S Meek, Case Study 32, 11 September 2015 at 10888:19–20.
- 8 Transcript of S Meek, Case Study 32, 11 September 2015 at 10888:35–47; Exhibit 32-0034, ‘Statement of Stephen Meek’, Case Study 32, STAT.0658.001.0001 at [76]–[77].
- 9 Transcript of S Meek, Case Study 32, 11 September 2015 at 10889:6–11; Exhibit 32-0034, ‘Statement of Stephen Meek’, Case Study 32, STAT.0658.001.0001 at [77]; Exhibit 32-0039, ‘Statement of Andrew Moore’, Case Study 32, STAT.0656.001.0001\_R at [56].
- 10 Transcript of S Meek, Case Study 32, 11 September 2015 at 10889:13–17.
- 11 Exhibit 32-0034, ‘Statement of Stephen Meek’, Case Study 32, STAT.0658.001.0001 at [78].
- 12 Exhibit 32-0039, ‘Statement of Andrew Moore’, Case Study 32, STAT.0656.001.0001\_R at [10].
- 13 Exhibit 32-0043, ‘Statement of Jeremy Kirkwood’, Case Study 32, STAT.0657.001.0001 at [1].
- 14 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10545:32–10545:4; Exhibit 32-0025, ‘Statement of John Lewis’, STAT.0636.001.0001\_R at [1].
- 15 Transcript of LW Hannah, Case Study 32, 7 September 2015 at 10453:45–47.
- 16 Transcript of LW Hannah, Case Study 32, 7 September 2015 at 10453:45–46.
- 17 Exhibit 32-0023, ‘Statement of Lister Hannah’, Case Study 32, STAT.0631.001.0001\_R at [1].
- 18 Exhibit 32-0026, ‘Statement of Nicholas Sampson’, Case Study 32, STAT.0625.001.0001\_R at [7].
- 19 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10688:38–44.
- 20 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10689:30–38.
- 21 Transcript of S Meek, Case Study 32, 11 September 2015 at 10851:19–21.
- 22 Transcript of S Meek, Case Study 32, 11 September 2015 at 10851:28–38.
- 23 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10624:6–8.
- 24 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10624:6–14.
- 25 Transcript of LW Hannah, Case Study 32, 7 September 2015 at 10454:44–10455:2.
- 26 Transcript of LW Hannah, Case Study 32, 7 September 2015 at 10455:2–5.
- 27 Exhibit 32-0039, ‘Statement of Andrew Moore’, Case Study 32, STAT.0656.001.0001\_R at [9(a)].
- 28 Exhibit 32-0043, ‘Statement of Jeremy Kirkwood’, Case Study 32, STAT.0657.001.0001 at [11].
- 29 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10663:27–29.
- 30 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10663:31–32.
- 31 Transcript of JE Lewis, Case Study 32, 10 September 2015 at 10686:1–47.
- 32 Transcript of LW Hannah, Case Study 32, 7 September 2015 at 10459:17–21.
- 33 Exhibit 32-0023, ‘Statement of Lister Hannah’, Case Study 32, STAT.0631.001.0001\_R at [15].
- 34 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10713:29–31.
- 35 Transcript of J Kirkwood, Case Study 32, 23 October 2015 at 11939:5–11.
- 36 Transcript of J Kirkwood, Case Study 32, 23 October 2015 at 11940:29–32.
- 37 Exhibit 32-0039, ‘Statement of Andrew Moore’, Case Study 32, STAT.0656.001.0001\_R at [12].
- 38 Exhibit 32-0039, ‘Statement of Andrew Moore’, Case Study 32, STAT.0656.001.0001\_R at [12].
- 39 Exhibit 32-0043, ‘Statement of Jeremy Kirkwood’, Case Study 32, STAT.0657.001.0001 at [9].
- 40 Exhibit 32-0043, ‘Statement of Jeremy Kirkwood’, Case Study 32, STAT.0657.001.0001 at [16].
- 41 Exhibit 32-0043, ‘Statement of Jeremy Kirkwood’, Case Study 32, STAT.0657.001.0001 at [12].
- 42 Exhibit 32-0043, ‘Statement of Jeremy Kirkwood’, Case Study 32, STAT.0657.001.0001 at [12].
- 43 Exhibit 32-0039, ‘Statement of Andrew Moore’, Case Study 32, STAT.0656.001.0001\_R at [6].
- 44 Transcript of J Kirkwood, Case Study 32, 23 October 2015 at 11928:37–39.



- 45 Transcript of J Kirkwood, Case Study 32, 23 October 2015 at 11928:41–43.
- 46 Subsection 1A was introduced by the Children and Young Persons (Further Amendment) Act 1993 (Vic).  
The obligation to report applied to the persons listed in s 64(1C) from the ‘relevant date’. ‘Relevant date’  
was defined to be the date ordered by the Governor and published in the Government Gazette (s 64(1D)).  
The date ordered and published in respect of registered teachers and principals of registered schools was  
18 July 1994: Government Gazette, 14 July 1994, p 1977.
- 47 Exhibit 32-0012, ‘Statement of Philip Constable’, Case Study 32, STAT.0663.001.0001\_R at [10].
- 48 Exhibit 32-0012, ‘Statement of Philip Constable’, Case Study 32, STAT.0663.001.0001\_R at [15], [17].
- 49 Exhibit 32-0012, ‘Statement of Philip Constable’, Case Study 32, STAT.0663.001.0001\_R at [15].
- 50 Exhibit 32-0012, ‘Statement of Philip Constable’, Case Study 32, STAT.0663.001.0001\_R at [16].
- 51 Exhibit 32-0012, ‘Statement of Philip Constable’, Case Study 32, STAT.0663.001.0001\_R at [18]–[19].
- 52 Exhibit 32-0012, ‘Statement of Philip Constable’, Case Study 32, STAT.0663.001.0001\_R at [23].
- 53 Exhibit 32-0012, ‘Statement of Philip Constable’, Case Study 32, STAT.0663.001.0001\_R at [25].
- 54 Exhibit 32-0012, ‘Statement of Philip Constable’, Case Study 32, STAT.0663.001.0001\_R at [33].
- 55 Exhibit 32-0012, ‘Statement of Philip Constable’, Case Study 32, STAT.0663.001.0001\_R at [36].
- 56 Exhibit 32-0012, ‘Statement of Philip Constable’, Case Study 32, STAT.0663.001.0001\_R at [39]–[46], [52].
- 57 Exhibit 32-0005, ‘Statement of BKO’, Case Study 32, STAT.0651.001.0001\_R.
- 58 Exhibit 32-0005, ‘Statement of BKO’, Case Study 32, STAT.0651.001.0001\_R at [4].
- 59 Exhibit 32-0005, ‘Statement of BKO’, Case Study 32, STAT.0651.001.0001\_R at [5].
- 60 Exhibit 32-0005, ‘Statement of BKO’, Case Study 32, STAT.0651.001.0001\_R at [11].
- 61 Exhibit 32-0005, ‘Statement of BKO’, Case Study 32, STAT.0651.001.0001\_R at [12].
- 62 Exhibit 32-0005, ‘Statement of BKO’, Case Study 32, STAT.0651.001.0001\_R at [13].
- 63 Exhibit 32-0005, ‘Statement of BKO’, Case Study 32, STAT.0651.001.0001\_R at [16].
- 64 Exhibit 32-0005, ‘Statement of BKO’, Case Study 32, STAT.0651.001.0001\_R at [16].
- 65 Exhibit 32-0005, ‘Statement of BKO’, Case Study 32, STAT.0651.001.0001\_R at [6].
- 66 Exhibit 32-0005, ‘Statement of BKO’, Case Study 32, STAT.0651.001.0001\_R at [16].
- 67 Exhibit 32-0005, ‘Statement of BKO’, Case Study 32, STAT.0651.001.0001\_R at [17].
- 68 Exhibit 32-0005, ‘Statement of BKO’, Case Study 32, STAT.0651.001.0001\_R at [18]–[19].
- 69 Exhibit 32-0005, ‘Statement of BKO’, Case Study 32, STAT.0651.001.0001\_R at [19].
- 70 Exhibit 32-0005, ‘Statement of BKO’, Case Study 32, STAT.0651.001.0001\_R at [19].
- 71 Exhibit 32-0005, ‘Statement of BKO’, Case Study 32, STAT.0651.001.0001\_R at [33]–[34].
- 72 Exhibit 32-0005, ‘Statement of BKO’, Case Study 32, STAT.0651.001.0001\_R at [41].
- 73 Exhibit 32-0005, ‘Statement of BKO’, Case Study 32, STAT.0651.001.0001\_R at [51]–[55].
- 74 Exhibit 32-0006, ‘Statement of BKV’, Case Study 32, STAT.0639.001.0001\_R at [3]–[4].
- 75 Exhibit 32-0006, ‘Statement of BKV’, Case Study 32, STAT.0639.001.0001\_R at [7].
- 76 Exhibit 32-0006, ‘Statement of BKV’, Case Study 32, STAT.0639.001.0001\_R at [8].
- 77 Exhibit 32-0006, ‘Statement of BKV’, Case Study 32, STAT.0639.001.0001\_R at [9]–[11].
- 78 Exhibit 32-0006, ‘Statement of BKV’, Case Study 32, STAT.0639.001.0001\_R at [14].
- 79 Exhibit 32-0006, ‘Statement of BKV’, Case Study 32, STAT.0639.001.0001\_R at [15].
- 80 Exhibit 32-0006, ‘Statement of BKV’, Case Study 32, STAT.0639.001.0001\_R at [18]–[21].
- 81 Exhibit 32-0014, ‘Statement of BKQ’, Case Study 32, STAT.0655.001.0001\_R at [4].
- 82 Exhibit 32-0014, ‘Statement of BKQ’, Case Study 32, STAT.0655.001.0001\_R at [5].
- 83 Exhibit 32-0014, ‘Statement of BKQ’, Case Study 32, STAT.0655.001.0001\_R at [8].
- 84 Exhibit 32-0014, ‘Statement of BKQ’, Case Study 32, STAT.0655.001.0001\_R at [9].
- 85 Exhibit 32-0014, ‘Statement of BKQ’, Case Study 32, STAT.0655.001.0001\_R at [10].
- 86 Exhibit 32-0014, ‘Statement of BKQ’, Case Study 32, STAT.0655.001.0001\_R at [11].
- 87 Exhibit 32-0014, ‘Statement of BKQ’, Case Study 32, STAT.0655.001.0001\_R at [14].
- 88 Exhibit 32-0014, ‘Statement of BKQ’, Case Study 32, STAT.0655.001.0001\_R at [16].
- 89 Exhibit 32-0014, ‘Statement of BKQ’, Case Study 32, STAT.0655.001.0001\_R at [17].
- 90 Exhibit 32-0014, ‘Statement of BKQ’, Case Study 32, STAT.0655.001.0001\_R at [23].
- 91 Exhibit 32-0014, ‘Statement of BKQ’, Case Study 32, STAT.0655.001.0001\_R at [24].
- 92 Exhibit 32-0014, ‘Statement of BKQ’, Case Study 32, STAT.0655.001.0001\_R at [26].

