



REPORT OF CASE STUDY NO. 23

The response of Knox Grammar School and the Uniting Church in Australia to allegations of child sexual abuse at Knox Grammar School in Wahroonga, New South Wales

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Report of Case Study No. 23

The response of Knox Grammar School and the Uniting Church in Australia to allegations of child sexual abuse at Knox Grammar School in Wahroonga, New South Wales

June 2016

COMMISSIONERS

Justice Jennifer Coate
Mr Bob Atkinson AO APM

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Preface

The Royal Commission

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

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

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

Public hearings

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

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

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

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

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

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

www.childabuseroyalcommission.gov.au

Public hearings are streamed live over the internet.

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

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

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

Private sessions

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

A private session is conducted by one or two Commissioners and is an opportunity for a person to tell their story of abuse in a protected and supportive environment. As at 20 May 2016, the Royal Commission has held 5,286 private sessions and more than 1,446 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

This is the report of the public hearing which concerned allegations of child sexual abuse of a number of former students of Knox Grammar School in Wahroonga, New South Wales (Knox), and the way that Knox Grammar School and the Uniting Church in Australia responded to those allegations.

The scope and purpose of the hearing was:

1. The experience of sexual abuse of former students of Knox.
2. The response of Knox and the Uniting Church in Australia between 1970 and 2012 to concerns raised about inappropriate conduct by a number of teachers towards students at Knox.
3. The systems, policies and procedures in place at Knox in relation to raising and responding to concerns about child sexual abuse since 1970.
4. The regulatory system governing the response of Knox, as a non-government school in New South Wales, to allegations of child sexual abuse by its employees against students at the school.

Executive summary

Knox Grammar School

Knox Grammar School (Knox) is a prestigious independent boys' school located in Wahroonga on Sydney's North Shore in New South Wales.

Knox opened in 1924 and has operated continuously since then. While the ultimate control of Knox vests in the Uniting Church in Australia, Knox has a council (the Knox Council) which oversees its operation and reports to the Uniting Church, Synod of New South Wales and the Australian Capital Territory.

During the period examined in the public hearing, headmasters of the school were:

- Dr Ian Paterson – 1969 to 1998
- Mr Peter Crawley – 1999 to 2003
- Mr John Weeks – from 2004 to the present day.

At the times with which this case study is concerned, Knox had four to five boarding houses, each with a housemaster and resident masters who assisted the housemaster.

The experiences of the former students at Knox

Twelve former students gave evidence of their experiences at Knox. The father of one former student and the mother of another former student also gave evidence.

Each of the former students gave evidence of the sexual abuse they suffered while at Knox and of the devastating effect of that abuse on them. The parents of the former students gave evidence about the impact of the abuse on their children and families.

The criminal conviction of five teachers employed by Knox

In 2009, a number of former Knox students went to NSW Police to report child sexual abuse by teachers at Knox. After an investigation, five teachers from Knox were charged and ultimately convicted of child sex offences against students. These teachers were:

- Mr Roger James
- Mr Adrian Nisbett
- Mr Damien Vance
- Mr Craig Treloar
- Mr Barrie Stewart.

What Knox knew about complaints of sexual abuse

Mr Roger James

Mr James, who is now deceased, was a teacher at Knox between 1974 and 1977. In 2009, he was arrested for an act of indecency with a former student, ARY, while Mr James was a teacher at Knox. Mr James was convicted of two counts of assaulting a male and committing an act of indecency. The counts related to one student: ARY. Mr James received a 12-month suspended sentence.

While Mr James was at Knox, Dr Paterson had concerns that Mr James had become 'too close to boys in a counselling sense'. He prohibited Mr James from being involved in running school camps.

However, when Mr James left Knox in 1977 for another school in New Zealand, Dr Paterson wrote a positive reference that included favourable comments about Mr James' role in running school camps.

Despite Dr Paterson's concerns about Mr James, Dr Paterson provided a reference for Mr James which was misleading in that it suggested that he was a suitable person to be involved in school camps.

Mr Adrian Nisbett

Mr Nisbett was a teacher at Knox between 1971 and 2004. In 2010, Mr Nisbett was convicted of sexual assaults committed on three different students at Knox while Mr Nisbett was employed as a teacher and as a resident master.

In 1986, the General Duties Master at Knox, Mr Stuart Pearson, gave Dr Paterson a detailed written report which revealed a number of serious allegations about Mr Nisbett, including at least two incidents involving inappropriate touching of boys. Dr Paterson removed Mr Nisbett from his role as a resident master in one of the boarding houses, but no other action was taken. In 1990, Dr Paterson permitted Mr Nisbett to return to occupy a residence located near the new boarding house, Kooyong House, and to fill the role of housemaster from time to time. This allowed Mr Nisbett to be alone with the boys on occasion.

In 2003, the then headmaster, Mr Crawley, appointed an investigator, Mr Grahame Wilson, to investigate an allegation against Mr Nisbett made by the parents of a former student. The conclusion was that Mr Nisbett's conduct required disciplinary action and he was given a warning. Mr Crawley notified the NSW Ombudsman (the Ombudsman) of the report and the action.

In 2004, Mr Weeks, who had replaced Mr Crawley as headmaster, asked Mr Wilson to further investigate Mr Nisbett. Mr Wilson did so and in his report found that two allegations of inappropriate touching of boys were sustained. Mr Weeks notified the Ombudsman that Mr Nisbett would leave Knox's employment and the Ombudsman required no further action. We accept the Ombudsman's acknowledgement that there were significant shortcomings in his response, including that he did not advise Knox to notify the police.

Mr Damien Vance

Mr Vance was employed at Knox as a resident master in about 1984. In 2009, he was arrested and subsequently convicted of sexual assault, being the commission of an act of indecency on a person under the age of 16.

While Mr Vance was employed at Knox, a student made a complaint to Dr Paterson about Mr Vance, including that Mr Vance had touched him inappropriately and made a sexual advance. At that time the student was 15 years old. Mr Vance admitted the allegations.

Dr Paterson permitted Mr Vance to resign and did not notify the police. Mr Vance subsequently obtained employment as a teacher at Keilor Downs College in Victoria and worked there between 1989 and 2002.

In 1991, Mr Vance contacted Dr Paterson to ask for a reference. Dr Paterson gave Mr Vance a positive reference. Mr Vance subsequently used that reference in support of his application for teaching positions in Victoria. Mr Vance gave evidence that he was offered a teaching role subject to a referee check. However, Mr Vance said that he never heard back from the school.

There is no evidence to indicate whether the school contacted Dr Paterson for the referee check or whether Dr Paterson gave an adverse oral reference. However, we are satisfied that the evidence plainly establishes that Mr Vance relied on Dr Paterson's reference, which was misleading by omission of a critical detail, while applying for teaching positions in Victoria. We are also satisfied that Dr Paterson ought to have notified the police of the allegations against Mr Vance and that he failed to do so.

Mr Craig Treloar

Mr Treloar was first employed as a resident master at Knox in 1982. He was later added to the teaching staff and remained on the teaching staff until the time of his arrest for child sexual abuse in February 2009. In 2010, Mr Treloar was convicted of three counts of indecent assault on a person under the age of 16 and one count of inciting a person under the age of 16 to commit an act of gross indecency. The charges of child sexual abuse of students related to his time as a teacher at Knox.

In 1987, Mr Pearson, employed at Knox at that time as an in-house ‘investigator’, reported to Dr Paterson an incident of apparent sexual misconduct by Mr Treloar with a student at Knox. After receiving this report, Dr Paterson met with Mr Treloar and suspended him from teaching for the second half of the following year. Mr Treloar was also removed from the boarding house. Neither Dr Paterson nor Mr Pearson notified the police or the Knox Council. Mr Treloar remained at the school and went on to sexually abuse other boys.

Over the course of 2006, Mr Pearson approached Mr Weeks, who was by then the headmaster of Knox, to discuss concerns he held about teachers during his time at Knox. By August 2007, Mr Pearson informed Mr Weeks that it was clear to him that in about 1987 Mr Treloar had attempted to have a ‘sexual encounter’ with one of the boys at Knox. The only action that Mr Weeks took after Mr Pearson gave him this information was to satisfy himself that Mr Treloar was supposedly being supervised and was not coaching sport. In fact, Mr Treloar coached sporting teams until the time of his arrest in 2009.

We accept Mr Weeks’ acknowledgement that he could have done more to check whether Mr Treloar was still coaching sporting teams between 2007 and Mr Treloar’s arrest in 2009.

Mr Barrie Stewart

Mr Stewart was first employed as a teacher in the preparatory school at Knox in 1972 and remained employed in that capacity until 2000. In February 2009, Mr Stewart was arrested and charged with a number of child sexual abuse offences committed while he was a teacher at Knox on students at Knox. In 2011, he was convicted of five counts of indecent assault and two counts of category 4 sexual assault.

By 1992 Dr Paterson was aware of allegations that Mr Stewart had sexually molested a student. In investigating the matter, Dr Paterson accepted that he did not ask Mr Stewart whether he had sexually molested the student and did not notify the police. It is clear that a number of other senior staff members were also aware of the allegation. No action was taken by Dr Paterson or anyone else at the school.

In 1996, Inspector Elizabeth Cullen from NSW Police attended at the school and met with Dr Paterson. Inspector Cullen told Dr Paterson she had received anonymous information about allegations of child sexual abuse against Mr Nisbett, Mr Treloar, Mr Christopher Fotis, Mr Vance and Mr Stewart. Dr Paterson accepted that at the time he met with Inspector Cullen he would have had in his mind:

- the report about Mr Nisbett that Mr Pearson prepared in 1986
- the incident involving Mr Treloar in 1987
- his suspicions about Mr Fotis having assaulted ARN in MacNeil House in 1988 (discussed below)

- the incident involving inappropriate touching and the sexual advance admitted by Mr Vance in 1989
- the information he had received in 1992 about allegations against Mr Stewart.

Dr Paterson did not reveal anything to Inspector Cullen about any of those matters. Instead, he allowed her to have access to files which Dr Paterson knew did not contain any information about those matters.

The ‘balaclava man’ incident

Assault on ARN

In November 1988, ARN – a 14-year-old resident of MacNeil House, one of the Knox boarding houses – was sexually assaulted while he was in his bed at MacNeil House. The assault was perpetrated by a person wearing a balaclava and an older style Knox tracksuit. The offender was not apprehended.

No report was ever made to the police about the incident. Dr Timothy Hawkes, who was the housemaster at MacNeil House at the time of the incident, maintained that he believed the police were called. We reject that evidence. We find that both Dr Hawkes and Dr Paterson knew that police had not been called.

We also find that Dr Paterson addressed the boys of MacNeil House shortly after the assault on ARN. During this address he made statements to the boys describing particular characteristics of the ‘balaclava man’. We find that these statements were false to the knowledge of Dr Paterson at the time he made them.

Identity of the ‘balaclava man’

There was considerable speculation at the time about the identity of the ‘balaclava man’ and this was explored in the evidence. There were suspicions that it was Mr Fotis, who was a resident master of MacNeil House at the time. However, we consider that there is insufficient evidence to make a finding about the identity of the person involved in that incident.

1 Knox Grammar School

1.1 Establishment and history

Knox Grammar School (Knox) is a prestigious independent boys' school located in Wahroonga on Sydney's North Shore in New South Wales. It accepts day boys from kindergarten to year 12 and boarders from year 7 onwards.

Knox was opened by the Presbyterian Church in 1924. It has operated continuously since then.

1.2 Structure and leadership

The school is divided into a senior school (years 7 to 12) and a preparatory school (kindergarten to year 6). At the time of the commencement of the public hearing in February 2015, there were approximately 1,800 students in the senior school and 650 in the preparatory school. As at February 2015, there were 165 boarders.¹

Dr Ian Paterson was first employed at Knox in 1961 as head of the economics department.² In 1969, Dr Paterson became headmaster of Knox and he remained in that position until December 1998.³

Mr Peter Crawley was the headmaster of Knox between 1999 and 2003.

Mr John Weeks has been the headmaster of Knox since 2004.

1.3 Governance

Relationship between the Uniting Church in Australia, the Knox Council and the headmaster

The Uniting Church in Australia was formed in June 1977.⁴ From that time, ultimate control of Knox has vested in the Uniting Church, Synod of New South Wales and the Australian Capital Territory (the Synod).⁵

On 29 July 1998, the Synod Standing Committee approved the Constitution for Knox, which was current at the time of the public hearing.⁶ The Constitution was therefore approved in the final six months of Dr Paterson's headmastership. Knox provided no clear evidence to the Royal Commission on the formal governance structure of the school before 1998.

The Constitution requires that the management of the school be carried out by a council of 12 to 15 people (the Knox Council), of whom a majority must be members of the Uniting Church.⁷ The members of the Knox Council are formally appointed by the Synod Standing Committee.⁸ In addition

to those 12 to 15 members, the executive director of the Board of Uniting Mission and Education of the Synod Administration (UME), or UME's nominee, serves as an ex-officio member of the Knox Council.⁹ The Knox Council is responsible for the management and operation of the school. The council is also responsible for appointing the headmaster of Knox.¹⁰

The headmaster's responsibilities

The Constitution states that the headmaster 'is responsible to the Council for the general administration and daily operation of the School and for the implementation of the decisions of the Council'.¹¹ Beyond this general statement the Constitution does not specify any formal obligations for the headmaster to report to the Knox Council. However, in practice, the headmaster is responsible for the day-to-day operations and governance of the school,¹² including the recruitment and supervision of staff.¹³

There is no formal relationship between the headmaster and the Synod or the UME.¹⁴ However, the Knox Council is required to report to the UME at least quarterly and provide an annual report to the Synod.¹⁵ The Knox Council and headmaster are responsible for ensuring that there are proper practices, policies, training and reporting at Knox.¹⁶ The headmaster is responsible for ensuring that the school complies with the requirements of New South Wales and Commonwealth legislation, including laws relating to child protection.¹⁷ The headmaster is the designated agency head responsible for reporting any allegations of child sexual abuse to the NSW Ombudsman (the Ombudsman).¹⁸ The headmaster and the Knox Council are required to report any event which might result in a claim against the Synod to the Synod's insurance and risk manager.¹⁹

While we do not have any clear evidence of the formal obligations of the headmaster before 29 July 1998, Dr Paterson gave evidence about his practice of reporting to the Knox Council at the times that are relevant to this case study. Dr Paterson gave evidence that he would have made decisions about important matters without consulting the Knox Council²⁰ but that it would have been his practice to inform the council about very serious matters, such as a complaint of teacher misconduct, before taking action.²¹ Dr Paterson said he would raise the matter with the council by speaking to the chairman.²² Dr Paterson also gave evidence that at times his practice was to inform the staff committee for Knox staff about incidents of teacher misconduct. Those incidents would then be reported to the Knox Council.²³

Dr Paterson accepted that the ultimate responsibility for the welfare of the boys at the school lay with the headmaster and that the parents of the boys at the school placed a significant amount of trust and faith in the headmaster.²⁴ Dr Paterson also accepted that the role of the headmaster included an obligation to give priority to the welfare of the boys at the school.²⁵

Dr Paterson gave evidence that he would assume that his report to the Knox Council of allegations or suspicions about a sexual assault of a student would have been recorded in writing.²⁶ Dr Paterson was not aware of a practice of the council at the time to omit discussions about sensitive matters from council minutes.²⁷

1.4 The boarding houses at Knox

At the times with which this hearing was concerned, there were between four and five boarding houses at Knox. Four were located within the Knox grounds: Gilmore, Gillespie, MacNeil and Ewan houses. Another boarding house, Kooyong House, was located off campus.²⁸ Over time, the ages of the boys who resided in each house changed. Generally, Gilmore House was a residence for boys in years 7 and 8, Gillespie House was a residence for boys in year 9 and MacNeil House was a residence for boys in year 10. During some periods – in particular, in 1988 – MacNeil House was a residence for boys in years 8 and 9.²⁹ Ewan House was a residence for the senior boys and Kooyong House also was a residence for the senior boys when it was established in approximately 1990.

The governance of each of the boarding houses at the relevant times was the same. Each house had a housemaster. The housemaster was an employee of the school who usually, if not always, also taught at the school. The housemaster lived at the boarding house and was generally in charge of the house and welfare of the boys who lived in it. The houses were home to the school's boarders during term and they slept there and ate their meals there. Many of the boarders were from the country and during term they were separated from their parents by long distances.³⁰

At the relevant times within each house there were a number of dormitories of varying size. Boys in year 12 had their own rooms.

To assist in supervising the boys who lived at the boarding houses, each house also had a number of resident masters. These men (and at the relevant times they were all men) were employees of the school who lived in their own rooms in the house. In return for free board they would look after the boys. When they were on duty they slept in the house. These men were often, but not always, employed as teachers at the school.³¹

1.5 The regulatory system for non-government schools in New South Wales

Mandatory reporting obligations

Mandatory reporting obligations for teachers,³² deputy principals and school principals³³ at non-government schools³⁴ in New South Wales commenced on 18 January 1988 under section 22 of the *Children (Care and Protection) Act 1987* (NSW). Mandatory reporters were required to report to the Director-General of the Department of Youth and Community Services³⁵ (Community Services)³⁶ if they had ‘reasonable grounds to suspect that a child [had] been sexually assaulted’.³⁷

Therefore, from 18 January 1988, teachers, principals and deputy principals were subject to mandatory reporting requirements.

The *Children (Care and Protection) Act 1987* (NSW) remained in force until 1 September 1996.

The NSW Ombudsman

The Ombudsman’s child protection jurisdiction commenced in May 1999 when the Ombudsman began to oversee the handling of allegations of a child protection nature against employees of government and certain non-government agencies, including schools such as Knox.³⁸

The *Ombudsman Act 1974* (NSW) obliges heads of certain agencies (including school principals³⁹) to notify the Ombudsman of ‘reportable allegations’ and ‘reportable convictions’ against a current employee of an agency such as a school.⁴⁰ A principal may also disclose to the Ombudsman any information that gives the principal reason to believe that ‘reportable conduct’ by an employee has occurred.⁴¹

‘Reportable conduct’ includes any ‘sexual offence, or sexual misconduct, committed against, with or in the presence of a child’, any ‘assault, ill-treatment or neglect of a child’ or ‘any behaviour that causes psychological harm to a child’.⁴² A ‘reportable allegation’ is an allegation of reportable conduct against a person or an allegation of misconduct that may involve reportable conduct.⁴³ A ‘reportable conviction’ means a conviction of an offence of reportable conduct.⁴⁴

The principal is required to notify the Ombudsman of any reportable allegations or convictions involving their employees as soon as practicable. In any event, the notification must be made within 30 days of the head of agency becoming aware of the allegation or conviction.⁴⁵

Part 3A of the Ombudsman Act requires and enables the Ombudsman to:⁴⁶

- review and assess notifications concerning reportable allegations or convictions against an employee
- scrutinise agency systems for preventing reportable conduct by employees and for handling and responding to allegations of reportable conduct and convictions
- monitor and oversee agency investigations of reportable conduct
- respond to complaints about inappropriate handling of any reportable allegation or conviction against employees
- conduct direct investigations concerning reportable allegations or convictions or any inappropriate handling of, or response to, a reportable notification or conviction
- conduct audits and education and training activities to improve the understanding of, and responses to, reportable allegations
- report on trends and issues in connection with reportable conduct matters.

The scheme under the Ombudsman Act complements the Working With Children Check system. Under section 35 of the *Child Protection (Working with Children) Act 2012* (NSW) a reporting body must notify the New South Wales Office of the Children’s Guardian of findings of misconduct in relation to:

- sexual misconduct committed against, with or in the presence of a child, including grooming of a child
- any serious physical assault of a child.⁴⁷

In determining whether appropriate action has been taken in response to a reportable allegation, the Ombudsman will check to see if the relevant misconduct findings have been notified to the Children’s Guardian.⁴⁸

The Association of Independent Schools

The Association of Independent Schools of NSW (the Association of Independent Schools) is the peak body representing the independent schools sector in New South Wales.⁴⁹ All independent schools in New South Wales are registered by the Board of Studies, Teaching and Educational Standards NSW (BOSTES) and must comply with a wide range of strict educational and other regulatory requirements in order to maintain their status as a registered school.⁵⁰

The Association of Independent Schools provides a wide range of educational and related services to its member schools, including advice and support in relation to a school’s mandatory reporting obligations and its obligations under the Ombudsman Act and the *Child Protection (Working with Children) Act 2012*.⁵¹

At all relevant times Knox has been a member of the Association of Independent Schools.⁵² Knox is registered, approved and accredited by BOSTES.⁵³

2 The experiences of former students at Knox

Twelve former students gave evidence at the public hearing of their experiences at Knox. The father of one former student and the mother of another former student also gave evidence. The 12 former students were:

- ARY
- Mr Matthew O’Neal
- ARG
- Mr Guy Lamond
- Mr Coryn Tambling
- Mr Adrian Steer
- ASG
- Mr Scot Ashton
- ATN
- ARQ
- ATQ
- Mr Angus Ollerenshaw.

The parents who gave evidence were:

- Dr John Rentoul, whose son, David, attended Knox
- ATU, whose son attended Knox.

The experiences of those who gave evidence are discussed below.

2.1 ARY

ARY started at Knox in year 2 in 1969 and moved into year 7 in 1974.⁵⁴ He gave evidence that Mr Barrie Stewart was notorious amongst the students for being a ‘toucher’ of young boys. ARY gave evidence that another Knox teacher, Mr Roger James, befriended him and his father and took them out to dinner.

Later Mr James organised for ARY and a group of four or five other boys to attend a canoeing trip as part of the cadet activities. On one occasion during that trip, Mr James and ARY stayed in ARY’s parents’ house. After the lights were turned out, Mr James came over to ARY, reached under the covers, slipped his hand down the front of ARY’s pyjama shorts and began to fondle his genitals. Mr James did this for a few minutes. Later, when ARY was in year 10, Mr James invited him into his office on a number of occasions. After conversation, Mr James put his hand on ARY’s genitals and groped him.

ARY did not disclose the abuse while he was a student at Knox.

In early 2009, ARY heard a news report about sexual abuse allegations at a school in Wahroonga. After seeing this, ARY felt he had built up the courage to report the abuse by Mr James to police. On 25 February 2009, ARY made a complaint against Mr James at Hornsby Police Station.

Mr James was charged in relation to offences committed against ARY. Mr James pleaded guilty and was sentenced to a term of imprisonment.⁵⁵

2.2 Mr Matthew O'Neal

Mr O'Neal started at Knox in 1976, when he was eight years old.⁵⁶ One of his teachers was Mr Stewart. Mr O'Neal's evidence was that Mr Stewart started to bring back unusual lollies from overseas trips and give them to Mr O'Neal. On occasion he took Mr O'Neal driving in his new car and out to restaurants.

On one occasion, when Mr O'Neal was about 11, Mr Stewart invited Mr O'Neal to his house at Whale Beach on the Northern Beaches of New South Wales. When Mr O'Neal was trying to get dressed for the beach, Mr Stewart walked over to him and began tickling him and putting his hands all over him, including inside his swimmers. They then drove down to Whale Beach. At the beach Mr Stewart put his hand inside Mr O'Neal's swimmers and touched his scrotum and penis and moved his fingers around. Mr Stewart tried to get Mr O'Neal to do the same to him. Mr O'Neal's evidence was that Mr Stewart tried to put Mr O'Neal's hands down Mr Stewart's pants.

Mr O'Neal did not disclose the abuse while he was a student at Knox. In February 2009, Mr O'Neal reported the abuse at Bathurst Police Station after seeing Mr Stewart on television in relation to child sexual offences.⁵⁷ He gave a statement to police in June or July 2009.⁵⁸ Mr Stewart was charged with child sexual offences in relation to Mr O'Neal and pleaded guilty to those charges.⁵⁹ Mr Stewart was given a suspended sentence.

2.3 ARG

ARG was a student at the Knox preparatory school from year 2 in 1978.⁶⁰ ARG gave evidence that one day in 1981, when he was in year 5 and about 10 years old, his art teacher Mr Bruce Barratt told him to stay back after class. Mr Barratt took ARG to the storeroom, pushed the door half closed and purported to tuck ARG's shirt in for him. While doing this, Mr Barratt put his hands down the front of ARG's shorts, down underneath his scrotum, and fondled ARG's testicles and penis. ARG remembers feeling shocked, knowing it was wrong and telling Mr Barratt 'no'. ARG did not tell anyone about the abuse because he thought he would not be believed and would get into trouble. He was never abused by Mr Barratt again. Mr Barratt died in February 1984.

ARG also gave evidence that, when he started in the Knox senior school in 1984, his year 8 master was Mr Adrian Nisbett, a teacher employed by Knox between 1971 and 2004. During class one day ARG was sent outside for misbehaving. Mr Nisbett told ARG to come with him to his office and spoke

to ARG about his behaviour. While he was in Mr Nisbett's office, ARG had a spontaneous erection. Mr Nisbett saw the erection and told ARG, 'I know how to fix that, undo your pants'. Mr Nisbett pulled ARG's shorts and underpants down to his ankles, took hold of ARG's penis and started to pull it and stroke it. Mr Nisbett then grabbed his Polaroid camera, told ARG to pull up his shirt and took a photo of ARG. Mr Nisbett told ARG that 'it was our little secret'. After this incident, ARG tried to avoid Mr Nisbett, but in 1985 he found that Mr Nisbett would be his year 9 master. ARG's performance at school suffered as a result of his abuse. In 1985 ARG's parents had a meeting with the headmaster, Dr Paterson. Dr Paterson told ARG's parents that ARG should leave Knox, which he did.

ARG did not disclose the abuse while he was a student at Knox.

In 2009, ARG saw on the television that Mr Stewart had been arrested and charged in relation to child sex offences at Knox. On 6 March 2009, ARG went to Hornsby Police Station and made a statement.

ARG gave evidence in committal proceedings against Mr Nisbett in relation to this abuse.⁶¹

In 2012, ARG commenced civil proceedings against Knox and the Uniting Church in Australia. The proceedings were settled for a sum of \$200,000, but ARG had to pay \$110,000 in legal fees.⁶²

2.4 Mr Guy Lamond

Mr Lamond started at Knox in 1980 at the age of six.⁶³ He attended Knox until he completed school in year 12. Mr Lamond gave evidence that Mr Stewart, a teacher in the preparatory school, would often tickle him. During the tickling Mr Stewart began to put his hands inside Mr Lamond's shorts and underwear and would stroke and cup his genitals. Mr Lamond says that on other occasions, while he and other boys were getting changed for physical education classes, Mr Stewart would approach a number of the boys while they were naked and attempt to tickle them and touch them.

Mr Lamond gave evidence about a particular incident at Camp Knox when he was in year 5. At the camp Mr Stewart sat next to him and began rubbing Mr Lamond's penis and then started masturbating him. He did this for about a minute. On other occasions, Mr Stewart asked Mr Lamond if he would go with him to his house on the Northern Beaches for the weekend.

Mr Lamond also gave evidence that a teacher at Knox at the time, Mr Craig Treloar, invited him and other boys into his room and showed them a pornographic video. The video contained graphic images of older boys performing oral sex on younger boys and older males having anal sex with young boys. Mr Lamond gave evidence that Mr Treloar persuaded Mr Lamond to masturbate him and at one point Mr Treloar asked Mr Lamond to suck his penis. Mr Lamond said that on one occasion Mr Treloar took a video of him while he was naked and that Mr Treloar encouraged him to play with his genitals while he was taking that video.⁶⁴

Mr Lamond did not disclose the abuse by Mr Treloar to anyone until December 2008, when he told his wife, Renee, who that same day discovered that Mr Treloar was still teaching at Knox. She encouraged Mr Lamond to report the abuse to the police.⁶⁵

On 8 January 2009, Mr Lamond went to Hornsby Police Station and reported the abuse by both Mr Stewart and Mr Treloar.⁶⁶ Mr Lamond was the first person to report sexual abuse at Knox to police. Following Mr Lamond's report, Strike Force Arika was established to investigate allegations of historical child sex offences at Knox.

Mr Treloar and Mr Stewart were both charged and convicted of child sex offences in relation to Mr Lamond.

2.5 Mr Coryn Tambling

Mr Tambling started at Knox in 1983 as a boarder in year 7.⁶⁷ He was 13 years old. Mr Tambling gave evidence that in 1984 Mr Treloar would often take him and other boys on special outings on the weekends and would buy the boys sweets, soft drinks and junk food.

Later in 1984, Mr Treloar took Mr Tambling to a local video shop and rented some videos. He then took Mr Tambling back to his room to watch them. The videos contained heterosexual pornography, images of men and women having sex with a variety of animals, homosexual pornography and pornography showing teenage boys performing oral and anal sex. Mr Tambling gave evidence that he thought that the boys in the videos were about his age at the time (13 years old). While Mr Treloar was showing Mr Tambling the videos, Mr Treloar said words to the effect that it was okay to be homosexual and that Mr Tambling could secure a part in a pornographic movie with Mr Treloar's assistance. After watching the videos, Mr Treloar asked Mr Tambling to perform oral sex on him. Mr Tambling pulled away from Mr Treloar and said to him, 'this is wrong, I am not going to do this'.⁶⁸

Mr Tambling also gave evidence that in 1986 Mr Nisbett invited Mr Tambling to his photographic darkroom to show Mr Tambling photos. While Mr Nisbett was showing Mr Tambling the photos, Mr Nisbett pushed up against Mr Tambling and pinned him to the wall with his bottom and rubbed his bottom up and down Mr Tambling's genital area.⁶⁹

Mr Tambling did not disclose the abuse by Mr Treloar or Mr Nisbett while he was a student at Knox.

Mr Tambling gave evidence that he was involved in the criminal investigations and prosecutions of Mr Treloar and Mr Nisbett.⁷⁰

2.6 Mr Adrian Steer

Mr Steer started at Knox in 1980 in year 5.⁷¹ Mr Steer gave evidence that a resident master in his boarding house in 1985 was a teacher named Mr Damien Vance. Mr Steer said that Mr Vance would allow him and other boys to smoke with him in the storeroom. Mr Steer also gave evidence that on one occasion Mr Vance told Mr Steer that another student, ATR, came into Mr Vance's room because he had a headache. Mr Vance noticed that he had an erection, so he 'sucked him off'.⁷²

Mr Steer gave evidence that the following year he was at a different boarding house where Mr Nisbett was a resident master. Mr Steer said that on one occasion Mr Nisbett invited him into his darkroom. He said that Mr Nisbett's elbow came into contact with his groin area and Mr Nisbett rubbed it up and down in a circular fashion. Mr Steer gave evidence that after that incident he would lie awake at night in the boarding house fearful that Mr Nisbett might come and get him while he was asleep. Mr Steer was removed from the boarding house in year 11 for misbehaviour.⁷³

In 2004, Mr Steer was contacted by Mr Grahame Wilson, an independent investigator engaged by the school to investigate allegations against Mr Nisbett.⁷⁴ Mr Wilson asked Mr Steer if he had, at the time, disclosed his experience with Mr Nisbett to Mr Stuart Pearson, a General Duties Master at Knox who was responsible for discipline at the school. Mr Steer could not recall informing Mr Pearson about the abuse by Mr Nisbett, but he could not exclude the possibility that he may have done so.⁷⁵ According to a file note authored by Mr Wilson and dated 23 March 2004, Mr Pearson informed Mr Wilson that Mr Steer had told him that he did not like the way Mr Nisbett 'looked at him'.⁷⁶

Mr Nisbett was charged and convicted in relation to offences committed against Mr Steer.

2.7 ASG

ASG started as a student at Knox in 1985, aged 12.⁷⁷ ASG was also a boarder. He gave evidence that on most weekends the housemasters and resident masters on duty would get together in one of the resident master's rooms to drink, smoke and socialise. ASG was invited to join them. At times it would just be ASG; at other times there would be other students. ASG was given cigarettes and alcohol and shown pornographic videos that initially involved heterosexual and homosexual sex but which escalated to paedophilia and bestiality.

ASG gave evidence that the resident masters who were involved in these sessions included Mr Stewart, Mr Vance, Mr Treloar, Mr Nisbett and others. There were also other masters who were on duty at the time but who did not attend. ASG gave evidence that he was sexually abused for the first time in year 7 by Mr Vance and Mr Treloar, in their rooms, and then continuously throughout years 7, 8, 9 and 10. ASG recalls that often Mr Vance or Mr Treloar would wake ASG up at night and tell him to come to their rooms.

ASG did not disclose the abuse while he was a student at Knox.

Mr Treloar was charged in relation to offences committed against ASG but was acquitted at trial.

2.8 Mr Scot Ashton

Mr Ashton started at Knox in 1980 as a year 5 student in the preparatory school.⁷⁸ He was nine years old. Mr Ashton gave evidence that in his first year as a student Mr Stewart tucked in Mr Ashton's shirt in the school playground. While he was doing this he cupped his hand over Mr Ashton's genitals and pressed them. On another occasion Mr Stewart slipped his finger between Mr Ashton's buttocks and inserted his finger into Mr Ashton's rectum. Mr Stewart molested Mr Ashton on other occasions, including at a musical rehearsal. Mr Ashton also gave evidence that another teacher, Mr Barratt, chased him and pulled down Mr Ashton's shorts and stroked his penis. Mr Ashton left Knox in year 10.

Mr Ashton gave evidence that before he left Knox he had a conversation with Dr Paterson and told him that he thought it was 'compulsory to be gay' at the school.⁷⁹ Mr Ashton did not otherwise disclose the abuse by Mr Stewart or Mr Barratt while he was a student at Knox.

Mr Ashton gave evidence at the committal proceedings against Mr Nisbett and Mr Stewart.⁸⁰

2.9 ATN

ATN did not give evidence in person, but he provided a statement to the Royal Commission. ATN was a student at Knox from 1982, when he was in year 5.⁸¹ In year 5 he participated in a school trip to New Zealand which was led by Mr Stewart and another teacher. ATN gave evidence that Mr Stewart was a very 'touchy-feely' person who was always looking for a chance to grope and touch the students. ATN said Mr Stewart did this continually throughout the trip.

ATN also gave evidence that in 1988, when he was 11, ATN participated in a school play which required him to cry. ATN gave evidence that during one of the practice sessions Mr Stewart and Mr Barratt took ATN into the art room and said, 'This will teach you how to cry', and then sexually abused ATN.

ATN did not disclose the abuse while he was a student at Knox.

2.10 ARQ

ARQ did not give evidence in person, but he provided a statement to the Royal Commission. ARQ was a student at Knox from 1980, when he was in year 5.⁸²

ARQ gave evidence that, when he was a boarder in Gilmore House, one of the resident masters, ARB, placed his hand on ARQ's chest and started moving his hand down towards the lower torso to the top of the elastic of his pyjama pants. ARQ then reacted quite loudly. ARB pulled ARQ from

the top of the bunk bed, smacked him and sent him to the corridor. In the corridor, ARB began to forcefully tuck ARQ's pyjama top into his pyjama pants and then asked, 'Why are you wearing underpants to bed ... wearing underpants to bed is not done'.⁸³ ARQ was then instructed to remove his underpants. ARB then proceeded to tuck in ARQ's pyjamas and touched ARQ's penis and testicles and his hand remained there for a prolonged period.⁸⁴

ARQ also gave evidence that on numerous occasions he was shown pornographic movies in Mr Treloar's room. On another occasion, Mr Nisbett invited ARQ to see some rugby photos of ARQ's brother. When ARQ went into Mr Nisbett's office, he was taken into the darkroom, where Mr Nisbett pressed his elbow directly onto ARQ's groin. ARQ said it remained there for quite some time.⁸⁵

ARQ did not disclose the abuse while he was a student at Knox.

ARQ commenced civil proceedings against Knox in 2014. The proceedings were settled in December 2014.