93 Exhibit 32-0014, 'Statement of BKQ', Case Study 32, STAT.0655.001.0001\_R at [27].

94 Exhibit 32-0014, 'Statement of BKQ', Case Study 32, STAT.0655.001.0001\_R at [28].

95 Exhibit 32-0014, 'Statement of BKQ', Case Study 32, STAT.0655.001.0001\_R at [32].

96 Exhibit 32-0014, 'Statement of BKQ', Case Study 32, STAT.0655.001.0001\_R at [37]–[40].

97 Exhibit 32-0030, 'Statement of BIR', Case Study 32, STAT.0673.001.0001\_R at [3].

98 Exhibit 32-0030, 'Statement of BIR', Case Study 32, STAT.0673.001.0001\_R at [4].

99 Exhibit 32-0030, 'Statement of BIR', Case Study 32, STAT.0673.001.0001\_R at [20].

100 Exhibit 32-0010, 'Statement of BKM', Case Study 32, STAT.0659.001.0001\_R at [4].

101 Exhibit 32-0010, 'Statement of BKM', Case Study 32, STAT.0659.001.0001\_R at [4]–[6].

102 Exhibit 32-0010, 'Statement of BKM', Case Study 32, STAT.0659.001.0001\_R at [8].

103 Exhibit 32-0010, 'Statement of BKM', Case Study 32, STAT.0659.001.0001\_R at [9].

104 Exhibit 32-0010, 'Statement of BKM', Case Study 32, STAT.0659.001.0001\_R at [10].

105 Exhibit 32-0010, 'Statement of BKM', Case Study 32, STAT.0659.001.0001\_R at [11].

106 Exhibit 32-0010, 'Statement of BKM', Case Study 32, STAT.0659.001.0001\_R at [12].

107 Exhibit 32-0010, 'Statement of BKM', Case Study 32, STAT.0659.001.0001\_R at [13].

108 Exhibit 32-0010, 'Statement of BKM', Case Study 32, STAT.0659.001.0001\_R at [14].

109 Exhibit 32-0010, 'Statement of BKM', Case Study 32, STAT.0659.001.0001\_R at [15];  
 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10552:30–34; Exhibit 32-0025,  
 'Statement of John Lewis', Case Study 32, STAT.0636.001.0001\_R at [10].