2.11 ATQ

ATQ started at Knox as a boarding student in year 7 in 1995, when he was 12 years old, and finished at Knox in 2000.⁸⁶

ATQ gave evidence that in 2000 he was summoned to Mr Nisbett's office to discuss a difficulty he had with another student, who was propositioning him. During that discussion, Mr Nisbett asked ATQ personal questions and ATQ revealed to Mr Nisbett that he was homosexual. During that conversation, ATQ said that Mr Nisbett asked him to come down to the boarding house of which he was a resident master and that he should do so on the weekend, when there would be no other boys there. ATQ gave evidence that he felt uncomfortable at this point and quickly left Mr Nisbett's office.⁸⁷ ATQ gave evidence that following this meeting with Mr Nisbett he gave a written account⁸⁸ of his meeting with Mr Nisbett to two members of staff.⁸⁹

ATQ also gave evidence that, when he was about 16 years old and while he was still a student at Knox, a resident master named Mr Nick Williams propositioned him. ATQ said that he then commenced a sexual relationship with Mr Williams and that the relationship lasted for three years. For two of those years ATQ was a student at Knox. ATQ did not disclose the abuse at the time.⁹⁰ However, ATQ gave evidence that he approached one of the resident masters in Gillespie House around this time and said that Knox 'is a paedophile ring', but nothing was done in response.⁹¹

2.12 Mr Angus Ollerenshaw

Mr Ollerenshaw was a student at Knox from 2002, when he was in year 5.⁹²

Mr Ollerenshaw gave evidence that on numerous occasions Mr Treloar would 'reward' him by giving him a ginger beer. On one occasion, Mr Treloar invited Mr Ollerenshaw and another student to his classroom to receive a CD of Mr Treloar's photos from a trip to Egypt. On this occasion, Mr Treloar gave Mr Ollerenshaw and his friend a ginger beer and tucked in Mr Ollerenshaw's shirt. While Mr Treloar was doing this he put his hand inside Mr Ollerenshaw's underpants and touched his bottom.

Mr Ollerenshaw also gave evidence that when he was in year 6 Mr Treloar took Mr Ollerenshaw into his classroom, where the windows were blacked out. Mr Treloar gave Mr Ollerenshaw a ginger beer and said to him 'I'll show you mine if you show me yours'. Mr Treloar ran his hand down Mr Ollerenshaw's pants and touched him inside his underwear. Mr Treloar took off Mr Ollerenshaw's pants and touched himself while looking at Mr Ollerenshaw's penis. Mr Treloar then moved behind Mr Ollerenshaw and 'put something inside' him, which Mr Ollerenshaw thinks was Mr Treloar's finger.⁹³ Mr Ollerenshaw started crying and left Mr Treloar's room. Another teacher was in the hallway and asked Mr Ollerenshaw what was wrong, at which point Mr Ollerenshaw ran off.⁹⁴ In an interview with police in 2009, Mr Ollerenshaw stated that he noticed blood coming out of his anus after the incident.⁹⁵

Mr Ollerenshaw did not disclose the abuse while a student at Knox.

In documents produced to the Royal Commission under a notice to produce, it is evident that Mr Ollerenshaw reported his allegations to the police in 2009.⁹⁶

2.13 Dr John Rentoul

Dr Rentoul started teaching at Knox in 1969 and left in 1981 to take up a position at a school in New Zealand. At the time he left he was assistant headmaster. Dr Rentoul's son, David, started at Knox in year 4 in 1976 and remained there until the Rentoul family left for New Zealand in 1981.

Dr Rentoul gave evidence that on occasion David's class teacher, Mr Stewart, would drive David home. Mr Stewart lived close to the Rentouls' family home.⁹⁷ During 1979 Mr Stewart also taught David piano. The lessons occurred either at Mr Stewart's house or at the Rentouls' house. Dr Rentoul gave evidence that he and his wife became friends with Mr Stewart and would often socialise with him outside of school.⁹⁸

In a police statement from 2009, Mr David Rentoul described how Mr Stewart sexually abused him in his car and during piano lessons. He did not disclose the abuse while he was a student at Knox.⁹⁹

Dr Rentoul and his wife knew nothing of David's abuse until February 2009, when David was subpoenaed to give evidence at Mr Stewart's criminal trial. Dr Rentoul gave evidence to the Royal Commission that after David received the subpoena his physical, emotional and mental health deteriorated.¹⁰⁰ David was not well enough to attend Mr Stewart's criminal trial but provided a statement to the court. Mr Stewart pleaded guilty to sexually abusing David.

Mr Stewart received a two-year suspended sentence.

Mr David Rentoul died in August 2012 from an acute bilateral lung infection. Dr Rentoul gave evidence that he believed that the sexual abuse David suffered at Knox and the subsequent 'stress, guilt [and] post-traumatic stress disorder and anxiety disorder' directly contributed to his son's premature death in 2012.¹⁰¹

2.14 ATU

ATU is the mother of a former student who attended Knox from 2002, when he was in year 5 and aged 10.¹⁰² In around 2006, ATU's son disclosed to his parents that when he was in year 5 at Knox he was sexually abused by Mr Treloar. ATU gave evidence about the impact that the abuse has had upon her son and their family.¹⁰³

2.15 Dr Paterson's knowledge about complaints of child sexual abuse

At paragraph 18 of his written statement to the Royal Commission, Dr Paterson states:¹⁰⁴

During my time as Headmaster, one instance of potential child abuse that came to my attention was in or about 1990 when the Head of the Preparatory School, Michael Jenkinson, contacted the NSW police about a man giving undue attention to preparatory boys after school in the street and this was subsequently managed by the NSW police. I also dismissed a teacher for child sexual abuse in 1989, that being, Damien Vance, of which details are provided later in this statement.

Dr Paterson adhered to this statement at the outset of his oral evidence.¹⁰⁵

It will become clear from the evidence of the public hearing and findings of this report that the evidence Dr Paterson gave in paragraph 18 of his statement, which he adhered to at the outset of his oral evidence, was wrong.

Dr Paterson gave evidence that he maintained a black folder which contained documents relating to reports on incidents involving boys that had occurred at the school or outside the school – for

example, bullying, fighting or stealing.¹⁰⁶ Dr Paterson said that a file was maintained for each student at Knox and those files would not have recorded allegations that the particular student may have made about being the victim of child sexual abuse.¹⁰⁷

Dr Paterson said that he could not recall the folder containing documents about teachers,¹⁰⁸ although he also said that the files maintained in respect of teachers would not record allegations of child sexual abuse made against them.¹⁰⁹ Dr Paterson accepted that the black folder, the student files and the teacher files did not contain any documentary records of allegations of child sexual abuse.¹¹⁰ Dr Paterson also accepted that in December 1998, at the time he left his position as headmaster, he knew that those records were not maintained.¹¹¹

Mr Crawley gave evidence that before he commenced as headmaster he had a handover meeting with Dr Paterson. At that meeting Dr Paterson informed him about the black folder and advised him that, if anything awkward or embarrassing arose, the file would provide all the necessary details.¹¹² Mr Crawley said that he understood that Dr Paterson was referring to incidents ranging from poor staff behaviour to child sexual abuse.¹¹³ Mr Crawley said that he searched through the contents of the black folder within the first week of commencing as headmaster. Inside the folder he found a mixture of handwritten material that contained names but no details.¹¹⁴ Mr Crawley said that there was nothing to indicate whether the names were of staff or students and no information about the incidents or the consequences. He described the folder as nothing that he expected in terms of an appropriate file to record incidents of concern or significance.¹¹⁵

3 Knox's awareness of allegations; criminal convictions of teachers

In 2009, a number of former students of Knox came forward to NSW Police to report allegations of sexual abuse by several different teachers employed by Knox between 1970 and 2009. One of the teachers against whom allegations were made was still employed by Knox in 2009 and had been employed since 1982.

On 8 January 2009, Mr Lamond went to Hornsby Police Station and reported his sexual abuse by two teachers at Knox.¹¹⁶ Mr Lamond was the first person to report sexual abuse at Knox to police. Following Mr Lamond's report, Strike Force Arika was established to investigate allegations of historical child sex offences at Knox. Strike Force Arika ran from February 2009 until December 2011 and was widely reported in the Sydney media. Strike Force Arika saw charges laid against five teachers from Knox:

- Mr James
- Mr Nisbett
- Mr Vance
- Mr Treloar
- Mr Stewart.

Subsequently all five teachers were convicted of child sex offences against Knox students, as discussed below.

3.1 Mr Roger James

Employment at Knox

Mr James was employed at Knox as a science teacher in 1974.¹¹⁷

During his time at the school, Mr James was involved in the establishment of the school camp ground, Camp Knox,¹¹⁸ which was located on land west of Brooklyn on the Hawkesbury River in New South Wales. Camp Knox was in a remote location where there was little supervision.¹¹⁹

ARY gave evidence that between 1976 and 1977 Mr James sexually abused him while he attended cadet camp.¹²⁰

Mr James left Knox in September 1977.

Arrest, charges and conviction

On 29 April 2009, Mr James was arrested, interviewed and charged by NSW Police with assault and an act of indecency in relation to ARY.¹²¹

In November 2009, Mr James pleaded guilty to two counts of assaulting ARY and committing an act of indecency.¹²² Mr James was convicted and received a 12-month suspended sentence.

Knox's awareness of and response to abuse

Dr Paterson's concerns about Mr James

By July 1975, Dr Paterson had a concern that Mr James had become 'too close to boys in a counselling sense'.¹²³ He gave evidence that this concern was brought to his attention by other senior staff members at Knox.¹²⁴ Dr Paterson defined the concern to mean that Mr James was spending undue time alone with boys and discussing their problems.¹²⁵

Dr Paterson wrote to Mr James on 8 July 1975 advising him that he was not to arrange or in any way be responsible for any activity at Camp Knox. He made reference to 'problems that have occurred before'.¹²⁶ Dr Paterson gave evidence that the reason he sent the letter was that, if Mr James went away with boys to Camp Knox, it was very likely that there would be occasions when he would be alone with boys and that was a matter of concern to Dr Paterson.¹²⁷ When Dr Paterson was asked whether it was his custom not to record in letters to staff particulars about concerns that he had about them, he said that he was a very sparse note-taker.¹²⁸

In August 1977, Dr Paterson again wrote to Mr James noting the apparent lack of organisation in his classroom and suggesting that, unless the problems were rectified, the Knox environment may not be a suitable one for Mr James.¹²⁹ This letter did not refer to the concerns about Mr James' relationships with boys that Dr Paterson raised in July 1975. Mr James resigned shortly after receiving the letter.

Mr James' resignation and Dr Paterson's reference

On 12 September 1977, Mr James notified Dr Paterson by letter of his resignation and his intention to move to New Zealand and teach at a school there.¹³⁰ Mr James asked Dr Paterson to give him a reference so that he could forward a copy to the school in New Zealand.¹³¹ Dr Paterson gave Mr James the reference he requested. The reference included the following statement:¹³²

Mr James is an enthusiast who is ever ready to offer his services in a great range of activities. He devotes himself fully to the activity of the moment and manages to involve boys in leadership roles. He coaches 'A' teams in cricket and rugby; he has run camps at Camp Knox and, indeed, had a large hand in initiating our establishment and use of this camp; he organised rugby referees and the winter sport programs; and he assists at once with any sporting activity requiring referees, time-keepers, starters or judges.

Dr Paterson's reference made positive statements about Mr James, including about his performance of duties in relation to Camp Knox.¹³³ Dr Paterson did this despite having formed the view that Mr James was an inappropriate person to be involved in Camp Knox because of concerns about the nature of his relationships with boys.¹³⁴ Dr Paterson accepted that when he wrote this reference he did not give consideration to the welfare of the students who might fall under Mr James' care at the New Zealand school and that on reflection he should have given consideration to that matter.¹³⁵

We are satisfied that the reference that Dr Paterson prepared was misleading in that it suggested that Mr James was a person who was suitable to be involved in running school camps. This was not consistent with Dr Paterson's evidence that in his view Mr James was not suitable to be involved in running school camps because of concerns held about his spending undue time alone with boys.

3.2 Mr Adrian Nisbett

Employment at Knox

Mr Nisbett was first employed as a part-time English and history teacher at Knox in around 1971. He was a boarding housemaster between 1978 and 1986. By 1992, Mr Nisbett was a senior teacher and he was near the top of the gradation of seniority at Knox.¹³⁶ Between 1999 and 2004, Mr Nisbett held the position of Director of Students. One of the responsibilities of the Director of Students was being a primary contact for reports of child sexual abuse against staff members.¹³⁷

Mr Nisbett remained employed as a teacher until 2004, when the then headmaster, Mr Weeks, asked him to resign after an independent investigation. The investigation, carried out by Mr Wilson, concerned allegations against Mr Nisbett of impropriety involving Knox students during the 1980s. The investigation sustained allegations of sexual abuse against Mr Nisbett. This is discussed below.

ARQ, ARG and Mr Steer gave evidence that they were sexually abused by Mr Nisbett.

Arrest, charges and conviction

On 24 February 2009, police arrested Mr Nisbett, interviewed him and charged him with child sex offences while he was a teacher at Knox.¹³⁸

On 15 October 2010, Mr Nisbett pleaded guilty to two counts of category 4 sexual assault, being the commission of an act of indecency on a person under the age of 16 and under his authority. A further offence of indecent assault against another student at Knox was taken into account at sentencing. The charges related to three different students, one of whom was Mr Steer. Mr Nisbett was convicted and received a suspended sentence.¹³⁹

Knox's awareness of and response to abuse

Rumours of Mr Nisbett's misconduct

By 1984, Mr Nisbett was the housemaster of Ewan House, one of the boarding houses for senior boys at the school.¹⁴⁰

According to his written statement to the Royal Commission, in or about 1984 Dr Paterson had heard some rumours from boys about Mr Nisbett's inappropriate touching behaviour.¹⁴¹ The incidents included Mr Nisbett putting his hands on a student's bottom as he climbed a ladder¹⁴² and Mr Nisbett inviting a student into his room to get changed into his sports gear.¹⁴³ When Dr Paterson was asked whether he was aware of other rumours of inappropriate touching by Mr Nisbett, he said, 'probably, but I don't recall'.¹⁴⁴

In addition to these matters, in 1984 Dr Paterson also became aware of an incident in Mr Nisbett's darkroom involving Mr Nisbett and a boy.¹⁴⁵

Dr Paterson did not make any notes about what he had been told about the allegations against Mr Nisbett¹⁴⁶ other than in 1986, when Dr Paterson wrote to a staff member, Mr Martin Gooding, who was in England at the time. In the letter Dr Paterson referred to at least one incident of inappropriate touching by Mr Nisbett.¹⁴⁷

There is no evidence that Dr Paterson spoke to Mr Nisbett about the rumours of his inappropriate touching behaviour.

Mr Stuart Pearson's investigation and report in 1986

Mr Pearson, a former policeman, was employed as the General Duties Master at Knox between January 1982 and approximately term 3 of 1990. As General Duties Master, Mr Pearson was the school's disciplinarian and was responsible for the good order and discipline of the school. During the course of his employment, Mr Pearson's role evolved into one where he received complaints from students about other students or staff and investigated staff who may pose a threat to the boys or the school.¹⁴⁸ Mr Pearson reported directly to Dr Paterson. His practice was to brief Dr Paterson on any serious incident that came to his attention and seek his permission to investigate the matter.¹⁴⁹

Mr Pearson gave evidence that at some stage between 1986 and 1988 a former student of Knox, ARO, approached him and alleged that he was sexually abused by Mr Nisbett in Mr Nisbett's photography darkroom when he was in year 11 or 12.¹⁵⁰ Mr Pearson said that this information led him to approach Dr Paterson.¹⁵¹

Dr Paterson gave evidence that Mr Pearson informed him that rumours about Mr Nisbett were rife and that he asked Mr Pearson to investigate.¹⁵² Dr Paterson accepted that he was aware of rumours of inappropriate touching by Mr Nisbett even before Mr Pearson approached him and that is what prompted him to ask Mr Pearson to investigate.¹⁵³

Mr Pearson conducted an investigation towards the end of 1986. He gave Dr Paterson a typed report which revealed a number of serious allegations against Mr Nisbett. The report referred to at least two incidents involving inappropriate touching by Mr Nisbett, one of which occurred in Mr Nisbett's darkroom. There were also allegations that he had shown pornography to students, invited boys to his residence at Ewan House and given them alcohol and cigarettes.¹⁵⁴ The report identified that Mr Nisbett targeted athletic 13- to 15-year-old boys.¹⁵⁵ Mr Pearson recommended that Mr Nisbett be removed from all roles except his teaching role.¹⁵⁶

Dr Paterson accepted in his evidence that the report that Mr Pearson prepared, which Dr Paterson acknowledged he received,¹⁵⁷ at a minimum raised allegations about Mr Nisbett indecently assaulting students and giving alcohol and cigarettes to the boys.¹⁵⁸ The matters raised in the report caused Dr Paterson to remove Mr Nisbett from Ewan House, which reflected his view that Mr Nisbett should not be in the boarding house.¹⁵⁹ Dr Paterson said that the 'direct reason' Mr Nisbett was removed from the boarding house was that he offered the boys alcohol and cigarettes; it had 'nothing to do with the other inappropriate touching at all'.¹⁶⁰ At the public hearing the following exchange took place:¹⁶¹

Q: I will ask it again. Was the offering of alcohol and cigarettes, to your mind, a more serious matter than the fact that there were allegations of him inappropriately touching boys?

A: At the time, yes.

The original written report that Mr Pearson gave to Dr Paterson was not produced to the Royal Commission. Mr Pearson said that he did not make a copy of the report because he was told not to make copies.¹⁶² Dr Paterson says that he put the report into Mr Nisbett's file.¹⁶³

There is evidence that the report has been missing since at least 2004.¹⁶⁴ Dr Paterson said that he was aware that the report was missing.¹⁶⁵ There is no evidence about how or why the report is missing.

In response to the report, Dr Paterson did not give any written warning to Mr Nisbett and said it was unlikely he reported the matter to the Knox Council,¹⁶⁶ the police or Community Services.¹⁶⁷ Instead, on 16 December 1986, he wrote to Mr Nisbett noting that Mr Nisbett had left Ewan House and retired as housemaster. The letter also said that Mr Nisbett would be put in a position where he was a 'backup' to Dr Paterson in administrative matters so that he could continue to earn the allowances he was currently receiving. Dr Paterson concluded the letter by thanking Mr Nisbett 'for much good work again this year'.¹⁶⁸ Dr Paterson accepted that this letter, which did not contain any mention of any disciplinary action, was his only documented response to Mr Pearson's investigation report.¹⁶⁹

The correspondence between Dr Paterson and Mr Nisbett about Mr Nisbett's removal from Ewan House omitted any reference to the true reason for his removal: the serious matters raised in Mr Pearson's report. Dr Paterson agreed that the letter he wrote to Mr Nisbett at this time was misleading because it omitted the true reason for Mr Nisbett leaving the boarding house.¹⁷⁰

Further, Dr Paterson accepted that the letter he sent to Mr Nisbett contained no reference to the Pearson report. Dr Paterson accepted that it was a failure on his part that another letter was not written to Mr Nisbett, to be stored in Mr Nisbett's file, about the Pearson report and the matters contained in it.¹⁷¹ We find that Dr Paterson failed to record the true reason for Mr Nisbett's removal from Ewan House in 1986.

Mr Nisbett replied on 29 December 1986 thanking Dr Paterson for his generosity and his confidence in him and accepting the proposal 'with pleasure'.¹⁷² In response to the suggestion that Mr Nisbett be a backup to Dr Paterson in administrative matters, Mr Nisbett said, 'Yes, please! Don't forget this one! I want to remain near the centre of things, and fully involved'.¹⁷³

Mr Nisbett remained employed at Knox until 2004.

Dr Paterson said that it was unlikely that he reported the matter to the Knox Council.¹⁷⁴ Dr Paterson said that boarding house matters were rarely reported to the council, although he was not sure why this procedure existed when similar matters which concerned the day school, including staffing changes, were reported to the Knox Council.¹⁷⁵

We find that Dr Paterson ought to have informed the Knox Council of the allegation about Mr Nisbett and the reason for his removal from Ewan House and he failed to do so.

Mr Nisbett resumes boarding responsibilities

In 1990, Knox acquired a property known as Kooyong House and established it as a boarding house for senior boys. Mr Nisbett was permitted to live near Kooyong House close to where the boys resided.¹⁷⁶ Mr Nisbett's role included performing relief duties for the resident masters at Kooyong House. This gave Mr Nisbett opportunities to be alone with the boys.¹⁷⁷ Dr Paterson agreed that Mr Nisbett had not undertaken any counselling between 1986 and 1990 and there was no relevant change to his suitability as a house or resident master between 1986 (when Dr Paterson removed him from the boarding environment) and 1990.¹⁷⁸ When Counsel Assisting asked about this, there was the following exchange:¹⁷⁹

Q: What, to your mind, had changed about Mr Nisbett, in terms of his suitability to be a resident master by 1990?

A: The fact that he had been found out in the actions that he was taking with boys at Ewan House; the man was a highly intellectual professional and I thought that he would have learnt his lesson and never done that again, and, in fact, I said to him when I appointed him, 'I hope you are careful with your touching habits with boys.'

We are satisfied that Dr Paterson permitted Mr Nisbett to occupy a position in the boarding environment where he resided near Kooyong House in 1990 even though Dr Paterson had learned of the conclusions in Mr Pearson's report in 1986.

Investigations by Mr Wilson and the Ombudsman

Mr Crawley was the headmaster of Knox between 1999 and 2003. In November 2003, the mother of ASA, a former student, notified the school of an allegation of inappropriate conduct between ASA and Mr Nisbett which occurred in 2002, when ASA was in year 10.¹⁸⁰

Mr Crawley engaged an independent investigator, Mr Wilson, to investigate the allegation of inappropriate conduct against Mr Nisbett.¹⁸¹ Mr Crawley notified the matter to the Ombudsman¹⁸² and the investigation of the allegations was carried out under the Ombudsman's supervision, as was permitted by section 25E of the *Ombudsman Act 1974* (NSW).¹⁸³ Knox also sought advice from the Association of Independent Schools.¹⁸⁴

Mr Wilson delivered his report in December 2003. He found that Mr Nisbett's conduct in taking ASA to his home for dinner may amount to a breach by Mr Nisbett of the requirements of professional behaviour or judgment. The report found that the conduct required disciplinary action.¹⁸⁵ Mr Crawley gave Mr Nisbett an official warning.¹⁸⁶ The Ombudsman was notified of the findings and given a copy of Mr Wilson's report.¹⁸⁷

At the beginning of 2004, Mr Weeks succeeded Mr Crawley as the headmaster of Knox. Mr Weeks gave evidence that he was concerned about the contents of Mr Wilson's report and had heard rumours in his previous schools about Mr Nisbett – the suggestion being that he was 'untrustworthy with children'.¹⁸⁸ Mr Weeks made enquiries with longstanding staff, received further information about historical allegations of improper conduct by Mr Nisbett and made a further notification to the Ombudsman.¹⁸⁹ Mr Wilson was appointed to conduct a further investigation in light of the new information, again under the oversight of the Ombudsman, as permitted by section 25E of the *Ombudsman Act*.¹⁹⁰

Mr Wilson carried out a detailed investigation of 17 allegations of sexual misconduct against Mr Nisbett. In May 2004 he submitted a second report to Knox. The report found that seven of the allegations were sustained and concluded that two of the sustained allegations related to inappropriate touching in the context of sexual abuse.¹⁹¹ A number of allegations of grooming behaviour were also sustained. As to the balance of the allegations, Mr Wilson found them not sustained but noted that there was no evidence to establish that those allegations were false.¹⁹²

Mr Wilson gave his second report to the Ombudsman on 7 June 2004.¹⁹³ Mr Weeks informed the Ombudsman that he intended to adopt Mr Wilson's findings as the school's findings. He also informed the Ombudsman that Mr Nisbett would leave Knox's employment on 18 June 2004 and the matter would be reported to the New South Wales Commissioner for Children and Young People. This report to the commissioner was made on 8 June 2004.¹⁹⁴

On 19 July 2004, the Ombudsman informed Mr Weeks that it did not require the school 'to take further action in relation to this allegation at this time'.¹⁹⁵ Mr Weeks gave evidence that he relied on this advice from the Ombudsman that 'no further action was required'.¹⁹⁶ Mr Weeks agreed that at least some of the allegations that Mr Wilson found to be sustained amounted to criminal conduct and should have been investigated by the police.¹⁹⁷ Knox did not report the matter to police.¹⁹⁸ The Ombudsman conceded that there were significant shortcomings in the Ombudsman's overall response to this matter in that Knox was not advised to notify the police of Mr Nisbett's conduct.¹⁹⁹

We find that there were significant shortcomings in the Ombudsman's overall response to this matter in that Knox was not advised to notify the police of Mr Nisbett's conduct.

3.3 Mr Damien Vance

Employment at Knox

Mr Vance was first employed at Knox as a resident master in about 1984.²⁰⁰

The job of resident master was an important one. The resident masters shared the responsibility of caring for the boys in the boarding houses and from time to time the resident masters were left alone to care for the boarders.²⁰¹

When Mr Vance applied for the position of resident master in 1984, the system for employing resident masters at Knox did not require an applicant to fill out an application form or prepare a CV. In some instances the headmaster was not required to interview the applicant.²⁰² No check was done on whether the applicant had a criminal record and there was no requirement for the applicant to provide references or referees.²⁰³

Mr Steer gave evidence that Mr Vance told Mr Steer that he had performed a sexual act on another student, ATR.

ASG gave evidence that Mr Vance attended sessions where ASG was given cigarettes and alcohol and shown hardcore pornographic videos, bestiality and child exploitation material.

Arrest, charge and conviction

On 8 April 2009, Mr Vance was arrested in Victoria and extradited to New South Wales.²⁰⁴ On the same day he was charged with one count of child sexual abuse.²⁰⁵

Mr Vance pleaded guilty to one count of category 4 sexual assault, being the commission of an act of indecency on a person under the age of 16 and under his authority. In September 2009, Mr Vance was convicted and released on a good behaviour bond.²⁰⁶

Knox's awareness of and response to abuse

Dr Paterson's concerns about Mr Vance's conduct

By October 1988, Dr Paterson had some concerns about the behaviour of Mr Vance. Dr Paterson gave evidence that, by October 1988, his concerns about Mr Vance were not in the area of child sexual abuse but more in the area of his method and manner of disciplining boys – for example, hitting students.²⁰⁷ Mr Vance gave evidence that he assumed those concerns related to two separate incidents in 1985 and 1986, where Mr Vance had struck a student in the dining room.²⁰⁸

Those concerns resulted in a 'counselling' session between Mr Vance and Dr Paterson. After the session, Dr Paterson decided that Mr Vance could stay in his position at Knox.²⁰⁹ Mr Vance recalled that no notes were taken of this 'counselling' session and there was no other person present.²¹⁰ Mr Vance gave evidence that during the 'counselling' session Dr Paterson had raised the possibility of moving Mr Vance to another boarding house to avoid incidents of Mr Vance 'hitting kids'. However, Mr Vance was not moved.²¹¹

ASD's allegation

In late February 1989, a student at Knox, ASD, complained to Dr Paterson about Mr Vance.²¹² Dr Paterson said in his statement to the Royal Commission that the complaint ASD made was that he and Mr Vance were together in a room underneath the chapel and Mr Vance had offered him a cigarette and made an inappropriate sexual suggestion. Dr Paterson said he had only learned in 2015 that Mr Vance had also inappropriately touched ASD.²¹³ However, Dr Paterson accepted that his statement was wrong – in fact, ASD had told him in February 1989 that Mr Vance had also touched him inappropriately in addition to making a sexual advance.²¹⁴ ASD was 15 years old at the time he made the complaint to Dr Paterson.²¹⁵

After ASD told Dr Paterson that Mr Vance had inappropriately touched him and made an inappropriate sexual suggestion to him, Dr Paterson's response was to tell ASD that this was a serious allegation to make against a teacher. Dr Paterson sent ASD away to sit in the library to think about what he had said.²¹⁶ After this period in the library ASD maintained his allegations against Mr Vance.²¹⁷

When Dr Paterson was asked about whether it was acceptable to respond to ASD's complaint in that way, he agreed that it would have been intimidating for ASD to come to him to reveal the actions of impropriety of Mr Vance²¹⁸ but said to the Royal Commission that 'the boy was a drama boy. He liked to exaggerate stories'.²¹⁹

After ASD's complaint, Dr Paterson called Mr Vance into his office and confronted him with the allegations.²²⁰ This meeting took place on 28 February 1989.²²¹ Mr Vance admitted that ASD's allegations were true.²²² Dr Paterson initially said that 'in the light of today' he could see that the conduct that Mr Vance admitted to was very serious.²²³ However, he later accepted that it was not necessary to apply the standards of 'today' to realise that what had occurred was very serious.²²⁴

Dr Paterson said that he was not aware that Mr Vance inappropriately touching ASD was a crime or a matter for the police.²²⁵

Mr Vance gave evidence that Dr Paterson told him that ASD's parents were expected to arrive at the school within 72 hours of their meeting. Mr Vance said that Dr Paterson told him that 'it would be in your best interests not to be here',²²⁶ which Mr Vance understood to mean that he had 72 hours to 'decamp'.²²⁷ Mr Vance said that he left the boarding house and his employment at Knox later that day.²²⁸

Dr Paterson gave evidence that Mr Vance was permitted to immediately resign,²²⁹ although it occurred to Dr Paterson that he should have been fired.²³⁰ Dr Paterson did not think that he should notify the police after Mr Vance made the admission²³¹ and he accepted that this was a failure on his part.²³²

We are satisfied that Dr Paterson ought to have notified the police of the allegation that ASD made about Mr Vance and admitted by Mr Vance in February 1989, that he failed to do so and accordingly he failed to act in the best interests of the boys under his care at Knox.

There is no evidence which indicates whether ASD's parents were notified about the incident.

Dr Paterson's failure to notify Community Services

Mandatory reporting obligations first came into effect²³³ for government schools in New South Wales on 19 July 1987. Amendments to the *Child Welfare Act 1939* (NSW) (the 1939 Act) imposed mandatory reporting obligations on principals, deputy principals and school teachers in government schools in New South Wales.

In 1988, further legislative changes extended those mandatory reporting obligations to teachers,²³⁴ deputy principals and school principals²³⁵ at non-government schools²³⁶ in New South Wales.²³⁷ They were therefore relevant to Knox and Dr Paterson. The amendments commenced on 18 January 1988 under section 22 of the *Children (Care and Protection) Act 1987* (NSW). Mandatory reporters at both government and non-government schools were now required to report to the Director-General of Community Services²³⁸ if they had 'reasonable grounds to suspect that a child [had] been sexually assaulted'.²³⁹ For the purposes of section 22(1)–(4) of the *Children (Care and Protection) Act 1987* (NSW), a 'child' was a person under the age of 16 years.²⁴⁰

A person who failed to comply with the reporting obligations in section 22(4) was guilty of an offence (section 22(6)) and could be subject to a penalty not exceeding \$1,000 or imprisonment for a period not exceeding 12 months or both.²⁴¹

Under section 121 of the *Children (Care and Protection) Act 1987* (NSW), proceedings for an offence against the Act were to be ‘dealt with summarily before a Local Court constituted by a Magistrate sitting alone’. It appears that proceedings for an offence under the Children (Care and Protection) Act were to be made at any time ‘within six months from the time when the matter of the information or complaint arose’.²⁴² The mandatory reporting obligations under section 22 of the Children (Care and Protection) Act remained in force until 1 September 1996.

Dr Paterson could not recall, in his time as headmaster, hearing about the introduction of mandatory reporting legislation.²⁴³ He could not recall if mandatory reporting training had been offered for the teachers at Knox²⁴⁴ and agreed that if this training was not offered then this was a failure.²⁴⁵

ASD complained to Dr Paterson about Mr Vance in 1989, which was after the introduction of mandatory reporting obligations for teachers, deputy principals and principals employed by non-government schools in New South Wales. Dr Paterson, as the headmaster of Knox, held mandatory reporting obligations at this time.²⁴⁶ ASD was also a child at the time of the complaint to Dr Paterson. Mr Vance admitted that he had inappropriately touched ASD and made a sexual suggestion to him. It is clear that Dr Paterson had ‘reasonable grounds to suspect that a child has been assaulted, ill-treated or exposed’. In those circumstances, under section 22(4) of the Children (Care and Protection) Act, he was required to report ASD’s allegations to the Director-General of Community Services.

Dr Paterson said that he did not contact Community Services to report ASD’s allegation about Mr Vance.

Mr Vance’s resignation

On 8 March 1989 – after the meeting in which Mr Vance admitted that he had sexually abused ASD – Mr Vance wrote a letter to Dr Paterson resigning from his position at the school. That letter said that he was returning to Melbourne to attend to several matters concerning the administration of his late father’s estate.²⁴⁷ The letter did not refer to the fact that Mr Vance was forced to leave the school or the true reason for his departure. In the letter, Mr Vance thanked Dr Paterson for his ‘very kind remarks’, which were made at the time when Mr Vance admitted to Dr Paterson that he inappropriately touched and made an inappropriate sexual suggestion to ASD.²⁴⁸ Mr Vance also asked Dr Paterson for a reference or statement of service but noted that Dr Paterson may not be prepared to give him one.

On 12 March 1989, Dr Paterson reported to the Knox Council that Mr Vance had left Knox ‘for Melbourne and home’.²⁴⁹ No evidence was produced which indicates that the Knox Council was aware of the incident involving ASD or the true reason for Mr Vance’s resignation.

In his statement to the Royal Commission, Dr Paterson said that he did report the incident involving ASD to the Knox Council.²⁵⁰ However, in his oral evidence Dr Paterson said that he could not recall whether he formally reported the incident to the Knox Council or to a staff committee.²⁵¹ Dr Paterson also said that he could not recall having a conversation with the then chairman of the Knox

Council about the incident.²⁵² While Dr Paterson reported the fact of Mr Vance's departure from the school to the Knox Council, no documented report was produced about the incident or the true reason for Mr Vance's departure from Knox.

We are satisfied that Dr Paterson failed to make any written record of ASD's complaint or Mr Vance's admission or the true reason for Mr Vance's departure from Knox.²⁵³

Dr Paterson's reference for Mr Vance

Initially, Dr Paterson did not give Mr Vance a reference or statement of service. On 26 June 1989, Mr Vance wrote to Dr Paterson saying (incorrectly) that before he departed from Knox he had neglected to ask for a statement of service and noted that Dr Paterson would probably be unwilling to give a reference.²⁵⁴ On this occasion Dr Paterson gave Mr Vance a statement of service. That statement of service made no reference to the true reason for Mr Vance's departure from Knox.²⁵⁵

In 1991, Mr Vance contacted Dr Paterson to ask again for a reference. On this occasion Dr Paterson did give Mr Vance a reference.²⁵⁶ In this reference, dated 21 February 1991, Dr Paterson said:²⁵⁷

This is to certify that Damien Piers VANCE was employed as a fulltime teacher at Knox Grammar School from 1st January, 1983 to 28 February, 1989. Mr Vance taught English and General studies. He was a Resident Master in our boarding house from 1984 to 1989. He commanded our 400 strong Cadet Unit during the year's leave-of-absence of the Commanding Officer. He carried the Corps extremely well, with special emphasis on drill, discipline and dress.

Mr Vance is a strong teacher and personality. He is highly experienced and he knows the Art and Craft of teaching, both in the classroom and on the sports field where he successfully coached teams in Rugby Union and Basketball.

I am prepared to speak further to this reference as required.