110 Exhibit 32-0010, 'Statement of BKM', Case Study 32, STAT.0659.001.0001\_R at [20]–[22].

111 Exhibit 32-0010, 'Statement of BKM', Case Study 32, STAT.0659.001.0001\_R at [25]–[26].

112 Exhibit 32-0011, 'Statement of BIA', Case Study 32, STAT.0624.001.0001\_R at [5].

113 Exhibit 32-0011, 'Statement of BIA', Case Study 32, STAT.0624.001.0001\_R at [7].

114 Exhibit 32-0011, 'Statement of BIA', Case Study 32, STAT.0624.001.0001\_R at [12].

115 Exhibit 32-0011, 'Statement of BIA', Case Study 32, STAT.0624.001.0001\_R at [20].

116 Exhibit 32-0007, 'Statement of BIZ', Case Study 32, STAT.0641.001.0001\_R at [6].

117 Exhibit 32-0007, 'Statement of BIZ', Case Study 32, STAT.0641.001.0001\_R at [10].

118 Exhibit 32-0007, 'Statement of BIZ', Case Study 32, STAT.0641.001.0001\_R at [13]–[14].

119 Exhibit 32-0007, 'Statement of BIZ', Case Study 32, STAT.0641.001.0001\_R at [15].

120 Exhibit 32-0007, 'Statement of BIZ', Case Study 32, STAT.0641.001.0001\_R at [16]–[17].

121 Exhibit 32-0007, 'Statement of BIZ', Case Study 32, STAT.0641.001.0001\_R at [18]–[19].

122 Exhibit 32-0007, 'Statement of BIZ', Case Study 32, STAT.0641.001.0001\_R at [20]–[21].

123 Exhibit 32-0007, 'Statement of BIZ', Case Study 32, STAT.0641.001.0001\_R at [26].

124 Exhibit 32-0007, 'Statement of BIZ', Case Study 32, STAT.0641.001.0001\_R at [31]–[32].

125 Exhibit 32-0009, 'Statement of Luke Benson', Case Study 32, STAT.0648.001.0001\_R at [5].

126 Exhibit 32-0009, 'Statement of Luke Benson', Case Study 32, STAT.0648.001.0001\_R at [6]–[7].

127 Exhibit 32-0009, 'Statement of Luke Benson', Case Study 32, STAT.0648.001.0001\_R at [9]–[16].

128 Exhibit 32-0009, 'Statement of Luke Benson', Case Study 32, STAT.0648.001.0001\_R at [20].

129 Exhibit 32-0009, 'Statement of Luke Benson', Case Study 32, STAT.0648.001.0001\_R at [24].

130 Exhibit 32-0009, 'Statement of Luke Benson', Case Study 32, STAT.0648.001.0001\_R at [46].

131 Exhibit 32-0013, 'Statement of BIY', Case Study 32, STAT.0665.001.0001\_R at [5].

132 Exhibit 32-0013, 'Statement of BIY', Case Study 32, STAT.0665.001.0001\_R at [8].

133 Exhibit 32-0013, 'Statement of BIY', Case Study 32, STAT.0665.001.0001\_R at [10].

134 Exhibit 32-0013, 'Statement of BIY', Case Study 32, STAT.0665.001.0001\_R at [11].

135 Exhibit 32-0013, 'Statement of BIY', Case Study 32, STAT.0665.001.0001\_R at [13].

136 Exhibit 32-0013, 'Statement of BIY', Case Study 32, STAT.0665.001.0001\_R at [15].

137 Exhibit 32-0013, 'Statement of BIY', Case Study 32, STAT.0665.001.0001\_R at [16].

138 Exhibit 32-0013, 'Statement of BIY', Case Study 32, STAT.0665.001.0001\_R at [17].

139 Exhibit 32-0013, 'Statement of BIY', Case Study 32, STAT.0665.001.0001\_R at [22].

140 Exhibit 32-0013, 'Statement of BIY', Case Study 32, STAT.0665.001.0001\_R at [19]–[20].

141 Exhibit 32-0013, 'Statement of BIY', Case Study 32, STAT.0665.001.0001\_R at [29].

142 Exhibit 32-0013, 'Statement of BIY', Case Study 32, STAT.0665.001.0001\_R at [30]–[33].

- 143 Exhibit 32-0013, 'Statement of BIY', Case Study 32, STAT.0665.001.0001\_R at [35]–[37].
- 144 Exhibit 32-0015, 'Statement of BIW', Case Study 32, STAT.0666.001.0001\_R at [4].
- 145 Exhibit 32-0015, 'Statement of BIW', Case Study 32, STAT.0666.001.0001\_R at [4].
- 146 Exhibit 32-0015, 'Statement of BIW', Case Study 32, STAT.0666.001.0001\_R at [5].
- 147 Exhibit 32-0015, 'Statement of BIW', Case Study 32, STAT.0666.001.0001\_R at [6].
- 148 Exhibit 32-0015, 'Statement of BIW', Case Study 32, STAT.0666.001.0001\_R at [8].
- 149 Exhibit 32-0015, 'Statement of BIW', Case Study 32, STAT.0666.001.0001\_R at [10]–[13].
- 150 Exhibit 32-0015, 'Statement of BIW', Case Study 32, STAT.0666.001.0001\_R at [11].
- 151 Exhibit 32-0015, 'Statement of BIW', Case Study 32, STAT.0666.001.0001\_R at [12].
- 152 Exhibit 32-0015, 'Statement of BIW', Case Study 32, STAT.0666.001.0001\_R at [13].
- 153 Exhibit 32-0015, 'Statement of BIW', Case Study 32, STAT.0666.001.0001\_R at [15].
- 154 Exhibit 32-0015, 'Statement of BIW', Case Study 32, STAT.0666.001.0001\_R at [16].
- 155 Exhibit 32-0015, 'Statement of BIW', Case Study 32, STAT.0666.001.0001\_R at [16].
- 156 Exhibit 32-0015, 'Statement of BIW', Case Study 32, STAT.0666.001.0001\_R at [17].
- 157 Exhibit 32-0015, 'Statement of BIW', Case Study 32, STAT.0666.001.0001\_R at [23].
- 158 Exhibit 32-0015, 'Statement of BIW', Case Study 32, STAT.0666.001.0001\_R at [19]–[22].
- 159 Exhibit 32-0031, 'Statement of BLX', Case Study 32, STAT.0671.001.0001\_R at [5].
- 160 Exhibit 32-0031, 'Statement of BLX', Case Study 32, STAT.0671.001.0001\_R at [6]–[7].
- 161 Exhibit 32-0003, 'Statement of Dr Robert Llewellyn-Jones', Case Study 32, STAT.0643.001.0001\_R at [11]–[17].
- 162 Exhibit 32-0003, 'Statement of Dr Robert Llewellyn-Jones', Case Study 32, STAT.0643.001.0001\_R at [12].
- 163 Exhibit 32-0003, 'Statement of Dr Robert Llewellyn-Jones', Case Study 32, STAT.0643.001.0001\_R at [13].
- 164 Exhibit 32-0003, 'Statement of Dr Robert Llewellyn-Jones', Case Study 32, STAT.0643.001.0001\_R at [13]–[14].
- 165 Exhibit 32-0003, 'Statement of Dr Robert Llewellyn-Jones', Case Study 32, STAT.0643.001.0001\_R at [14].
- 166 Exhibit 32-0003, 'Statement of Dr Robert Llewellyn-Jones', Case Study 32, STAT.0643.001.0001\_R at [15].
- 167 Exhibit 32-0003, 'Statement of Dr Robert Llewellyn-Jones', Case Study 32, STAT.0643.001.0001\_R at [16]–[17].
- 168 Exhibit 32-0003, 'Statement of Dr Robert Llewellyn-Jones', Case Study 32, STAT.0643.001.0001\_R at [17].
- 169 Transcript of R Llewellyn-Jones, Case Study 32, 1 September 2015 at 10016:43–10017:13, 10020:44–10021:2.
- 170 Transcript of R Llewellyn-Jones, Case Study 32, 1 September 2015 at 10024:32–35.
- 171 Exhibit 32-0003, 'Statement of Dr Robert Llewellyn-Jones', Case Study 32, STAT.0643.001.0001\_R at [36].
- 172 Exhibit 32-0003, 'Statement of Dr Robert Llewellyn-Jones', Case Study 32, STAT.0643.001.0001\_R at [36]–[37].
- 173 Exhibit 32-0003, 'Statement of Dr Robert Llewellyn-Jones', Case Study 32, STAT.0643.001.0001\_R at [52].
- 174 Exhibit 32-0003, 'Statement of Dr Robert Llewellyn-Jones', Case Study 32, STAT.0643.001.0001\_R at [54].
- 175 Exhibit 32-0003, 'Statement of Dr Robert Llewellyn-Jones', Case Study 32, STAT.0643.001.0001\_R at [57].
- 176 Exhibit 32-0008, 'Statement of BKL', Case Study 32, STAT.0633.002.0001\_R at [13].
- 177 Exhibit 32-0008, 'Statement of BKL', Case Study 32, STAT.0633.002.0001\_R at [16]–[18].
- 178 Exhibit 32-0008, 'Statement of BKL', Case Study 32, STAT.0633.002.0001\_R at [18].
- 179 Exhibit 32-0008, 'Statement of BKL', Case Study 32, STAT.0633.002.0001\_R at [20].
- 180 Exhibit 32-0008, 'Statement of BKL', Case Study 32, STAT.0633.002.0001\_R at [21].
- 181 Exhibit 32-0008, 'Statement of BKL', Case Study 32, STAT.0633.002.0001\_R at [22].
- 182 Exhibit 32-0008, 'Statement of BKL', Case Study 32, STAT.0633.002.0001\_R at [34]–[35].
- 183 Exhibit 32-0008, 'Statement of BKL', Case Study 32, STAT.0633.002.0001\_R at [37].
- 184 Exhibit 32-0008, 'Statement of BKL', Case Study 32, STAT.0633.002.0001\_R at [40].
- 185 Exhibit 32-0006, 'Statement of BKL', Case Study 32, STAT.0633.002.0001\_R at [43]–[45].
- 186 Exhibit 32-0002, 'Statement of BKU', Case Study 32, STAT.0645.002.0001\_R at [2], [5].
- 187 Exhibit 32-0002, 'Statement of BKU', Case Study 32, STAT.0645.002.0001\_R at [6].
- 188 Exhibit 32-0002, 'Statement of BKU', Case Study 32, STAT.0645.002.0001\_R at [7].
- 189 Exhibit 32-0002, 'Statement of BKU', Case Study 32, STAT.0645.002.0001\_R at [10].
- 190 Exhibit 32-0002, 'Statement of BKU', Case Study 32, STAT.0645.002.0001\_R at [15].
- 191 Exhibit 32-0002, 'Statement of BKU', Case Study 32, STAT.0645.002.0001\_R at [15].
- 192 Exhibit 32-0002, 'Statement of BKU', Case Study 32, STAT.0645.002.0001\_R at [16].
- 193 Exhibit 32-0002, 'Statement of BKU', Case Study 32, STAT.0645.002.0001\_R at [17].
- 194 Exhibit 32-0002, 'Statement of BKU', Case Study 32, STAT.0645.002.0001\_R at [21].

- 195 Exhibit 32-0002, 'Statement of BKU', Case Study 32, STAT.0645.002.0001\_R at [23].
- 196 Exhibit 32-0002, 'Statement of BKU', Case Study 32, STAT.0645.002.0001\_R at [25].
- 197 Exhibit 32-0002, 'Statement of BKU', Case Study 32, STAT.0645.002.0001\_R at [26].
- 198 Exhibit 32-0002, 'Statement of BKU', Case Study 32, STAT.0645.002.0001\_R at [27].
- 199 Exhibit 32-0002, 'Statement of BKU', Case Study 32, STAT.0645.002.0001\_R at [30].
- 200 Exhibit 32-0002, 'Statement of BKU', Case Study 32, STAT.0645.002.0001\_R at [30].
- 201 Exhibit 32-0002, 'Statement of BKU', Case Study 32, STAT.0645.002.0001\_R at [31].
- 202 Exhibit 32-0002, 'Statement of BKU', Case Study 32, STAT.0645.002.0001\_R at [51]–[55].
- 203 Exhibit 32-0042, Case Study 32, VIC.0015.001.0119 at [84].
- 204 Exhibit 32-0021, Case Study 32, OPP.3029.001.0255\_R at [25].
- 205 Exhibit 32-0022, 'Statement of Ivan Sutherland', Case Study 32, STAT.0664.001.0001\_R at [77].
- 206 Exhibit 32-0022, 'Statement of Ivan Sutherland', Case Study 32, STAT.0664.001.0001\_R at [78].
- 207 Transcript of I Sutherland, Case Study 32, 7 September 2015 at 10435:24–26.
- 208 Transcript of I Sutherland, Case Study 32, 7 September 2015 at 10435:24–33.
- 209 Exhibit 32-0022, 'Statement of Ivan Sutherland', Case Study 32, STAT.0664.001.0001\_R at [79];  
Transcript of I Sutherland, Case Study 32, 7 September 2015 at 10439:7–12.
- 210 Exhibit 32-0022, 'Statement of Ivan Sutherland', Case Study 32, STAT.0664.001.0001\_R at [80].
- 211 Exhibit 32-0022, 'Statement of Ivan Sutherland', Case Study 32, STAT.0664.001.0001\_R at [79];  
Transcript of I Sutherland, Case Study 32, 7 September 2015 at 10439:7–12.
- 212 Transcript of I Sutherland, Case Study 32, 7 September 2015 at 10440:18–31; Exhibit 32-0004, Case Study  
32, GGS.0001.001.0136\_R; Transcript of I Sutherland, Case Study 32, 7 September 2015 at 10440:28–31,  
10441:2–24; Exhibit 32-0022, 'Statement of I Sutherland', Case Study 32, STAT.0664.001.0001\_R at [81].
- 213 Transcript of I Sutherland, Case Study 32, 7 September 2015 at 10435:24–33.
- 214 Transcript of I Sutherland, Case Study 32, 7 September 2015 at 10440:39–47.
- 215 Transcript of I Sutherland, Case Study 32, 7 September 2015 at 10441:1–6; Exhibit 32-0004,  
Case Study 32, GGS.0001.001.0137\_R.
- 216 Exhibit 32-0022, 'Statement of I Sutherland', Case Study 32, STAT.0664.001.0001\_R at [82].
- 217 Transcript of I Sutherland, Case Study 32, 7 September 2015 at 10440:13–21.
- 218 Exhibit 32-0004, Case Study 32, GGS.0001.001.0136\_R, GGS.0001.001.0137;  
Transcript of I Sutherland, Case Study 32, 7 September 2015 at 10442:17–23.
- 219 Transcript of I Sutherland, Case Study 32, 7 September 2015 at 10442:25–32.
- 220 Transcript of I Sutherland, Case Study 32, 7 September 2015 at 10435:45–47; Exhibit 32-0022,  
'Statement of Ivan Sutherland', Case Study 32, STAT.0664.001.0001\_R at [24].
- 221 Transcript of I Sutherland, Case Study 32, 7 September 2015 at 10436:1–8.
- 222 Exhibit 32-0030, 'Statement of BIR', Case Study 32, STAT.0673.001.0001\_R at [4].
- 223 Exhibit 32-0030, 'Statement of BIR', Case Study 32, STAT.0673.001.0001\_R at [10];  
Transcript of BIR, Case Study 32, 11 September 2015 at 10784:28–35.
- 224 Exhibit 32-0030, 'Statement of BIR', Case Study 32, STAT.0673.001.0001\_R at [4].
- 225 Exhibit 32-004, Case Study 32, GGS.0001.001.0136\_R; Transcript of P Beeson,  
Case Study 32, 10 September 2015 at 10747:12–40.
- 226 Transcript of I Sutherland, Case Study 32, 7 September 2015 at 10444:6–9.
- 227 Transcript of I Sutherland, Case Study 32, 7 September 2015 at 10446:27–31.
- 228 Exhibit 32-0030, 'Statement of BIR', Case Study 32, STAT.0673.001.0001\_R at [4].
- 229 Exhibit 32-0030, 'Statement of BIR', Case Study 32, STAT.0673.001.0001\_R at [6]; Exhibit 32-0029,  
'Statement of Phillipa Beeson', Case Study 32, STAT.0672.001.0001\_R at [6]. Ms Beeson's recollection  
was that she met with only BIR but that she cannot rule out that someone else was present.
- 230 Exhibit 32-0030, 'Statement of BIR', Case Study 32, STAT.0673.001.0001\_R at [7].
- 231 Exhibit 32-0030, 'Statement of BIR', Case Study 32, STAT.0673.001.0001\_R at [9].
- 232 Transcript of BIR, Case Study 32, 11 September 2015 at 10793:16–20.
- 233 Transcript of P Beeson, Case Study 32, 10 September 2015 at 10740:18–29.
- 234 Transcript of LW Hannah, Case Study 32, 7 September 2015 at 10464:45–47, 10465:1–2.
- 235 Exhibit 32-0004, Case Study 32, GGS.0008.019.0033\_R.