Dr Paterson could not recall whether he turned his mind to the reason for Mr Vance's request for a reference and whether it was prompted by him trying to obtain a position as a teacher. Dr Paterson agreed that it was an inference open to him that Mr Vance's request for the reference was linked to him attempting to get a job as a teacher.²⁵⁸ Dr Paterson agreed that the reference he provided was a 'strong' reference in the sense that it was positive.²⁵⁹

In his evidence, Dr Paterson said that his concerns about Mr Vance's suitability for employment as a teacher were covered by the last sentence of the reference, which he said was 'a known trigger amongst Headmasters that there was something more to be said'.²⁶⁰ Dr Paterson did not explain his understanding of this 'known trigger amongst Headmasters', but he accepted that he would have written an entirely different reference today – one which mentioned that Mr Vance had been

dismissed from the school.²⁶¹ Dr Paterson agreed that the reference he did give Mr Vance would lead the reader to think that Dr Paterson had a positive view of Mr Vance and that the reference was misleading by omitting a critical detail.²⁶²

After he left Knox, Mr Vance obtained employment as a teacher at Keilor Downs College in Victoria. He worked there from July 1989 until 2002.²⁶³ After Mr Vance left Keilor Downs College, he taught in Hong Kong. He returned to Australia in 2007 and secured a job at a foundation school for adults in Melbourne, where he worked until his arrest 2009.²⁶⁴

Dr Paterson submitted that it was not open to the Royal Commission to find:

- firstly, that he prepared a misleading reference for Mr Vance by omitting critical details about the true reasons for Mr Vance's departure from Knox
- secondly, that he did this knowing that Mr Vance may use the reference to obtain employment as a teacher and that this potentially exposed other children to harm.

With regard to the first submission, Dr Paterson submitted that he provided a reference which was 'factually correct':²⁶⁵

65. Dr Paterson gave evidence that his concluding words in the reference 'I am prepared to speak further to this reference as required' were deliberately included to put the recipient on notice that they should contact him for further information and because he was not in fact employed one must conclude as Mr Vance did in his evidence that a call was made and because of the information given he did not get the job.

We reject these submissions. With regard to the first submission, the evidence in paragraph 65 is contrary to Dr Paterson's oral evidence, in which he accepted that the reference he gave Mr Vance was misleading by omission of a critical detail.²⁶⁶ The second submission is misleading because Dr Paterson's reference for Mr Vance was prepared on 21 February 1991, which was over one and a half years into Mr Vance's tenure as a teacher at Keilor Downs College in Victoria. The failure to notify that school about Mr Vance's history had the effect of potentially exposing the children at that school to harm.

Mr Vance gave evidence that he relied on Dr Paterson's reference when he applied for a position as a teacher at another school in early 1991. He said he was subsequently offered that role subject to referee checks.²⁶⁷ However, Mr Vance said that he never heard back from that school.²⁶⁸ Mr Vance speculated that the school had contacted Dr Paterson for a referee check,²⁶⁹ although there is no evidence to indicate whether Dr Paterson was contacted for a referee check or provided an adverse oral reference.

The evidence plainly establishes that Mr Vance relied on Dr Paterson's reference, which was misleading by omission of a critical detail, when he was applying for teaching positions in Victoria. Dr Paterson agreed that it was open to him to infer that Mr Vance had asked for the reference because he was attempting to get a job as a teacher²⁷⁰ and that he provided a 'strong' reference in the sense that it was positive.²⁷¹

We find that Dr Paterson prepared a misleading reference for Mr Vance by omitting critical details about the reason for Mr Vance's departure from Knox. He did this knowing that Mr Vance may use the reference to obtain employment as a teacher and this potentially exposed other children to harm.

3.4 Mr Craig Treloar

Employment at Knox

Mr Treloar was first employed as a resident master of Gillespie House at Knox in 1982.²⁷² Mr Treloar was a Knox Old Boy²⁷³ and, in keeping with the system at the time, he was not interviewed for the position and was not required to prepare a resume or provide any referees. It appears that no check was performed to find out whether Mr Treloar had a criminal record.²⁷⁴ However, if a criminal record check on Mr Treloar had been performed, it would have indicated no criminal behaviour, as Mr Treloar did not have a criminal record at that time.

The process by which Mr Treloar was employed was extremely informal. Mr Treloar could not recall meeting the housemaster of Gillespie House before he commenced as a resident master and it was possible that he moved into one of the rooms for resident masters in Gillespie House without having an interview with the housemaster.²⁷⁵

Initially, Mr Treloar was only employed as a resident master but later in 1984 he was added to the teaching staff of the preparatory school. For reasons that we describe below, Mr Treloar was suspended from teaching for six months in the second half of 1988. He returned to teaching from the first term of 1989 and remained in that role until the time of his arrest for child sexual abuse in February 2009.

Mr Lamond, Mr Tambling, ASG and Mr Ollerenshaw gave evidence that they were sexually abused by Mr Treloar.

Arrest, charges and conviction

On 17 February 2009, Mr Treloar was charged with child sex offences.²⁷⁶

In 2010, Mr Treloar pleaded guilty to three counts of indecent assault on a person under the age of 16 and under his authority; and one count of inciting a person under the age of 16 years to commit an act of gross indecency.²⁷⁷ The acts related to four Knox students, including Mr Lamond.

A further act of possession of child pornography was taken into account at sentencing. During the execution of a search warrant at Mr Treloar's home, police seized Mr Treloar's computer hard drive. On that hard drive they found a 'pseudophotograph' which depicted two unknown young boys

with digitally enhanced erect penises placed on their genital areas. It contained the caption, 'Dear Baz please suck us off cos [sic] we're ready to blow!'.²⁷⁸ The 'Baz' to whom the caption referred was allegedly Mr Stewart.²⁷⁹

On 15 June 2010, Mr Treloar was sentenced in the District Court of New South Wales to a total of four and a half years of imprisonment, with a two-year non-parole period.²⁸⁰

In 2013, Mr Treloar was charged with a number of counts of child sexual abuse against a fifth student, ASG.²⁸¹ Mr Treloar pleaded not guilty to these charges. On 6 August 2013, the District Court of New South Wales found Mr Treloar not guilty and he was acquitted.

Knox's awareness of and response to abuse

The 1987 incident

We heard evidence that in the latter part of 1987 Mr Treloar had been showing one of the boys in the dormitory of which he was a resident master videos containing hardcore heterosexual pornography, pornography involving older men performing sexual acts on younger boys, and bestiality.²⁸² He also propositioned the boy for sex and encouraged the boy to perform a sexual act on him.²⁸³

Dr Paterson, Mr Treloar and Mr Pearson gave conflicting accounts about what Dr Paterson was told concerning the incident involving Mr Treloar in 1987.

Mr Pearson gave evidence that a young boarder, approximately 14 years old but whose name he cannot now recall, came to his door in tears and very distressed. The boy told Mr Pearson that Mr Treloar had invited the boy into his residence, poured him an alcoholic drink, showed him a pornographic video and asked him a number of sexually explicit questions. The boy told Mr Pearson that Mr Treloar then took him into Mr Treloar's bedroom and asked the boy to perform a sexual act on him, inviting the boy to either suck or fondle Mr Treloar's penis. The boy refused and left Mr Treloar's room.²⁸⁴

Mr Pearson's evidence is that he went to Mr Treloar's room shortly after and knocked on the door. He heard sounds (like a television) coming from the room. Mr Treloar opened the door wearing the same clothing described by the boy. Mr Pearson entered the room and noticed two glasses on the table. The glasses contained liquid that he assumed to be alcohol. The television was turned off. Mr Pearson asked Mr Treloar to turn on the television. Mr Treloar replied that it was broken. Mr Pearson then turned on the television himself and found that the pornographic video (which was hardcore heterosexual content) was still playing.²⁸⁵

Mr Pearson says that he then took a handwritten statement from Mr Treloar about what had occurred with the young boarder. In that statement, Mr Treloar claimed that the boy had 'come on' to him. Mr Pearson also prepared his own statement based on what the boy had told him and what he had seen and heard.²⁸⁶

Mr Treloar gave a contrary account. He said that Mr Pearson did not interview him and he did not give a statement to Mr Pearson.²⁸⁷

Report to Dr Paterson

Mr Pearson's evidence is that he then telephoned Dr Paterson and asked him whether he could see Dr Paterson in his office right away, as he had a serious sexual matter to discuss involving a teacher and a student.²⁸⁸ He then took Mr Treloar to Dr Paterson's office, where he handed Dr Paterson the two written statements. Dr Paterson read the statements and expressed his disbelief at the contents.²⁸⁹

Mr Pearson gave evidence that the handwritten statements he handed to Dr Paterson not only described the showing of pornography to the boy but also said that Mr Treloar had made a sexual advance toward the boy. Mr Pearson says that he recommended to Dr Paterson that Mr Treloar be immediately dismissed.²⁹⁰ Dr Paterson told him that he would handle the matter from there.

Mr Pearson then called Mr Treloar into the office. Mr Treloar admitted to Dr Paterson that the incident Mr Pearson had described was true.²⁹¹ Mr Pearson gave evidence that Dr Paterson then said: 'Thanks, Stuart, you can go now. I'll handle this from now on.'²⁹² Mr Pearson said he did not know what happened after Dr Paterson invited him to leave.²⁹³

Mr Treloar denied that Mr Pearson interviewed him or that he provided a statement to Mr Pearson.²⁹⁴ He says that he went to Dr Paterson's office alone because on the previous evening Mr Pearson had told him to do so. He said he did not meet with Dr Paterson in the presence of Mr Pearson.²⁹⁵ He did not recall discussing with Dr Paterson the nature of the videos or any allegation that he had asked the boy to perform a sexual act on him.

Dr Paterson gave evidence that when he saw Mr Treloar he was not given any statements or a handwritten account of the boy's version of events and that he was not told that Mr Treloar had propositioned the boy in addition to showing him a pornographic video.²⁹⁶ Both Mr Treloar and Dr Paterson gave evidence that there was no discussion at their meeting about precisely what was contained on the video; what had occurred with the boy; whether, and, if so, how often it had occurred with other boys; or whether there was any other misconduct involved.²⁹⁷

Mr Pearson gave evidence that later, on the same day that Dr Paterson met with Mr Treloar, Dr Paterson said to Mr Pearson, 'he's gone, Stuart, you won't be seeing him again'. Mr Pearson took this to mean Mr Treloar had been dismissed from the school.²⁹⁸

There is a conflict between the accounts of Dr Paterson and Mr Treloar on the one hand and Mr Pearson on the other hand about what Dr Paterson was told.

Mr Treloar's evidence conflicted with that of Mr Pearson in a number of aspects. However, what is clear and not in dispute is that a boy from the dormitory at which Mr Treloar was a resident master made a complaint of a sexual nature about Mr Treloar to Mr Pearson, that Mr Pearson advised

Dr Paterson, that Dr Paterson saw Mr Treloar and that, as a consequence, Mr Treloar was suspended and removed from the boarding house.

Counsel Assisting submitted that unchallenged evidence of Mr Michael Probert, a resident master in Gilmore House, was relevant. Mr Probert gave evidence that a student, ASE, approached him on the basketball court and told him that Mr Treloar had shown him a pornographic video and propositioned him.²⁹⁹ Mr Probert said that he told the boy to report the matter to Mr Pearson.³⁰⁰ Mr Probert said that he was satisfied that the boy had reported the matter because shortly afterwards Mr Treloar was removed from the boarding house and the junior school.³⁰¹ Counsel Assisting submitted that, on the apparent logic of events, it is likely that the boy who Mr Probert spoke to, ASE, was the same boy who complained to Mr Pearson about Mr Treloar and that, accordingly, it is very likely that Mr Pearson was aware of the incident, as he said in his evidence.

However, Dr Paterson submitted that there was evidence that the boy who approached Mr Probert, ASE, was not the same boy who came to see Mr Pearson in 1987. ASE did not appear as a witness in this public hearing; however, his signed statement given to NSW Police on 9 February 2009 was tendered into evidence.³⁰² In that statement, ASE says that he did disclose the sexual abuse by Mr Treloar to Mr Probert and that Mr Probert did encourage him to report the incident. However, this did not occur until 'sometime in the following years'.³⁰³ Also, ASE's statement to police does not mention that Mr Pearson interviewed him.³⁰⁴ We consider that Dr Paterson's submission is well founded. In resolving the disparity between the accounts of Mr Pearson, Dr Paterson and Mr Treloar, we accept Dr Paterson's submission and do not place weight on Mr Probert's evidence.

We find that Mr Pearson was a credible witness and he had a good recollection of the relevant events of this incident.³⁰⁵

Mr Pearson's account in his statement and oral evidence is also consistent with the letter he wrote to Mr Weeks in August 2007. In that letter Mr Pearson refers to his investigation of the matter immediately after the incident and that it was clear to Mr Pearson that Mr Treloar had 'attempted to have a sexual encounter with this lad'.³⁰⁶

Further, Mr Pearson's evidence of his response to this allegation was consistent with the diligent way he had dealt with similar matters – for example, the report on Mr Nisbett in 1986 and his reports to Dr Paterson about Mr Christopher Fotis in 1989. Having regard to the evidence of Mr Pearson's diligent response to the allegations against Mr Nisbett and Mr Fotis, we are satisfied that he told Dr Paterson what he knew about the allegations about Mr Treloar in 1987, which, as noted, included that Mr Treloar had shown the boy a pornographic video and that he had 'attempted to have a sexual encounter with this lad'.

We accept Mr Pearson's evidence. We are satisfied that Dr Paterson was:

- informed by Mr Pearson that Mr Treloar had shown a pornographic video to a boy in his dormitory
- informed by Mr Pearson that Mr Treloar had sexually propositioned this same boy
- given documents by Mr Pearson which contained the allegations that Mr Treloar had shown a pornographic video to the boy and sexually propositioned him.

Follow-up after the incident

In response to this incident, Dr Paterson discussed the matter with Mr Michael Jenkinson, the head of the preparatory school, in 1987. Mr Jenkinson gave evidence that at this meeting Dr Paterson told him that Mr Pearson had investigated a complaint by a student which had uncovered inappropriate conduct on the part of Mr Treloar.³⁰⁷ Mr Jenkinson said that the inappropriate conduct amounted to Mr Treloar showing pornography to some boys.³⁰⁸

Following this discussion, Dr Paterson determined that it was appropriate for Mr Treloar to be suspended for the second half of the following year – 1988 – and to be removed from the boarding house. That was the extent of the sanctions imposed on Mr Treloar.³⁰⁹ In his statement, Dr Paterson said that he did not report the incident to the Knox Council³¹⁰ and in his oral evidence he said that he could not recall telling the Knox Council about Mr Treloar.³¹¹

Apart from Mr Pearson's two statements, no written record was made of the allegations about Mr Treloar.³¹² Other than Mr Pearson's investigation, there was no further investigation of the incident and the boy involved was not interviewed by Dr Paterson.³¹³ Dr Paterson gave evidence that the parents of the boy were not notified of the incident.³¹⁴ Dr Paterson said that even though he did not know the name of the boy he assumed that the boy's housemaster was providing pastoral care for him.³¹⁵

Dr Paterson accepted that he should have investigated the allegations about Mr Treloar.³¹⁶ He also accepted that he should have notified the police and the Knox Council and that this was a failure by him.³¹⁷

Mr Pearson gave evidence that the appropriate course would have been to call the police but that in such circumstances the only person who would have called the police would have been Dr Paterson or someone directed by Dr Paterson.³¹⁸ Mr Pearson accepted that he should have called the police and deeply regrets not doing so.³¹⁹

We find that Dr Paterson ought to have notified the police of the allegations made against Mr Treloar and failed to do so. In failing to do so, he failed to act in the best interests of the boys under his care at Knox.³²⁰ We are also satisfied that Dr Paterson also ought to have informed the Knox Council about and taken steps to investigate the allegations against Mr Treloar in 1987 and that he failed to do so.

We find that Dr Paterson made no written record of the allegations against Mr Treloar, did not take any steps to investigate the allegations and did not notify the parents of the boy concerned.

Mr Tambling's notification to Dr Paterson

Mr Tambling, who graduated from Knox in 1988, gave evidence that in 1984 Mr Treloar took him to a local video shop, rented some pornographic videos featuring bestiality, homosexual and heterosexual acts and then took Mr Tambling back to his room to watch them. Mr Treloar then asked Mr Tambling to perform oral sex on him.

Mr Tambling gave evidence that he returned to Knox in 1989 for a social event – the Ewan House Revue. He said he approached Dr Paterson and disclosed that he had been abused by a boarding housemaster while he was a student at Knox. Mr Tambling said that Dr Paterson asked him whether the person was still at Knox and Mr Tambling replied that he was 'no longer a boarding housemaster'.³²¹ Mr Tambling said that Dr Paterson then became distracted with the post-show ceremony.³²²

The allegation that Mr Tambling made to Dr Paterson was obviously very serious. Dr Paterson did not deny that Mr Tambling had disclosed the allegation to him, although his evidence was that he did not have any memory of it.³²³ Dr Paterson gave this evidence about the possibility that Mr Tambling told him of his allegations: 'I am not sure that that sort of comment would have hit me hard ... in the excitement of the time I don't think the comment registered.'³²⁴

Dr Paterson did not explain why such a serious allegation would not have hit him 'hard'.

We are satisfied that Dr Paterson took no steps to investigate Mr Tambling's allegations³²⁵ and that, in failing to do this, he did not give priority to the interests of the boys at Knox.³²⁶ We are also satisfied that Dr Paterson failed to inform the Knox Council of the allegations that Mr Tambling made in 1989.