- 236 Exhibit 32-0004, Case Study 32, GGS.0014.001.0772\_R.
- 237 Exhibit 32-0004, Case Study 32, GGS.0001.001.0137\_R; Transcript of LW Hannah, Case Study 32, 7 September 2015, 10472:25–32.
- 238 Exhibit 32-004, Case Study 32, GGS.0001.001.0136\_R; Transcript of P Beeson, Case Study 32, 10 September 2015 at 10747:12–40.
- 239 Exhibit 32-0004, Case Study 32, GGS.0001.001.0136\_R.
- 240 Transcript of P Beeson, Case Study 32, 10 September 2015 at 10752:26–10753:14.
- 241 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10484:19–37.
- 242 Transcript of LW Hannah, Case Study 32, 7 September 2015 at 10475:16–22.
- 243 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10485:6–17.
- 244 Exhibit 32-0004, Case Study 32, GGS.0001.001.0133\_R; Transcript of LW Hannah, Case Study 32, 7 September 2015 at 10476:18–41.
- 245 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10482:34–38.
- 246 Exhibit 32-0004, Case Study 32, GGS.0001.001.0133\_R.
- 247 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10482:11.
- 248 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10482:12–14.
- 249 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10485:14–17.
- 250 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10485:19–26.
- 251 Transcript of P Beeson, Case Study 32, 10 September 2015 at 10755:3–14.
- 252 Exhibit 32-0030, ‘Statement of BIR’, Case Study 32, STAT.0673.001.0001\_R at [11].
- 253 Transcript of BIR, Case Study 32, 11 September 2015 at 10785:13–34.
- 254 Transcript of BIR, Case Study 32, 11 September 2015 at 10785:36–45; Exhibit 32-0004, Case Study 32, GGS.0001.001.0135\_R at [15]; Transcript of N Sampson, Case Study 32, 10 September 2015 at 10715:1–2.
- 255 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10492:39–47.
- 256 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10490:43–46.
- 257 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10491:31–32.
- 258 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10495:11–25.
- 259 Exhibit 32-0030, ‘Statement of BIR’, Case Study 32, STAT.0673.001.0001\_R at [17].
- 260 Exhibit 32-0030, ‘Statement of BIR’, Case Study 32, STAT.0673.001.0001\_R at [17].
- 261 Exhibit 32-0030, ‘Statement of BIR’, Case Study 32, STAT.0673.001.0001\_R at [16].
- 262 Exhibit 32-0030, ‘Statement of BIR’, Case Study 32, STAT.0673.001.0001\_R at [12].
- 263 Exhibit 32-0030, ‘Statement of BIR’, Case Study 32, STAT.0673.001.0001\_R at [17].
- 264 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10365:20–24.
- 265 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10367:7–9.
- 266 Exhibit 32-0004, Case Study 32, GGS.0007.011.0270.
- 267 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10369:43–10369:1.
- 268 Exhibit 32-0021, Case Study 32, OPP.3029.001.0255\_R at [25].
- 269 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10629:19–23.
- 270 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10629:44–47, 10630:1–8.
- 271 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10629:29–31.
- 272 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10549:7–10.
- 273 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10630:4–8.
- 274 Transcript of P Claridge, Case Study 32, 4 September 2015 at 10331:27–29.
- 275 Transcript of P Claridge, Case Study 32, 4 September 2015 at 10331:17–20.
- 276 Exhibit 32-0011, ‘Statement of BIA’, Case Study 32, STAT.0624.001.0001\_R at [13].
- 277 Exhibit 32-0011, ‘Statement of BIA’, Case Study 32, STAT.0624.001.0001\_R at [12].
- 278 Exhibit 32-0010, ‘Statement of BKM’, Case Study 32, STAT.0659.001.0001\_R at [15]; Transcript of BKM, Case Study 32, 2 September 2015 at 10096:33–35.
- 279 Exhibit 32-0011, ‘Statement of BIA,’ Case Study 32, STAT.0624.001.0001\_R at [13].
- 280 Transcript of BKM, Case Study 32, 2 September 2015 at 10102:21–25.
- 281 Exhibit 32-0010, ‘Statement of BKM’, Case Study 32, STAT.0659.001.0001\_R at [15]; Exhibit 32-0011, ‘Statement of BIA’, Case Study 32, STAT.0624.001.0001\_R at [13].
- 282 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10556:1–4.



283 Exhibit 32-0005, 'Statement of John Lewis', Case Study 32, STAT.0636.001.0001\_R at [10].  
284 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10554:12–37.  
285 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10556:34–42.  
286 Exhibit 32-0011, 'Statement of BIA', Case Study 32, STAT.0624.001.0001\_R at [14].  
287 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10560:8–10.  
288 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10407:8–10; Transcript of JE Lewis,  
8 September 2015 at 10556:12–14; Exhibit 32-0025, 'Statement of John Lewis', Case Study 32,  
STAT.0636.001.0001\_R at [10].  
289 Submissions of Counsel Assisting, Case Study 32, SUBM.0032.001.0001 at [147]–[148].  
290 Submissions of Counsel for Mr Lewis, Case Study 32, SUBM.1032.018.0001 at [96]–[99].  
291 Submissions of Counsel for Mr Lewis, Case Study 32, SUBM.1032.018.0001 at [100].  
292 Submissions of Counsel for Mr Harvey, Case Study 32, SUBM.1032.003.0001 at [9].  
293 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10628:43–47, 10629:1;  
Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10554:35–37.  
294 Exhibit 32-0010, 'Statement of BKM', Case Study 32, STAT.0659.001.0001\_R at [16].  
295 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10407:8–10; Transcript of JE Lewis,  
8 September 2015 at 10556:12–14; Exhibit 32-0025, 'Statement of John Lewis',  
Case Study 32, STAT.0636.001.0001\_R at [10].  
296 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10369:7–22.  
297 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10556:20–24.  
298 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10558:44–47.  
299 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10560:2–5.  
300 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10557:9–11.  
301 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10557:9–11.  
302 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10557:13–15.  
303 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10557:26–34.  
304 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10634:10–15.  
305 Transcript of JE Lewis, Case Study 32, 10 September 2015 at 10686:8–13.  
306 Transcript of JE Lewis, Case Study 32, 10 September 2015 at 10686:13–16.  
307 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10393:6–7.  
308 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10393:42.  
309 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10393:28–35.  
310 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10393:47–10394:2.  
311 Exhibit 32-0025, 'Statement of John Lewis', Case Study 32, STAT.0636.001.0001\_R at [20].  
312 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10598:23–26.  
313 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10598:28–30.  
314 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10598:23–26.  
315 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10599:33–41.  
316 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10599:10–11.  
317 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10599:43–10600:4, 10612:42–45.  
318 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10394:4–13;  
Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10597:16–23.  
319 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10600 at 29–34.  
320 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10601:3–10.  
321 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10600:8–16.  
322 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10603:28–30.  
323 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10603:32–43.  
324 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10604:5–7.  
325 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10605:1–5.  
326 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10605:4–9.  
327 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10605:18–20.  
328 Exhibit 32-0004, Case Study 32, GGS.0008.008.0253\_R.