Mr Weeks' response to information about Mr Treloar

Mr Weeks took over as headmaster of Knox in early 2004.³²⁷

On two occasions in 2006, Mr Weeks spoke with Mr Pearson about matters concerning Mr Nisbett. The first occasion concerned Mr Steer.³²⁸ On the second occasion, Mr Pearson wanted to 'review' the 'Nisbett matter' with Mr Weeks.³²⁹ During the conversation, Mr Pearson and Mr Weeks discussed an incident involving a teacher whose name Mr Pearson recalled as 'Chris Treloar'.³³⁰ Mr Pearson told Mr Weeks that the teacher 'Chris Treloar' had shown a student a pornographic video.³³¹

Mr Weeks was concerned that the 'Chris Treloar' who Mr Pearson referred to may in fact be Craig Treloar, who was still teaching boys in the preparatory school and coaching cricket and rugby teams.³³² Mr Weeks looked at Mr Treloar's file and found no records about any incident.³³³

Mr Weeks spoke to Mr Robert Thomas, then the head of the preparatory school, and asked him about the matter that Mr Pearson had raised. Mr Weeks gave evidence that Mr Thomas recalled the incident. He told Mr Weeks that it involved a 'foolish error of judgment by a young teacher just wanting to be popular with the boys' and that there was nothing more to the incident than Mr Treloar showing a video to a boy.³³⁴

With the knowledge he had obtained from Mr Thomas and Mr Pearson, in February 2007 Mr Weeks consulted the Association of Independent Schools.³³⁵ The Association of Independent Schools recommended that Mr Weeks notify the Ombudsman,³³⁶ which he did.³³⁷

The information given by Mr Weeks to Inspector Cullen in March 2007

After speaking to the Ombudsman, Mr Weeks made contact with the police and spoke to Inspector Elizabeth Cullen.³³⁸ At that time, Inspector Cullen worked with the NSW Police Child Protection and Sex Crimes Squad.³³⁹ Mr Weeks met with Inspector Cullen in March 2007. In his statement Mr Weeks said that the meeting with Inspector Cullen was organised by Mr Wilson. Mr Weeks thought the meeting would be an opportunity for him to understand what the police knew about Knox's 'relevant past' in light of Mr Wilson's earlier investigations of Mr Nisbett and the information that Mr Pearson had disclosed about Mr Treloar.³⁴⁰ He gave evidence that he informed Inspector Cullen about the incident involving Mr Treloar which Mr Pearson had disclosed to him.³⁴¹

Inspector Cullen provided a statement to the Royal Commission. Inspector Cullen was not required to give evidence based on medical advice. In her statement she said she had a recollection that she met with Mr Weeks and an investigator, Mr Wilson. She prepared a file note of the meeting on 8 March 2007.³⁴²

Inspector Cullen stated that she had no independent recollection of the information that Mr Weeks and Mr Wilson gave her.³⁴³ In response to Mr Weeks' evidence that he gave Inspector Cullen details of the allegations about Mr Treloar, Inspector Cullen said:³⁴⁴

I have no recollection of either Mr Weeks or Mr Wilson providing me with information relating to an allegation against person of interest other than Mr Nisbett, and believe that had such information been provided I would have included it in the same file note.

Inspector Cullen said that it was her usual practice to include all matters discussed at a single meeting in the one file note.³⁴⁵ The file note that Inspector Cullen drafted on 8 March 2007 does not contain any reference to Mr Treloar.³⁴⁶

Mr Weeks gave evidence that he had an actual recollection of raising with Inspector Cullen the matter involving Mr Treloar. In February 2007, not long before meeting with Inspector Cullen on 8 March 2007, he had met with both the Association of Independent Schools and the Ombudsman and raised the incident involving Mr Treloar. Inspector Cullen had no recollection of what information Mr Weeks provided³⁴⁷ – the highest that her evidence went was that her 'usual practice' was to record information of that kind in a file note if it was provided.³⁴⁸

On 27 March 2007, Mr Weeks notified the Knox Council about allegations of child sexual abuse at the school involving former and current members of the teaching staff, including Mr Treloar.³⁴⁹ During this meeting it was agreed that Ms Ruth Mitchell, the secretary of the Knox Council at the time, would conduct an investigation and she would be given full access to the school archives to see what could be discovered.³⁵⁰ It took Ms Mitchell several months to prepare her notes. The purpose of the report was to investigate past events and the report did not propose any action.³⁵¹

Mr Weeks' knowledge by August 2007

On 1 August 2007, Mr Pearson sent a letter to Mr Weeks enclosing the pornographic video which Mr Pearson said was from the incident that caused Mr Treloar to be dismissed.³⁵² Mr Pearson gave evidence that Mr Weeks had asked him for any material remaining in his possession which corroborated the allegations about Mr Treloar and he was able to locate the pornographic video.³⁵³ In the letter, Mr Pearson said to Mr Weeks, 'it was clear to me that Treloar had attempted to have a sexual encounter with this lad'.³⁵⁴ It follows that by August 2007 Mr Weeks had received an allegation that in 1987 a current teacher on his staff had not only shown a pornographic video to a boy but had also attempted to have a sexual encounter with him.

The secretary of the Knox Council, Ms Mitchell, prepared a note in 2007 which dealt with the school's response to the information obtained about Mr Treloar. Ms Mitchell's note records that 'The only action which followed was that Craig Treloar would no longer coach or teach the younger boys in the prep'.³⁵⁵

The step that Mr Weeks said he took to satisfy himself that Mr Treloar was being supervised and was not coaching sport (in accordance with the note of Ms Mitchell) was to speak to Mr Thomas about the matter throughout 2008.³⁵⁶ He did not actually check that Mr Treloar was not coaching sporting teams.³⁵⁷ In fact, Mr Treloar continued to coach cricket and rugby teams until his arrest in 2009.³⁵⁸

Mr Weeks accepted that it would have been 'straightforward' for him to check whether Mr Treloar was in fact still coaching sporting teams.³⁵⁹ We are satisfied that Mr Weeks should have done more to check whether Mr Treloar was still coaching sporting teams between the time that Mr Weeks became aware of the allegations about Mr Treloar in 2007 and Mr Treloar's arrest in 2009.³⁶⁰

3.5 Mr Barrie Stewart

Employment at Knox

Mr Stewart was first employed as a teacher in the preparatory school in 1972.³⁶¹ He remained a teacher in the preparatory school until 2000.

Mr Lamond, Mr O'Neal, ATN and Mr Ashton gave evidence that they were sexually abused by Mr Stewart. Dr Rentoul also gave evidence that his son, David, was sexually abused by Mr Stewart.

Arrest, charges and conviction

On 18 February 2009, Mr Stewart was arrested, interviewed and charged by NSW Police with a number of offences of child sexual abuse.³⁶² Mr Stewart was charged with further offences on

1 May 2009. Some of these charges related to offences committed against Mr David Rentoul,³⁶³ Mr Lamond and Mr O’Neal.

On 8 December 2011, Mr Stewart was convicted of five counts of indecent assault and two counts of category 4 sexual assault, being the commission of an act of indecency on a person under the age of 16 and under his authority. These counts included a further three acts of indecent assault that were taken into account at sentencing. The charges related to seven students. Mr Stewart received a suspended sentence.

Knox’s knowledge of and response to abuse

Incidents of Mr Stewart driving boys to his home

Mr O’Neal gave evidence that, when he was a year 6 student in the preparatory school, on several occasions Mr Stewart gave him lifts in his vehicle to different destinations, including Mr Stewart’s house.³⁶⁴ Dr Rentoul gave evidence that Mr Stewart would drive his son, David, to their family home after school.³⁶⁵ In his statement to NSW Police, Mr David Rentoul said that when he was in year 5 he was sexually abused by Mr Stewart in his vehicle one afternoon as he was being driven home.³⁶⁶

Mr Jenkinson, the head of the preparatory school, gave evidence that during his time at Knox it was considered inappropriate for a teacher to take students to the teacher’s house.³⁶⁷ Mr Jenkinson recalled being concerned when he discovered that Mr Stewart had taken boys to his house at Whale Beach on the Northern Beaches.³⁶⁸ Mr Jenkinson did not suspect that Mr Stewart had engaged in untoward conduct but still advised him that this conduct should cease.³⁶⁹ Mr Jenkinson raised his concerns with Dr Paterson. Mr Jenkinson did not interview the boys who had been to Mr Stewart’s house or make any further investigations.³⁷⁰

Dr Paterson gave evidence that in around 1987 he recalled being told that Mr Stewart had been giving a boy, or boys, lifts to and from his house at Whale Beach and that that conduct was a problem.³⁷¹ Dr Paterson considered that it was inappropriate for teachers to be driving boys to and from their homes.³⁷² Dr Paterson gave evidence that he told Mr Stewart to stop doing it and that he made no written record of that incident or any advice that he gave to Mr Stewart that he should stop.³⁷³

The 1992 file note

In 1992, some specific allegations about Mr Stewart, who was then still a teacher in the preparatory school, came to Dr Paterson’s attention. Dr Paterson recorded the information that came to his attention in a file note.³⁷⁴

Dr Paterson recorded in the note that on Thursday, 3 September 1992,³⁷⁵ Mr Thomas, then the head of the preparatory school, advised him that a former student, ATJ, was about to start litigation

against Mr Stewart for sexually molesting him while he was a student at the preparatory school. Mr Thomas had advised Mr Stewart of the allegation. Dr Paterson's response was to call Mr Stewart over to his office in the senior school. At that meeting Dr Paterson asked Mr Stewart several times whether he was a homosexual. Each time Mr Stewart did not answer. Dr Paterson advised Mr Stewart not to take boys to his home or give them lifts in his car.

Dr Paterson gave evidence that he did not ask Mr Stewart whether he had sexually molested ATJ.³⁷⁶ Dr Paterson could not explain why he did not ask Mr Stewart whether he had sexually molested ATJ.³⁷⁷ It is clear that Dr Paterson failed in his role as headmaster by not asking Mr Stewart whether he had molested ATJ.³⁷⁸ At the public hearing this exchange occurred between Dr Paterson and Counsel Assisting:³⁷⁹

Q: What does it say to you, Dr Paterson, about the culture of Knox at the time of the notice being received about ATJ's allegation that not a single person in that group which I have identified to you [the head of the preparatory school, the deputy headmaster and Mr Nisbett] said that it was appropriate for the school to tell the police about an allegation of sexual molestation by a teacher then employed?

A: It says about the culture of the school at the time that Paterson had made a decision and that was it.

Dr Paterson made no relevant inquiries about ATJ's allegations. Counsel Assisting asked Dr Paterson about his failure to make any inquiries about these allegations given that Mr Stewart was still teaching at the school. In response to the following question from Counsel Assisting, 'Would you agree that that is a dreadful state of affairs?', Dr Paterson said, 'It's unthinkable'.³⁸⁰

Knox Council's awareness of ATJ's allegations

One witness who was potentially in a position to shed light on the knowledge of the Knox Council at the time, including the 1992 file note referred to above, was Mr Morris Ireland QC, the chairman of the council in 1992. Mr Ireland was summonsed to appear as a witness at the public hearing and he started giving evidence on 4 March 2015. We decided on 5 March 2015, based on medical evidence, that Mr Ireland was not able to give reliable evidence and, accordingly, we discharged him from the summons to appear. We have not taken into account the short evidence that Mr Ireland gave before he was excused.

The 1992 file note referred to above records that Dr Paterson reported all that he was told about the allegations against Mr Stewart to 'Dusty' – that is, Mr Ireland – by telephone. In his oral evidence, initially Dr Paterson said that the file note was correct and that he had reported those matters to Mr Ireland.³⁸¹ He later altered this evidence and said that he had not reported those matters to Mr Ireland.³⁸² This cannot be satisfactorily resolved in the absence of evidence from Mr Ireland.

Dr Paterson's file note records that on 11 September 1992 Mr John Turnbull, the then deputy headmaster of Knox, came to Dr Paterson's office for a meeting with a former student of Knox. According to the file note, the former student said that ATJ claimed that Knox was a 'hotbed of homosexuality'. The student said that if necessary he would also reveal the 'affair' between student Anthony Carden and the teacher ARZ. He said that Anthony Carden and ARZ were sleeping together in the last two years of Anthony Carden's time as a student at Knox and that everyone knew.

In the file note, Dr Paterson records that he reported all of those matters to Mr Ireland by telephone. They discussed tactics and decided to leave the matters alone in the hope that ATJ was only 'talking big'. A decision was made not to report this to anyone else, including the Knox Council. Again, because we were unable to receive evidence from Mr Ireland, it is not appropriate to make any findings about this matter.

The file note also records that the staff members at Knox who were aware of the 'situation' were Dr Paterson, Mr Stewart, Mr Thomas, Mr Turnbull and Mr Nisbett.

Neither Dr Paterson nor the school took action to investigate the allegations that ATJ raised against Mr Stewart or about Anthony Carden and ARZ.³⁸³ Dr Paterson accepted that he was ultimately responsible for the welfare of the students of the school.³⁸⁴ He also accepted that he did not investigate the allegations.³⁸⁵

Dr Paterson gave evidence about the information that he shared with the Knox Council. Dr Paterson agreed that he made a decision to keep from the Knox Council the allegations against Mr Stewart.³⁸⁶ Dr Paterson also agreed that his response to the allegations about Mr Stewart in 1992 amounted to him seeking to cover up those allegations.³⁸⁷

We are satisfied that Dr Paterson failed to inform the Knox Council of the allegations that ATJ made against Mr Stewart.

Dr Paterson submitted that it is not open to us to find that his response to ATJ's allegations against Mr Stewart involved him seeking to cover up those allegations.³⁸⁸ Dr Paterson submitted that nine people were aware of the allegations contained in the 1992 file note and 'this is plainly inconsistent with any suggestion of a cover up'.³⁸⁹

We reject this submission. Dr Paterson agreed on several occasions during his evidence that his response to the allegations amounted to a 'cover up'.³⁹⁰ At the public hearing the following exchange took place between Dr Paterson and Counsel Assisting:³⁹¹

Q. If the litigation wasn't brought, then unless you did something to bring that matter to the attention of the council, you must have thought that the matter might never surface; correct?

A. Yes.

Q. And so in your deciding to hope there was no litigation and not tell anyone else, including the council, about it, you determined that you would do whatever was in your power to cover up the allegations; correct?

A. Yes.

There was also the following subsequent exchange between Dr Paterson and Counsel Assisting:³⁹²

Q. Instead of doing something, such as notifying the police or DoCS or conducting an investigation, what you did was take whatever means were available to you to try to cover up that which you knew; correct?

A. Yes.

...

Q. You made a decision to deliberately keep from the school council the allegations made by [ATJ] in September 1992?

A. Yes.

Q. And I think you have already agreed with this, but just tell me if I have got this wrong, you accept that in making the decision to deliberately keep from the council those allegations, you were attempting to cover up those allegations?

A. Yes.

We find that Dr Paterson's response to the allegations that ATJ made against Mr Stewart involved him seeking to cover up those allegations.³⁹³ There was no report given to the Knox Council about ATJ's allegations against Mr Stewart and ARZ, there was no advice to parents and there was no notification to police. We are satisfied that Dr Paterson failed to inform the Knox Council of the allegations made about Anthony Carden having an 'affair' with teacher ARZ.

We also find that Dr Paterson's response to the allegations made about the teacher ARZ having an affair with Anthony Carden involved him seeking to cover up those allegations from the Knox Council.

Failure to notify the police

Dr Paterson accepted that the allegations that ATJ made against Mr Stewart were matters that, if proved, involved criminal conduct by Mr Stewart.³⁹⁴ Dr Paterson also gave evidence that by 1990 he recognised that it was appropriate to advise the police about such inappropriate conduct towards

boys³⁹⁵ and that he did not inform the police of the information he received about Mr Stewart.³⁹⁶ He agreed that notifying the police would have been a step properly taken to advance or protect the interests of the boys of the school, particularly those being taught by Mr Stewart, who was still a current teacher in the preparatory school as at 1992.³⁹⁷

Mr Stewart continued to teach at the Knox preparatory school until 2000.

Missing student files

As discussed above, Dr Paterson's file note alleges that Anthony Carden, a Knox student, was having an 'affair' with teacher ARZ. The note also contained allegations that ATJ made about Mr Stewart. The file note records that the student files of ATJ and Anthony Carden had gone missing. The then deputy headmaster, Mr Turnbull, recorded on the note, next to the reference to those files having gone missing, the word 'extraordinary'.³⁹⁸

Dr Paterson agreed that it was extraordinary and an 'unbelievable coincidence'³⁹⁹ that the files had gone missing⁴⁰⁰ and he accepted that someone had deliberately targeted those two files.⁴⁰¹ Dr Paterson said that it was his suspicion that someone who had an interest in those files not being located had either moved or destroyed them.⁴⁰²

Dr Paterson gave evidence that it might have been the case that the boys concerned had themselves removed the files⁴⁰³ and that 'we ran a very open school'.⁴⁰⁴

Dr Paterson agreed that as at 1992 there was a very serious problem with the integrity of Knox's record keeping⁴⁰⁵ and that he did not know how to 'cure' that problem.⁴⁰⁶

4 Assault on ARN

4.1 The ‘balaclava man’ incident

In 1988, MacNeil House was a residence for Knox students in years 8 and 9. In accordance with the governance structure of the Knox boarding houses generally, MacNeil House had a housemaster who oversaw the running of the house and the welfare of the boys. Usually four resident masters assisted the housemaster. Two of those resident masters lived in the house and two of them performed duties but lived outside of the boarding house.⁴⁰⁷ In 1988, the housemaster of MacNeil House was Dr Timothy Hawkes⁴⁰⁸ and resident masters included Mr Vance,⁴⁰⁹ Mr Fotis⁴¹⁰ and Mr Ian Bradford.⁴¹¹ Mr Vance and Mr Fotis lived in the boarding house.⁴¹²

In the early hours of the morning of 23 November 1988,⁴¹³ one of the student residents of MacNeil House, ARN, who was 14 years old at the time, was sexually assaulted while he was in his bed in one of the dormitories. ARN woke to find a man positioned underneath his bed. The person was fondling ARN’s penis.⁴¹⁴

The person who was sexually assaulting ARN was dressed in an older style Knox tracksuit and was wearing a balaclava.⁴¹⁵ Once ARN realised he was being assaulted, he cried out. This woke the other residents in the dormitory. The lights were turned on and the perpetrator of the assault put ARN’s doona on his head and fled MacNeil House. A number of the boys chased him out of the building and he fled toward the Pacific Highway.⁴¹⁶

4.2 No report to the police

In the immediate wake of the incident, the housemaster, Dr Hawkes, was awoken by someone (he could not recall who it was but stated it was not Mr Vance or Mr Fotis⁴¹⁷). That person informed him that there had been an intruder in the house wearing a balaclava who had ‘groped’ ARN.⁴¹⁸ Dr Hawkes rushed to the scene and roused the resident staff. His accommodation was located close to the dormitory. He immediately telephoned Dr Paterson and they had a short discussion.⁴¹⁹ While the question of calling the police was not expressly raised in this discussion, Dr Hawkes gave the following evidence:⁴²⁰

Q. Did you ever have a discussion with Dr Paterson about whether you should report any matters to the police?

A. No.

Q. What we were dealing with – and I think you’ve already said as much in your evidence – was a very serious matter.

A. Correct.

Q. Plainly a crime had been committed?

A. Correct.

Q. A fairly serious crime?

A. A very serious crime.

Q. A very serious crime. And in those circumstances I just want to understand why it is that you felt that you had no authority to report the very serious crime that you had been told about to the authorities, being the police?