329 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10377:22–26.  
330 Exhibit 32-0004, Case Study 32, GGS.0008.008.0253\_R.  
331 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10607:41–46.  
332 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10377:20–23.  
333 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10377:31–35.  
334 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10377:31–32.  
335 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10381:7–11.  
336 Exhibit 32-0025, ‘Statement of John Lewis’, Case Study 32, STAT.0636.001.0001\_R at [21].  
337 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10608:32–33.  
338 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10609:16–20.  
339 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10388:2–25; Transcript of JE Lewis,  
Case Study 32, 9 September 2015 at 10615:30–38.  
340 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10392:10–16.  
341 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10610:21–47, 10611:1–4;  
Exhibit 32-0004, Case Study 32, GGS.0007.011.0112\_R.  
342 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10611:26–32.  
343 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10611:9–13.  
344 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10611:39–42.  
345 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10612:34–35.  
346 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10612:8–13.  
347 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10613:5–47, 10614:1–14.  
348 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10381:13–16, 10392:34–36.  
349 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10633:10–15.  
350 Exhibit 32-0026, ‘Statement of Nicholas Sampson’, Case Study 32, STAT.0625.001.0001\_R at [7].  
351 Exhibit 32-0026, ‘Statement of Nicholas Sampson’, Case Study 32, STAT.0625.001.0001\_R at [34]–[35].  
352 Transcript of BLW, Case Study 32, 11 September 2015 at 10832:36–45; Exhibit 32-0032,  
‘Statement of BLW’, Case Study 32, STAT.0669.001.0001\_R at [12], [15].  
353 Exhibit 32-0032, ‘Statement of Nicholas Sampson’, Case Study 32, STAT.0625.001.0001\_R at [34];  
Transcript of N Sampson, Case Study 32, 10 September 2015 at 10697:10–21.  
354 Exhibit 32-0004, Case Study 32, GGS.0006.001.0001.  
355 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10729:25–42; Transcript of A Moore,  
Case Study 32, 23 October 2015 at 11871:36–11872:17; Transcript of J Kirkwood, Case Study 32,  
23 October 2015 at 11930:1–24.  
356 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10697:42–46.  
357 Transcript of BLW, Case Study 32, 11 September 2015 at 10833:35–42.  
358 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10705:16–19.  
359 Exhibit 32-0026, ‘Statement of Nicholas Sampson’, Case Study 32, STAT.0625.001.0001\_R at [41].  
360 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10702:17–23.  
361 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10703:2–10.  
362 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10704:32–10705:2.  
363 Exhibit 32-0026, ‘Statement of Nicholas Sampson’, Case Study 32, STAT.0625.001.0001\_R at [44].  
364 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10704:14–16.  
365 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10702:19–27, 10703:2–41.  
366 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10701:28–32.  
367 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10705:23–27.  
368 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10705:16–19.  
369 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10721:21–43.  
370 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10706:9–13.  
371 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10398:11–15.  
372 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10706:3–6; Exhibit 32-0026,  
‘Statement of Nicholas Sampson’, Case Study 32, STAT.0625.001.0001\_R at [48].  
373 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10398:2–3.

- 374 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10706:28–38.  
 375 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10398:30–35.  
 376 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10707:17–23.  
 377 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10710:21–26; Exhibit 32-0026,  
 ‘Statement of Nicholas Sampson’, Case Study 32, STAT.0625.001.0001\_R at [37].  
 378 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10732:25–27.  
 379 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10402:29–30.  
 380 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10717:47–10718:2.  
 381 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10718:21–27.  
 382 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10717:18–25.  
 383 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10718:21–27, 36–40.  
 384 Submissions of N Sampson, Case Study 32, SUBM.1032.007.0002 at [10].  
 385 Submissions of N Sampson, Case Study 32, SUBM.1032.007.0002 at [11].  
 386 Submissions of N Sampson, Case Study 32, SUBM.1032.007.0002 at [11].  
 387 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10398:37–42.  
 388 Exhibit 32-0004, Case Study 32, GGS.0001.001.0472\_R.  
 389 Exhibit 32-0004, Case Study 32, GGS.0008.008.0067.  
 390 Exhibit 32-0004, Case Study 32, GGS.0007.011.0009.  
 391 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10719:15–18.  
 392 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10400:30–33; Exhibit 32-0004,  
 Case Study 32, GGS.0007.011.0009.  
 393 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10716:40–42.  
 394 Transcript of J Kirkwood, Case Study 32, 23 October 2015 at 11931:2–10.  
 395 Transcript of J Kirkwood, Case Study 32, 23 October 2015 at 11931:20–24.  
 396 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10719:37–40.  
 397 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10719:41–45.  
 398 Transcript of J Kirkwood, Case Study 32, 23 October 2015 at 11932:11–14.  
 399 Transcript of JFC Harvey, Case Study 32, 7 September 2015 at 10401:17–47, 10402:1–24.  
 400 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10709:31–36, 38–44, 10710:36–41,  
 10711:29–33, 10714:28–36, 10715:17–30.  
 401 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10711:29–33.  
 402 Transcript of J Kirkwood, Case Study 32, 23 October 2015 at 11931:6–10.  
 403 Transcript of J Kirkwood, Case Study 32, 23 October 2015 at 11932:30–35.  
 404 Transcript of J Kirkwood, Case Study 32, 23 October 2015 at 11934:6–7.  
 405 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10715:2–5, 10715:17–20.  
 406 Transcript of N Sampson, Case Study 32, 10 September 2015, 10714:28–44, 10715:17–20.  
 407 Transcript of S Meek, Case Study 32, 11 September 2015 at 10852:26–29, 10853:1–25.  
 408 Transcript of J Kirkwood, Case Study 32, 23 October 2015 at 11934:9–12.  
 409 Submissions of Counsel Assisting, Case Study 32, SUBM.0032.001.0001 at [275].  
 410 Submissions of Counsel Assisting, Case Study 32, SUBM.0032.001.0001 at [278].  
 411 Submissions of N Sampson, Case Study 32, SUBM.1032.007.0002 at [22].  
 412 Submissions of N Sampson, Case Study 32, SUBM.1032.007.0002 at [22]–[25].  
 413 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10733:25–27.  
 414 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10732:45–47, 10733:1–3.  
 415 Exhibit 32-0036, ‘Statement of Robert John Bugg’, Case Study 32, STAT.0646.001.0001\_R at [46].  
 416 Exhibit 32-0004, Case Study 32, GGS.0001.001.0147; Exhibit 32-0004, GGS.0001.001.0139\_R;  
 Exhibit 32-0004, GGS.0008.024.0032.  
 417 Exhibit 32-0036, ‘Statement of Robert John Bugg’, Case Study 32, STAT.0646.001.0001\_R at [7].  
 418 Transcript of RJ Bugg, Case Study 32, 22 October 2015 at 11770:44–11771:2; Exhibit 32-0036,  
 ‘Statement of Robert John Bugg’, Case Study 32, STAT.0646.001.0001\_R at [5].  
 419 Transcript of C Parsons, Case Study 32, 3 September 2015 at 10177:19–26; Exhibit 32-0016, ‘Statement of  
 Catherine Parsons’, Case Study 32, STAT.0661.001.0001\_R at [5]; Transcript of RJ Bugg, Case Study 32, 22



October 2015 at 11771:25–27; Exhibit 32-0036, ‘Statement of Robert John Bugg’, Case Study 32, STAT.0646.001.0001\_R at [9].

420 Transcript of JE Lewis, Case Study 32, 10 September 2015 at 10676:17–18; Transcript of RJ Bugg, Case Study 32, 22 October 2015, 11771:29–31.

421 Transcript of C Parsons, Case Study 32, 3 September 2015 at 10177:32–34; Exhibit 32-0020, ‘Statement of Paul Claridge’, Case Study 32, STAT.0668.001.0001 at [2]–[3].

422 Exhibit 32-0036, ‘Statement of Robert John Bugg’, Case Study 32, STAT.0646.001.0001\_R at [8].

423 Transcript of C Parsons, Case Study 32, 3 September 2015 at 10176:35–45.

424 Transcript of AJ Inkster, Case Study 32, 4 September 2015 at 10249:34–39.

425 Exhibit 32-0016, ‘Statement of Catherine Parsons’, Case Study 32, STAT.0661.001.0001\_R at [4]; Transcript of C Parsons, Case Study 32, 3 September 2015 at 10174:24–28.

426 Transcript of RJ Bugg, Case Study 32, 22 October 2015 at 11776:19–36.

427 Transcript of C Parsons, Case Study 32, 3 September 2015 at 10177:41–47, 10178:1–8; Exhibit 32-0016, ‘Statement of Catherine Parsons’, Case Study 32, STAT.0661.001.0001\_R at [14].

428 Transcript of C Parsons, Case Study 32, 3 September 2015 at 10178:20–23; Transcript of AJ Inkster, Case Study 32, 4 September 2015 at 10265:26–32; Transcript of RJ Bugg, Case Study 32, 22 October 2015 at 11776:29–32.