A. Well, I was very comfortable with the – with the fact that we had a highly experienced headmaster. I was very comfortable with the fact that we had Mr Stuart Pearson, himself a recently superannuated policeman, and I had every confidence that the proper protocols would have been followed through by these two gentlemen, and I was not aware of what those particular protocols should have been, but – and, therefore, I had no hesitation whatsoever of going immediately to the headmaster and to Mr Pearson, informing them so that they could take whatever appropriate steps they thought to be necessary.

Dr Hawkes gave evidence that he expected that Dr Paterson would notify the police about the assault on ARN.⁴²¹ Dr Hawkes said that he ‘trusted the headmaster and Mr Pearson to have proper carriage of this particular matter’⁴²² and that he did not have ‘authority to report the matter to police’.⁴²³ Notwithstanding Dr Hawkes expressing this view, his evidence was that he did not have any discussion at any time with Dr Paterson about either reporting the apparent assault to the police or desisting from reporting the apparent assault to the police.⁴²⁴

Dr Hawkes gave evidence that he ‘didn’t have enough knowledge or understanding that would suggest that there hadn’t been any police involvement’,⁴²⁵ but that at the time there was ‘absolutely no doubt in my mind that the matter had been reported to the police’.⁴²⁶ Dr Hawkes gave this evidence even though he never saw any evidence of a police investigation.⁴²⁷ In his evidence, Dr Hawkes explained this by saying that it was possible that the police might have interviewed boys and attended the scene when he was not present at MacNeil House.⁴²⁸ We find that Dr Hawkes’ explanation does not accord with the following facts:

- Dr Hawkes did not see any police presence in the hours after the assault despite the fact that he said he believed that the police had been called and that an intruder had committed a serious sexual assault.⁴²⁹
- Dr Hawkes was in close communication with the boys in MacNeil House after the assault but was unaware of any of them being interviewed by the police.⁴³⁰
- Dr Hawkes knew that he had not been interviewed by the police⁴³¹ even though it was obvious that he was a logical person for the police to interview.
- There was no report of the event in the media.⁴³²

- There was no evidence of any police investigation, charge or prosecution⁴³³ of a possible offender.
- Dr Hawkes did not see any of the staff at MacNeil House being interviewed by the police and was not aware that that had occurred.⁴³⁴

All of the witnesses who gave evidence about what occurred in the hours, days and weeks after the assault on ARN said that they did not ever see the police come to MacNeil House and did not see police interview any of the boys. There is no evidence that the police interviewed any of the teachers or resident masters, took any fingerprints or otherwise gathered evidence. There is no evidence at all of a police investigation.⁴³⁵

It is clear that the police were not in fact called and that the police were not notified of the incident.⁴³⁶

In attempting to explain Dr Hawkes' failure to report the assault on ARN to the police, Dr Hawkes submitted that '[i]t is entirely conceivable if not likely that Dr Hawkes, having initially believed the matter would be reported to the police by another person, gave no further thought to whether or not that report had in fact been made'.⁴³⁷ This submission for Dr Hawkes was made on the basis that Mr Pearson had given evidence that he had commenced an internal investigation after the incident and that Dr Paterson had later addressed the boys and told them that the police were dealing with the matter.⁴³⁸ We note that this particular submission that Dr Hawkes advanced contradicts another submission he made that Mr Pearson's account of Dr Paterson's address to the boys of MacNeil House is 'not reliable'.⁴³⁹ The conflicting evidence about the information relayed to the boys of MacNeil House shortly after the 'balaclava man' incident is discussed in further detail below.

We reject Dr Hawkes' evidence that he believed that the police had been notified. We find that, contrary to his evidence, Dr Hawkes knew that the police had not been called to investigate the sexual assault on ARN. We find that it is in fact inconceivable that Dr Hawkes could have thought that the police had been called in light of the matters raised above. If Dr Hawkes had initially thought that the police had been notified, it must have occurred to him very shortly after that they had not in fact been called. There was no police presence or investigation in the period after the assault.

Dr Hawkes accepted that the assault was a very serious crime which needed to be reported to the police and that the police were in the best position to uncover what had happened.⁴⁴⁰ Dr Hawkes also accepted that, as housemaster of MacNeil House, he was responsible for the welfare and pastoral care of the boys who resided in the house.⁴⁴¹ We find that Dr Hawkes, in his role as housemaster of MacNeil House, ought to have notified the police of the sexual assault on ARN in late 1988 or at least properly satisfied himself that the police had been called, but he failed to do so. In failing to do so, Dr Hawkes failed to act in the best interests of the boys under his care at MacNeil House.

Dr Paterson accepted that he did not notify the police of the sexual assault on ARN in late 1988.⁴⁴² He accepted that this was a failure, although he qualified that concession by saying it was a failure 'looking back'.⁴⁴³ He accepted that the step of notifying the police would have been one which advanced the best interests of the boys in MacNeil House.⁴⁴⁴ We are satisfied that, by failing to notify the police, Dr Paterson failed to act in the best interests of the boys under his care at Knox.

We recognise that Dr Hawkes was more junior in the hierarchy of the school at the time and that Dr Paterson, as headmaster of Knox, had the primary responsibility to act decisively and protectively towards the students of Knox.

4.3 Reporting to Community Services

Both Dr Paterson and Dr Hawkes accepted that they did not report the sexual assault on ARN to Community Services. As noted above, the time to bring a complaint of an offence under the Children (Care and Protection) Act was ‘within six months from the time when the matter of the information or complaint arose’.⁴⁴⁵

4.4 Dr Paterson addresses the boys of MacNeil House

Later on the day of the assault on ARN, Dr Paterson and perhaps also Dr Hawkes addressed the boys in MacNeil House. There was some conflicting evidence about the statements that Dr Paterson and/or Dr Hawkes made to the boys of MacNeil House.

Dr Paterson gave evidence that he delivered a speech to the boys of MacNeil House in which he said: ‘Boys, just leave [it] in our hands. We are investigating it. Please keep your speculation to a minimum and let’s move on.’⁴⁴⁶ Dr Paterson denied that he told the boys that the perpetrator was a deranged Asian man who had broken into MacNeil House and was later arrested.⁴⁴⁷ He also denied that he told the boys that the matter was closed because the intruder had been arrested. Dr Paterson also did not recall any conversation where Mr Pearson allegedly said to Dr Paterson: ‘I haven’t finished my investigation. You should not be telling the boys anything to the effect that the matter is closed or that there have been any arrests.’⁴⁴⁸

Dr Hawkes gave evidence that, in the evening following the ‘balaclava man’ incident,⁴⁴⁹ Dr Paterson addressed the boys of MacNeil House on pastoral matters and reassured the boys that the matter was being looked into. Dr Hawkes accepted that he also would have addressed the boys to the extent that he would have told them to ‘settle down and sit down’ but that the ‘major address’ and ‘primary message’ would have been delivered by Dr Paterson.⁴⁵⁰ Dr Hawkes had no recollection of the specifics of what Dr Paterson told the boys. Dr Hawkes was unable to recall if Dr Paterson told the boys that the assault had been committed by an Old Boy who was mentally ill and Asian⁴⁵¹ or whether the police had been notified.⁴⁵²

Mr Bradford, a resident master in MacNeil House in 1988, gave evidence that both Dr Paterson and Dr Hawkes addressed the boys. Mr Bradford gave evidence that Dr Paterson and Dr Hawkes, but in particular Dr Paterson, spoke and told the boys that the culprit was potentially an Old Boy, perhaps someone with a mental illness and someone of Asian appearance.⁴⁵³ Mr Bradford’s evidence was that either Dr Paterson or Dr Hawkes gave an assurance to the boys and the staff that the ‘matter is in hand’.⁴⁵⁴

Mr Pearson gave evidence that Dr Paterson addressed the boys⁴⁵⁵ – an action which Mr Pearson strongly advised Dr Paterson not to do. However, Dr Paterson did so because he wanted ‘the matter over’.⁴⁵⁶ Mr Pearson gave evidence that Dr Paterson informed the boys of MacNeil House that a young Asian man had broken into the boarding house, the man had been disturbed, he then fled and he had subsequently been arrested and the police were dealing with the matter.⁴⁵⁷

AST gave evidence that approximately two days after the ‘balaclava man’ incident, Dr Paterson addressed the boys of MacNeil House and said that the person responsible was a mentally ill Old Boy of Knox and that the school was taking care of matters. AST cannot recall Dr Paterson stating that the police had arrested anyone.⁴⁵⁸ Mr Vance gave evidence that he was not present at the meeting but he had been told that either Dr Hawkes or Mr Pearson had informed the boys that, as a result of their investigations, the perpetrator had been identified as a 25-year-old Asian or person of ‘Asian build’.⁴⁵⁹ Mr Vance’s evidence was that he was ‘fairly sure’ that it was Dr Hawkes who had subsequently informed him of what was said at the meeting.⁴⁶⁰

Dr Hawkes and Dr Paterson submitted that, in relation to the content of the address to the boys of MacNeil House, we should find only that ‘[o]n the day of the Balaclava incident Dr Paterson addressed the boys of MacNeil House and advised the matter was being investigated’.⁴⁶¹ In essence, what was advanced by Dr Hawkes and Dr Paterson was that Dr Paterson did not describe any characteristics of the ‘balaclava man’ to the boys. It was submitted for Dr Hawkes and Dr Paterson that we should accept Dr Hawkes’⁴⁶² and AST’s⁴⁶³ recollections of the address and also Mr Bradford’s account insofar as Mr Bradford gave evidence that Dr Paterson told the boys the incident was being investigated.⁴⁶⁴

Although this submission relies on the evidence of AST and Mr Bradford, it ignores key aspects of their evidence concerning the description of the characteristics of the ‘balaclava man’ that Dr Paterson gave. AST gave evidence that Dr Paterson informed the boys that the person responsible was ‘a mentally ill Old Boy of Knox’.⁴⁶⁵ Mr Bradford gave evidence that either Dr Hawkes or Dr Paterson had informed the boys the culprit was ‘potentially an Old Boy’, perhaps someone with a mental illness and of Asian appearance.⁴⁶⁶ Further, as noted above, Mr Pearson gave evidence that Dr Paterson informed the boys of MacNeil House that the ‘balaclava man’ was ‘a young Asian man’ who had been ‘subsequently arrested’ by police. Dr Hawkes and Dr Paterson submitted that Mr Pearson’s evidence in relation to the address to the boys was ‘self-serving’ and ‘not reliable’.⁴⁶⁷

We find that Dr Paterson addressed the boys of MacNeil House in the period shortly after the assault on ARN. We accept the evidence of Mr Bradford and AST that Dr Paterson informed the boys that the perpetrator was possibly an Old Boy of Knox with a mental illness. We also accept from Mr Bradford and Mr Pearson that Dr Paterson said that the perpetrator was of ‘Asian’ appearance.

Dr Paterson had no information available to him that supported his description of the assailant. He deliberately misled the students by providing that description when he had no basis to believe that that information was true.

4.5 Identity of the ‘balaclava man’

The question of the identity of the person who assaulted ARN was the subject of some attention during this case study.

Mr Pearson gave evidence that following the incident he commenced an investigation and started to interview the boys, housemasters and resident masters, including Mr Vance and Mr Fotis.⁴⁶⁸ Mr Pearson stated that he thought any notion that the perpetrator was an outside intruder was ‘rubbish’ and that the assault was perpetrated by someone who was located within the building.⁴⁶⁹ Dr Paterson, Dr Hawkes and Mr Vance also gave evidence that they received information that the perpetrator was an insider.⁴⁷⁰ Mr Pearson gave evidence that over the course of the investigation the description of the build of the perpetrator matched both Mr Vance and Mr Fotis but that he came to suspect that Mr Fotis was the perpetrator.⁴⁷¹ In evidence before the Royal Commission Mr Vance denied that he assaulted ARN.⁴⁷²

Dr Paterson gave evidence that following the incident he asked Mr Pearson to investigate⁴⁷³ and that he held the suspicion that Mr Fotis had perpetrated the assault on ARN.⁴⁷⁴

AST gave evidence that he suspected Mr Fotis committed the assault on ARN.⁴⁷⁵ AST stated that one night in 1988, when he was a year 8 boarder at MacNeil House, he was brushing his teeth with other boarders when Mr Fotis approached ARN and said ‘I’ve got a surprise for you tonight, [ARN]’.⁴⁷⁶ In documentary evidence provided to the Royal Commission ARN, who was the victim of the assault, and ATS and ATD, who were student residents of MacNeil house who witnessed the assault, stated they suspected Mr Fotis.⁴⁷⁷

Mr Fotis was employed by Knox in around 1987, initially as a religious education and history teacher. In 1988, Mr Fotis was also appointed as a resident master in MacNeil House.⁴⁷⁸ Mr Fotis had a brief interview before he was appointed to the school but otherwise, and in keeping with the system the school adopted for the employment of resident masters at the time, there was no formal application, no reference check and no criminal history check.⁴⁷⁹

In evidence to the Royal Commission, Mr Fotis denied that he assaulted ARN⁴⁸⁰ and went further – he denied having any knowledge about the assault until the Royal Commission called him to give evidence.⁴⁸¹

Counsel Assisting submitted that ‘Mr Fotis’ evidence as to his knowledge of the assault on ARN is implausible and should be rejected’.⁴⁸² Mr Fotis submitted that, ‘[i]n the circumstance where Counsel Assisting submits that there is insufficient evidence to permit a finding that Mr Fotis assaulted ARN and that the submission does not provide a foundation for any finding that Counsel Assisting submits that the Commission make, the Commission should reject ... [Counsel Assisting’s] submission’.⁴⁸³

We do not understand the submission made by Mr Fotis.

We accept Counsel Assisting's submission and reject Mr Fotis' evidence that he did not know of the assault. It is implausible. He was present in MacNeil House on the evening of 22 November 1988 and the early morning of 23 November 1988.⁴⁸⁴ Dr Hawkes banged on the door of each resident master's room.⁴⁸⁵ Mr Pearson interviewed Mr Fotis after the assault.⁴⁸⁶ We are satisfied that he knew of the assault soon after it happened.

It is not necessary for us to resolve the issue of the identity of the 'balaclava man'.

4.6 Removal of Mr Fotis from MacNeil House

Dr Paterson said that shortly after the assault on ARN Mr Fotis was removed from MacNeil House.⁴⁸⁷ He said that it was his decision.⁴⁸⁸ He made the decision because he was 'highly suspicious'⁴⁸⁹ that Mr Fotis had committed the sexual assault on ARN and that was a serious matter.⁴⁹⁰ Dr Paterson said he did not have a recollection of discussing his suspicions about Mr Fotis with Dr Hawkes, although he accepted that he must have done so.⁴⁹¹ Dr Hawkes denied having any such discussion.⁴⁹² Ultimately, it is not necessary to resolve this difference in the evidence. Although Mr Fotis recalled a discussion with Dr Paterson around the time of the assault on ARN where Dr Paterson 'expressed concern that there was a perception amongst the boys that [Mr Fotis] was bisexual', Mr Fotis' evidence was that he could not recall discussing the assault on ARN with Dr Paterson or anyone else.⁴⁹³

After Mr Fotis' removal from MacNeil House, he was relocated to Woodville – an administration building on the school grounds which also contained some accommodation for teaching staff.⁴⁹⁴ On 24 February 1989, Dr Paterson wrote to Mr Fotis telling him that he would need to be out of Woodville by week 7. Dr Paterson said that Mr Fotis was to remove himself completely from the boarding houses and that there were to be no boys to be in or around the house at any time.⁴⁹⁵ Mr Fotis remained on the staff of Knox as a religious education teacher.⁴⁹⁶ Dr Paterson considered that it was appropriate for Mr Fotis to be teaching religious education despite the suspicions that he held about him.⁴⁹⁷

Dr Paterson did not record in writing the true reasons for Mr Fotis' dismissal from MacNeil House and this involved a failure by him to maintain proper records.⁴⁹⁸

4.7 Mr Fotis' departure from the school

Mr Fotis was charged with wilful and obscene exposure in September 1989 after members of the public observed him with his penis exposed while seated in his car. He was subsequently found guilty of the offence.⁴⁹⁹ At this time, Mr Fotis was still living and working at Knox.

In September 1989, Mr Pearson wrote a note to Dr Paterson outlining concerns about Mr Fotis' management of the boys and his 'conduct [being] totally inappropriate'.⁵⁰⁰ Mr Pearson wrote that Mr Fotis had been giving out inappropriate detentions and calling boys 'poofters' and 'arseholes'.⁵⁰¹

Mr Pearson noted that on another occasion Mr Fotis gave a boy a detention ‘for being a constant weirdo who says mental things’ and that the boy’s mother was ‘very upset’.⁵⁰²

In October 1989, Mr Pearson wrote a second note to Dr Paterson (the October Pearson note) informing Dr Paterson that during the most recent school holidays Mr Fotis was arrested and charged for wilful and obscene exposure and ‘disqualified driving’. The October Pearson note also referred to Mr Fotis having ‘other criminal records’.⁵⁰³ There was an application by Mr Fotis that this evidence should not be accepted. That application was rejected for reasons given in a ruling on the application delivered on 23 March 2016.⁵⁰⁴ Relevantly, the effect of that ruling is that the October Pearson note remains as evidence in this public hearing of what Mr Pearson told Dr Paterson about what he believed to be Mr Fotis’ criminal record insofar as the offence of ‘unlawful exposure’ in September 1989 is concerned.⁵⁰⁵

Upon receiving the October Pearson note, Dr Paterson formed the view that Mr Fotis was a person who was ‘entirely inappropriate to teach at’ Knox.⁵⁰⁶ Dr Paterson determined that Mr Fotis should be removed from the school.⁵⁰⁷ No written record was made recording the reason for Mr Fotis’ departure. Mr Fotis wrote a letter to Dr Paterson on 17 October 1989 noting that he was leaving ‘owing to personal reasons and a strong desire to spend more time with my family who live in the country’.⁵⁰⁸ This letter omitted any reference to the real reason for his departure. Dr Paterson agreed that the stated basis for Mr Fotis’ departure in that letter was false.⁵⁰⁹ He agreed that Mr Fotis was being removed from the school because of concerns Dr Paterson had about his suitability as a teacher, including the suspicion that Mr Fotis had sexually assaulted ARN.⁵¹⁰

On 19 October 1989, Dr Paterson gave Mr Fotis a reference. It is appropriate to set out the reference in full:⁵¹¹

This is to state that Mr Christopher Fotis has been a permanent, full time teacher at Knox Grammar School since 4 February 1987 to date. He has taught mainly Religious Education and some History. He has coached Cricket and Rugby teams and he has assisted with other extra-curricular activities from time to time. For a time, he was a Resident Master for a Boarding House.