429 Transcript of C Parsons, Case Study 32, 3 September 2015 at 10177:13–17.

430 Transcript of AJ Inkster, Case Study 32, 4 September 2015 at 10251:13–27.

431 Transcript of AJ Inkster, Case Study 32, 4 September 2015 at 10251:29–10252:6.

432 Exhibit 32-0004, Case Study 32, GGS.0001.001.0142.

433 Transcript of AJ Inkster, Case Study 32, 4 September 2015 at 10250:15–19.

434 Transcript of AJ Inkster, Case Study 32, 4 September 2015 at 10249:47–10250:3.

435 Exhibit 32-0004, Case Study 32, GGS.0008.024.0023\_R at [20]–[22]; Exhibit 32-0020, ‘Statement of Paul Claridge’, Case Study 32, STAT.0668.001.0001 at [18]–[19]; Transcript of P Claridge, Case Study 32, 4 September 2015 at 10310:28–45.

436 Exhibit 32-0020, ‘Statement of Paul Claridge’, Case Study 32, STAT.0668.001.0001 at [21]; Transcript of P Claridge, Case Study 32, 4 September 2015 at 10312:36–41.

437 Exhibit 32-0020, ‘Statement of Paul Claridge’, Case Study 32, STAT.0668.001.0001 at [23]; Transcript of P Claridge, Case Study 32, 4 September 2015 at 10315:35–41.

438 Transcript of RJ Bugg, Case Study 32, 22 October 2015 at 11773:14–18, 41–45; Exhibit 32-0036, ‘Statement of Robert John Bugg’, Case Study 32, STAT.0646.001.0001\_R at [38]–[39].

439 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10619:9–18.

440 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10635:26–31.

441 Transcript of C Parsons, Case Study 32, 3 September 2015 at 10184:38–40; Transcript of BIW, Case Study 32, 3 September 2015 at 10143:26–31; Transcript of P Claridge, Case Study 32, 4 September 2015 at 10350:44–47.

442 Transcript of RJ Bugg, Case Study 32, 22 October 2015 at 11773:30–36, 11783:9–13; Exhibit 32-0036, ‘Statement of Robert John Bugg’, Case Study 32, STAT.0646.001.0001\_R at [39].

443 Transcript of P Claridge, Case Study 32, 4 September 2015 at 10311:12–15.

444 Transcript of P Claridge, Case Study 32, 4 September 2015 at 10310:1–5.

445 Exhibit 32-0015, ‘Statement of BIW’, Case Study 32, STAT.0666.001.0001\_R at [15]–[17]; Exhibit 32-0031, ‘Statement of BLX’, Case Study 32, STAT.0671.001.0001\_R at [11].

446 Exhibit 32-0031, ‘Statement of BLX’, Case Study 32, STAT.0671.001.0001\_R at [12].

447 Transcript of RJ Bugg, Case Study 32, 22 October 2015 at 11785:37–43, 11787:25–27.

448 Transcript of P Claridge, Case Study 32, 4 September 2015 at 10319:21–32, 10319:44–47, 10320:1–12, 10359:31–47, 10360:1–17.

449 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10622:21–26.

450 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10622:14–19.

451 Transcript of JE Lewis, Case Study 32, 10 September 2015 at 10676:20–25.

452 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10635:40–46.

453 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10622:7–12.

454 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10630:4–8.

455 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10647:39–43.  
456 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10636:7–15.  
457 Submissions of JE Lewis, Case Study 32, SUBM.1032.018.0001 at [73].  
458 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10629:19–23.  
459 Transcript of M John, Case Study 32, 22 October 2015 at 11842:43–45.  
460 Transcript of M John, Case Study 32, 22 October 2015 at 11843:1.  
461 Exhibit 32-0008, ‘Statement of BKL’, Case Study 32, STAT.0633.002.0001\_R at [23].  
462 Exhibit 32-0008, ‘Statement of BKL’, Case Study 32, STAT.0633.002.0001\_R at [25].  
463 Exhibit 32-0008, ‘Statement of BKL’, Case Study 32, STAT.0633.002.0001\_R at [26].  
464 Transcript of BKL, Case Study 32, 2 September 2015 at 10078:5–20.  
465 Exhibit 32-0008, ‘Statement of BKL’, Case Study 32, STAT.0633.002.0001\_R at [26].  
466 Exhibit 32-0008, ‘Statement of BKL’, Case Study 32, STAT.0633.002.0001\_R at [27].  
467 Exhibit 32-0008, ‘Statement of BKL’, Case Study 32, STAT.0633.002.0001\_R at [46].  
468 Transcript of M John, Case Study 32, 22 October 2015 at 11848:11–14.  
469 Transcript of M John, Case Study 32, 22 October 2015 at 11838:5–10, 11850:31–37, 11854:24–27.  
470 Transcript of M John, Case Study 32, 22 October 2015 at 11845:13–28.  
471 Transcript of M John, Case Study 32, 22 October 2015 at 11845:15–24.  
472 Exhibit 32-0046, Case Study 32, GGS.0043.001.0001\_R; Exhibit 32-0047, Case Study 32,  
GGS.0043.001.0009\_R; Exhibit 32-0048, Case Study 32, GGS.0043.001.0010\_R; Exhibit 32-0049,  
Case Study 32, GGS.0043.001.0011.  
473 Exhibit 32-0045, Case Study 32, GGS.9999.048.0001.  
474 Transcript of M John, Case Study 32, 22 October 2015 at 11844:24–28, 11839:38–47, 11845:24–28,  
11845:31–34.  
475 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10566:34–10567:4.  
476 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10567:37–45, 10568:1–16.  
477 Exhibit 32-0004, Case Study 32, VIC.0014.001.0001\_R at 0003\_R.  
478 Exhibit 32-0004, Case Study 32, VIC.0014.001.0122\_R at 0126\_R.  
479 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10570:6–10.  
480 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10571:16–19.  
481 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10571:46–10572:3.  
482 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10572:6–11.  
483 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10574:9–14.  
484 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10573:13–41.  
485 Exhibit 32-0004, Case Study 32, VIC.0014.001.0122\_R at 0125\_R.  
486 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10576:35–37; Exhibit 32-0004,  
Case Study 32, VIC.0014.001.0122\_R.  
487 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10577:5–11.  
488 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10577:13–19.  
489 Exhibit 32-0004, Case Study 32, VIC.0014.001.0107\_R.  
490 Exhibit 32-0004, Case Study 32, VIC.0014.001.0107\_R.  
491 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10577:46–47.  
492 Exhibit 32-0025, ‘Statement of John Lewis’, Case Study 32, STAT.0636.001.0001\_R at [15].  
493 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10567:18–28.  
494 Exhibit 32-0025, ‘Statement of John Lewis’, Case Study 32, STAT.0636.001.0001\_R at [16].  
495 Transcript of JE Lewis, Case Study 32, 8 September 2015 at 10567:37–10568:12.  
496 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10591:29–42.  
497 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10593:41–10594:26.  
498 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10594:37–10595:23; Exhibit 32-0025,  
‘Statement of John Lewis’, Case Study 32, STAT.0636.001.0001\_R at [16].  
499 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10595:25–41.  
500 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10691:20–34.  
501 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10692:17–32; Exhibit 32-0026,

502 'Statement of Nicholas Sampson', Case Study 32, STAT.0625.001.0001\_R at [29].  
 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10692:37–39; Exhibit 32-0026,  
 'Statement of Nicholas Sampson', Case Study 32, STAT.0625.001.0001\_R at [32].  
 503 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10693:13–18.  
 504 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10693:36–39; Exhibit 32-0026,  
 'Statement of Nicholas Sampson', Case Study 32, STAT.0625.001.0001\_R at [33].  
 505 Exhibit 32-0023, 'Statement of Lister Hannah', Case Study 32, STAT.0631.001.0001\_R at [19].  
 506 Exhibit 32-0023, 'Statement of Lister Hannah', Case Study 32, STAT.0631.001.0001\_R at [19].  
 507 Transcript of JM Court, Case Study 32, 8 September 2015 at 10524:24–30.  
 508 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10498:17–26.  
 509 Transcript of JM Court, Case Study 32, 8 September 2015 at 10526:35–39.  
 510 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10500:30, 10526:41–42;  
 Exhibit 32-0004, Case Study 32, GGS.0008.013.0035\_R.  
 511 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10501:10–11.  
 512 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10501:15–16.  
 513 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10510:37–39, 44–47.  
 514 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10504:15–18; Exhibit 32-0023,  
 'Statement of Lister Hannah', Case Study 32, STAT.0631.001.0001\_R at [22].  
 515 Exhibit 32-0023, 'Statement of Lister Hannah', Case Study 32, STAT.0631.001.0001\_R at [23].  
 516 Exhibit 32-0023, 'Statement of Lister Hannah', Case Study 32, STAT.0631.001.0001\_R at [24];  
 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10504:23–31.  
 517 Transcript of LW Hannah, Case Study 32, 7 September 2015 at 10505:27–34.  
 518 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10515:4–9.  
 519 Transcript of LW Hannah, Case Study 32, 8 September 2015 at 10515:11–24.  
 520 Transcript of S Meek, Case Study 32, 11 September 2015 at 10887:25–30; Exhibit 32-0034,  
 'Statement of Stephen Meek', Case Study 32, STAT.0658.001.0001 at [75].  
 521 Transcript of S Meek, Case Study 32, 11 September 2015 at 10888:19–20.  
 522 Transcript of S Meek, Case Study 32, 11 September 2015 at 10888:35–47; Exhibit 32-0034,  
 'Statement of Stephen Meek', Case Study 32, STAT.0658.001.0001 at [76]–[77].  
 523 Transcript of S Meek, Case Study 32, 11 September 2015 at 10889:6–11; Exhibit 32-0034,  
 'Statement of Stephen Meek', Case Study 32, STAT.0658.001.0001 at [77]; Exhibit 32-0039,  
 'Statement of Andrew Moore', Case Study 32, STAT.0656.001.0001\_R at [56].  
 524 Transcript of S Meek, Case Study 32, 11 September 2015 at 10889:13–20.  
 525 Exhibit 32-0034, 'Statement of Stephen Meek', Case Study 32, STAT.0658.001.0001 at [78].  
 526 Exhibit 32-0034, 'Statement of Stephen Meek', Case Study 32, STAT.0658.001.0001 at [78].  
 527 Exhibit 32-0034, 'Statement of Stephen Meek', Case Study 32, STAT.0658.001.0001 at [65].  
 528 Transcript of A Moore, Case Study 32, 23 October 2015 at 11892:21–24.  
 529 Transcript of A Moore, Case Study 32, 23 October 2015 at 11892:29.  
 530 Exhibit 32-0034, 'Statement of Stephen Meek', Case Study 32, STAT.0658.001.0001 at [62].  
 531 Exhibit 32-0034, 'Statement of Stephen Meek', Case Study 32, STAT.0658.001.0001 at [70].  
 532 Exhibit 32-0034, 'Statement of Stephen Meek', Case Study 32, STAT.0658.001.0001 at [66].  
 533 Exhibit 32-0034, 'Statement of Stephen Meek', Case Study 32, STAT.0658.001.0001 at [71].  
 534 Transcript of JM Court, Case Study 32, 8 September 2015 at 10522:2–4.  
 535 Transcript of JM Court, Case Study 32, 8 September 2015 at 10522:33–37.  
 536 Transcript of JM Court, Case Study 32, 8 September 2015 at 10523:42–47.  
 537 Exhibit 32-0025, 'Statement of John Lewis', Case Study 32, STAT.0636.001.0001\_R at [2];  
 Transcript of I Sutherland, Case Study 32, 7 September 2015 at 10437:46–10438:17.  
 538 Exhibit 32-0025, 'Statement of John Lewis', Case Study 32, STAT.0636.001.0001\_R at [3].  
 539 Exhibit 32-0025, 'Statement of John Lewis', Case Study 32, STAT.0636.001.0001\_R at [4].  
 540 Exhibit 32-0025, 'Statement of John Lewis', Case Study 32, STAT.0636.001.0001\_R at [5].  
 541 Exhibit 32-0004, Case Study 32, GGS.0009.001.0054.  
 542 Exhibit 32-0004, Case Study 32, GGS.0009.001.0053, GGS.0009.001.0050.

- 543 Exhibit 32-0004, Case Study 32, GGS.0009.001.0052.  
544 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10632:44–46.  
545 Transcript of JE Lewis, Case Study 32, 9 September 2015 at 10633:19–20.  
546 Transcript of LW Hannah, Case Study 32, 7 September 2015 at 10454:23–24.  
547 Exhibit 32-0026, ‘Statement of Nicholas Sampson’, Case Study 32, STAT.0625.001.0001\_R at [11]–[12].  
548 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10690:2–4.  
549 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10690:4–5.  
550 Exhibit 32-0026, ‘Statement of Nicholas Sampson’, Case Study 32, STAT.0625.001.0001\_R at [16].  
551 Exhibit 32-0026, ‘Statement of Nicholas Sampson’, Case Study 32, STAT.0625.001.0001\_R at [17].  
552 Transcript of N Sampson, Case Study 32, 10 September 2015 at 10735:7–18.  
553 Exhibit 32-0034, ‘Statement of Stephen Meek’, Case Study 32, STAT.0658.001.0001 at [12].  
554 Exhibit 32-0004, Case Study 32, GGS.0004.002.0059.  
555 Exhibit 32-0004, Case Study 32, GGS.0001.001.0397.  
556 Exhibit 32-0004, Case Study 32, GGS.0001.001.0397 at 0400.  
557 Exhibit 32-0004, Case Study 32, GGS.0001.001.0397 at 0401.  
558 Exhibit 32-0034, ‘Statement of Stephen Meek’, Case Study 32, STAT.0658.001.0001 at [22].  
559 Exhibit 32-0034, ‘Statement of Stephen Meek’, Case Study 32, STAT.0658.001.0001 at [46].  
560 Transcript of S Meek, Case Study 32, 11 September 2015 at 10884:26–32.  
561 Transcript of S Meek, Case Study 32, 11 September 2015 at 10851:2–7.  
562 Exhibit 32-0034, ‘Statement of Stephen Meek’, Case Study 32, STAT.0658.001.0001 at [31].  
563 Exhibit 32-0022, ‘Statement of Ivan Lloyd Sutherland’, Case Study 32, STAT.0664.001.0001\_R at [45].  
564 Exhibit 32-0004, Case Study 32, GGS.0004.002.0137.  
565 Exhibit 32-0004, Case Study 32, GGS.0004.002.0025.  
566 Exhibit 32-0034, ‘Statement of Stephen Meek’, Case Study 32, STAT.0658.001.0001 at [41].  
567 Exhibit 32-0034, ‘Statement of Stephen Meek’, Case Study 32, STAT.0658.001.0001 at [17]–[18].  
568 Exhibit 32-0034, ‘Statement of Stephen Meek’, Case Study 32, STAT.0658.001.0001 at [39].  
569 Exhibit 32-0034, ‘Statement of Stephen Meek’, Case Study 32, STAT.0658.001.0001 at [41].  
570 Exhibit 32-0034, ‘Statement of Stephen Meek’, Case Study 32, STAT.0658.001.0001 at [37]–[38].  
571 *Crimes Act 1958* (Vic), s 327(2).  
572 *Crimes Act 1958* (Vic), s 327(3)(a).  
573 *Crimes Act 1958* (Vic), s 327(3)(b).



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ISBN: 978-1-925289-91-6  
Published December 2016