Mr Fotis is an enthusiast for his job. He is meticulous in his preparation and definite in the standards he requires from his students. He has been of enormous help to the Chapel in teaching Religious Education.

Ian Paterson B.A., Ph.D., Dip Ed, Dip. Ed. Admin., F.A.C.E.

Headmaster

Dr Paterson agreed that he prepared a grossly misleading reference for Mr Fotis given that the reference omitted any mention of concerns that Mr Pearson had raised about the way that Mr Fotis had managed boys as a teacher, the suspicions that he committed a serious sexual assault on ARN and the fact that he had been arrested for exposing his penis in his car in public.⁵¹²

We are satisfied that Dr Paterson prepared a reference for Mr Fotis upon his departure from Knox which was misleading in that it omitted details as to the true reasons for Mr Fotis' departure from the school. In doing so Dr Paterson failed to have any regard for the interests of the students at any school at which Mr Fotis may teach.

Mr Fotis said in his evidence that after leaving Knox he went on to teach in the state school system.⁵¹³

5 Inspector Elizabeth Cullen's investigation in 1996

5.1 Meeting between Inspector Cullen and Dr Paterson

In 1996, Inspector Cullen was the Intelligence Coordinator with the NSW Police at the Child Protection Enforcement Agency.⁵¹⁴ In September 1996, she was given an anonymous report alleging that there were a number of persons of interest, including Mr Treloar, Mr Stewart, Mr Nisbett, Mr Vance, Mr Fotis and one other person, who had committed sexual offences against students at Knox.⁵¹⁵

Inspector Cullen attended Knox on about 18 December 1996.⁵¹⁶ She introduced herself to Dr Paterson as a police officer from the Child Protection Enforcement Agency.⁵¹⁷ While Dr Paterson could not specifically recall Inspector Cullen coming to see him in December 1996, he accepted that she probably did.⁵¹⁸ Dr Paterson could recall no other occasion in his time as headmaster at Knox when he had been visited by a police officer.⁵¹⁹ Dr Paterson agreed that a police officer from the Child Protection Enforcement Agency coming to see him was a serious event.⁵²⁰

Inspector Cullen told Dr Paterson that she had received anonymous allegations of child sexual abuse against Mr Treloar, Mr Vance, Mr Fotis, Mr Stewart and Mr Nisbett.⁵²¹ At that time, Mr Treloar, Mr Stewart and Mr Nisbett were still employed as teachers at Knox.

Dr Paterson accepted that at the time of Inspector Cullen's attendance he would have had in his mind:

- the information that he received in 1992 about ATJ's allegations against Mr Stewart⁵²²
- the incident involving inappropriate touching and the sexual advance admitted by Mr Vance in 1989⁵²³
- his suspicions about Mr Fotis having assaulted ARN in 1988⁵²⁴
- the report about Mr Nisbett, prepared by Mr Pearson, disclosing inappropriate behaviour by Mr Nisbett towards boys⁵²⁵
- the incident involving Mr Treloar in 1987.⁵²⁶

Dr Paterson did not say anything to Inspector Cullen about any of the incidents of which he was aware.⁵²⁷

After Inspector Cullen informed Dr Paterson that she wanted to verify details about these men, Dr Paterson told her that his secretary could provide their staff records to her.⁵²⁸ Dr Paterson also accepted that he knew that the files that his secretary would provide to Inspector Cullen did not contain any record of the child sexual abuse allegations which he knew had been made against those men.⁵²⁹

There was the following exchange in Dr Paterson's examination by Counsel Assisting:⁵³⁰

Q. You knew that that information that you had, which was not recorded in the staff files, was plainly relevant to the inquiries that Inspector Cullen was making?

A. I'm sorry, what was the last bit?

Q. You knew that the information that you had, which was not recorded in the staff files, was plainly relevant to the inquiries that Inspector Cullen was making?

A. I accept that.

Q. You didn't give that information that you knew to her?

A. I accept that.

Q. You deliberately omitted or failed to tell her that which you knew about the men that she was inquiring about?

A. I don't recall, but I assume that's correct.

...

Q. Instead of telling Inspector Cullen about what you knew about the allegations, you instructed your secretary to provide to her files which, to your knowledge, would not tell her about the allegations which had been made?

A. Correct.

Q. And in doing so, your intention was to deliberately mislead Inspector Cullen who, to your knowledge, was conducting an investigation into those men; do you agree?

A. I agree except 'deliberately'. I can't recall why I did not reveal to Inspector Cullen my information about those teachers.

Q. You must have known, Dr Paterson, at this time, that failing to tell her – that is, Inspector Cullen – about what you knew was something which was likely to hinder or impede her investigation?

A. I accept that.

Q. And that you had in your mind knowledge that was of critical importance to the very matters she was investigating; do you accept that?

A. Yes.

Q. And you failed to tell her about that knowledge?

A. Yes.

Q. Instead of telling her about that knowledge, you instructed your staff member to make available to her documents which would not reveal the truth about allegations in respect of those men; correct?

A. Correct.

Q. You did nothing after Inspector Cullen left to tell her about what you knew about the allegations against those men?

A. I believe so.

...

Q. You knew she was asking questions in order to elicit information that might help her in her investigation; correct?

A. Yes.

Q. You knew that her investigation was into whether those men had committed child sexual abuse?

A. Correct.

Q. And you, in response to what Inspector Cullen said to you, sat there and did not mention anything about what you knew about the allegations of child sexual abuse; do you agree?

A. Yes.

Q. And instead of saying to Inspector Cullen what you knew, you referred her to your secretary – correct?

A. Correct.

Q. And you did so, I think you have already agreed, by asking your secretary to provide Inspector Cullen with staff records; correct?

A. Yes.

Q. And you knew that those staff records would not record any information about the allegations which had been made about child sexual abuse against those men?

A. Correct.

Q. In doing so, I suggest to you, you were deliberately attempting to mislead Inspector Cullen about matters which were centrally important to her investigation?

A. I accept that.

Q. You did so with the intention of protecting those teachers about whom she was making the inquiries?

A. That's the way it appears.

Q. And the reason, I suggest to you, you wanted to protect those teachers, was because you considered that if you revealed that which you knew, it would damage the reputation of the school?

A. I don't recall.

Q. Certainly your behaviour towards Inspector Cullen on this occasion wasn't calculated to promote or protect the interests and welfare of the boys under your care, was it?

A. Correct.

Q. Because what would have promoted and protected their interests was to tell her the truth about what you knew?

A. Yes.

Q. Was to tell her everything that you were aware of about the allegations that had been made against those men; correct?

A. Yes.

Q. Because you knew, if you told her that information you knew, it might help her in her inquiries?

A. Yes.

Q. It might help her to make, ultimately, arrests of people for criminal conduct; you knew that, didn't you?

A. Yes.

Q. But you didn't tell her any of that information that you knew going to the question of whether those men had committed crimes; correct?

A. Yes.

Q. And you accept that it was a gross failure on your part in failing to tell her about those things?

A. Yes.

Q. And you did so with the intention of misleading her; do you agree?

A. Yes.

Q. And you did so with the intention of deliberately hindering the investigation that you knew she was conducting; that's right, isn't it?

A. Yes.

Q. And you knew that by failing to tell her about those things, it was likely that her ability to investigate these serious matters was likely to be adversely affected; do you agree?

A. Yes.

Q. It is totally unacceptable, isn't it, Dr Paterson?

A. Yes.

In response to examination by his solicitor about his dealings with Inspector Cullen, Dr Paterson gave the following answers:⁵³¹

Q. To the best of your recollection, did you cooperate with Inspector Cullen?

A. I believe so.

Q. I think I've asked you this, but I'll ask you again: did she ask you any questions about these people?

A. No.

Q. Did she ask you whether you were aware of any issues concerning sexual assaults –

A. Not that I recall.

Dr Paterson's concessions were made after he was taken at length through the relevant background and context in a way which we consider was fair – there were only three objections taken on behalf of Dr Paterson during the entire examination.⁵³² Two days later, after his solicitor recalled him to give further evidence, in response to leading questions asked by his solicitor Dr Paterson gave evidence apparently disavowing the earlier answers set out above.⁵³³

Q. You made no attempt to mislead Inspector Cullen about the contents of those files?

A. No.

Q. You didn't even discuss the contents of the files?

A. No.

Q. Inspector Cullen, whilst she told you in general terms she was looking at issues of sexual abuse concerning those teachers, did she detail any of the specific allegations to you at that time?

A. No.

Q. Did she ask to discuss those allegations with you?

A. No.

Q. So you did not deliberately seek to mislead Inspector Cullen?

A. Absolutely not.

We are unable to reconcile this evidence with the evidence Dr Paterson gave in earlier examination by Counsel Assisting. It is not possible for both pieces of evidence to be correct.

Dr Paterson submitted that 'there is no evidence that Inspector [sic] asked Dr Paterson any questions in particular whether he had any information concerning allegations of child abuse relating to persons named and no suggestion that she gave Dr Paterson any details of the allegations'.⁵³⁴ It was also submitted that 'the comments of Counsel Assisting are all predicated (erroneously) on Dr Paterson knowing the details of allegations Inspector Cullen was investigating'⁵³⁵ and Dr Paterson 'actively assisted her by providing the information she was seeking'.⁵³⁶

We reject those submissions and Dr Paterson's disavowals for the following reasons.

Inspector Cullen introduced herself to Dr Paterson as a police officer from the Child Protection Enforcement Agency. She informed Dr Paterson that she had received anonymous information about allegations of child sexual abuse against Mr Treloar, Mr Vance, Mr Fotis, Mr Stewart, Mr Nisbett and one other person. Dr Paterson accepted that this occurred.⁵³⁷ At that time, Mr Treloar, Mr Stewart and Mr Nisbett were employed as teachers at Knox, but Inspector Cullen was told that only Mr Nisbett was still employed at the school.⁵³⁸

Dr Paterson accepted that he did not say anything to Inspector Cullen about what he knew about Mr Treloar, Mr Nisbett, Mr Vance, Mr Fotis and Mr Stewart.⁵³⁹ Dr Paterson also accepted that he knew that the files that his secretary provided to Inspector Cullen did not contain any record of the

child sexual abuse allegations which he knew had been made against Mr Treloar, Mr Nisbett, Mr Vance and Mr Stewart and his suspicions about Mr Fotis.⁵⁴⁰

At the time that Inspector Cullen visited Dr Paterson in December 1996, as noted, Dr Paterson admitted that he had in his mind all of the allegations which had been made about Mr Stewart in 1992, Mr Treloar in 1987, Mr Nisbett in 1984 and 1986, and Mr Vance in 1989, and his suspicions about Mr Fotis in 1988. It does not assist Dr Paterson on this issue to try to explain his lack of cooperation with the police investigation by stating that he did not have any *specific* allegations put to him about any of the named men.

Dr Paterson's evidence was that he had in his mind knowledge that was of critical importance to the matters Inspector Cullen was investigating, that he failed to tell her about that knowledge and that, instead of telling her about that knowledge, he instructed a staff member to make available documents which would not reveal the truth about the allegations.⁵⁴¹

Dr Paterson initially accepted in his evidence that:

- he was deliberately attempting to mislead Inspector Cullen about matters which were centrally important to her investigation⁵⁴²
- he did so with the intention of protecting the teachers about whom she was making the inquiries⁵⁴³
- that was done with the intention of misleading her
- in failing to tell her about what he knew, Dr Paterson knew that it was likely that her ability to investigate the serious matters would be adversely affected.⁵⁴⁴

Dr Paterson also failed to inform the Knox Council that Inspector Cullen was investigating allegations against a number of members of the Knox teaching staff, including current teachers.

Dr Paterson offered no explanation as to why his evidence changed between the first occasion on 4 March 2015, when he admitted to intentionally misleading Inspector Cullen, and the second occasion on 6 March 2015, when he denied doing so.

We reject Dr Paterson's later disavowals of his evidence.

5.2 Discussions with Mr Terrence Chapman

Around the same time that Inspector Cullen visited Dr Paterson, Dr Paterson was also approached by Mr Terrence Chapman, the executive director of the Association of Independent Schools between 1979 and 2004.⁵⁴⁵

Mr Chapman stated that in the mid to late 1990s he had heard rumours of child abuse at Knox.⁵⁴⁶ He said that he raised these matters with Dr Paterson at that time and said that perhaps Dr Paterson

should enquire about those rumours with a view to deciding whether investigative or reporting procedures should be implemented.⁵⁴⁷ There was a second conversation where similar matters were raised.⁵⁴⁸

Dr Paterson could not recall if he had these conversations with Mr Chapman, but he did not deny that the conversations occurred.⁵⁴⁹ Dr Paterson did not recall doing anything in response to Mr Chapman raising these matters with him and conceded that he did not launch an investigation or notify the police.⁵⁵⁰

We are satisfied that Dr Paterson failed to take any steps to inquire into the allegations that Mr Chapman raised with him.

6 Other allegations

6.1 Ms Lucy Perry's allegation

Ms Lucy Perry is a former student of Roseville College on Sydney's upper North Shore.

Ms Perry gave evidence that on 9 March 2009 she approached NSW Police in relation to the ongoing investigation of Strike Force Arika into child sexual assaults at Knox. She alleged that she was sexually assaulted by Dr Paterson in 1989.⁵⁵¹ Ms Perry stated to NSW Police that she did not wish to proceed with charges against Dr Paterson. She gave evidence that her intention was to let police know that she 'was happy to provide a statement if it was going to be useful to demonstrate the culture of disrespect engendered at the school, and to highlight the environment and attitudes fostered by the Headmaster'.⁵⁵²

The public hearing was the first time that Ms Perry's allegation was put to Dr Paterson. Dr Paterson denied the allegation.

6.2 Allegation of document destruction

Mr Dwane Feehely was the manager of insurance and property services for the Uniting Church Synod in 2009.⁵⁵³

On 6 July 2009, Mr Feehely sent an email to a colleague, Mr Gavin Lee.⁵⁵⁴ That email forwarded a chain of emails which had attached draft apologies prepared on behalf of Knox in relation to the abuse perpetrated by some of the teachers at Knox.⁵⁵⁵ The draft apologies had been prepared by Mr Rod Frail, a communications consultant, with 'some input' from Mr Rob Wannan.⁵⁵⁶ Mr Wannan, a solicitor, was the chairman of the Knox Council between 2007 and 2013.⁵⁵⁷

In Mr Feehely's email to Mr Lee, he wrote that '[t]he solicitor who drafted [the apologies] is the one who has been advising the school to destroy documents, with Jims [sic] assistance'.⁵⁵⁸ The reference to 'the solicitor' was a reference to Mr Wannan, while the reference to 'Jim' was a reference to Mr Jim Mein. Between 2004 and 2007, Mr Mein was the moderator of the Synod⁵⁵⁹ and he was also a member of the Knox Council between 1994 and 2001.⁵⁶⁰

After the conclusion of the public hearing, the Uniting Church in Australia submitted that the email from Mr Feehely should not have been admitted into evidence.⁵⁶¹ We do not accept that submission. The document is a business record written by a person then in a position of authority. The email contains a statement which is plainly relevant to the Royal Commission's inquiry. Senior Counsel for the Uniting Church in Australia did not object to the tender of this email before or during the public hearing.

Mr Wannan was asked to respond to the allegation in Mr Feehely's email to Mr Lee. Mr Wannan denied being involved in giving any advice to Knox to destroy documents.⁵⁶² We accept Mr Wannan's evidence. We find that he was not involved in or aware of any advice given to Knox to destroy documents.

Mr Mein was asked to respond to the allegation in Mr Feehely's email to Mr Lee. Mr Mein denied being involved in assisting the school to destroy documents.⁵⁶³ We accept Mr Mein's evidence. We find that he was not involved in or aware of any advice given to the school to destroy documents.

7 The institution's practices, policies and procedures

7.1 The culture at Knox

We are satisfied that during the headmastership of Dr Paterson at Knox:

- his attitude and the culture he fostered at the school were dismissive of allegations of child sexual abuse
- he deliberately withheld information from the Knox Council
- he gave misleading references for staff
- his record keeping was poor.

We have accepted Dr Paterson's evidence that, in relation to the allegations against Mr Stewart and the teacher ARZ, he was involved in a cover-up of those allegations. He also deliberately withheld information from Inspector Cullen. Dr Paterson did not notify the parents of boys who had made allegations against staff members. Through these actions, Dr Paterson failed to prioritise the welfare of the boys at Knox over the reputation of the school.

Dismissive attitude toward allegations

Dr Paterson minimised and treated dismissively allegations against Mr Nisbett and Mr Stewart.

Further, Dr Paterson said in his statement he was only aware of one instance of child sexual abuse at Knox during his headmastership. This was plainly incorrect. It is clear from Dr Paterson's evidence and from our findings that he was aware of other instances of potential or actual child sexual abuse in addition to those mentioned in paragraph 18 of Dr Paterson's written statement. These were:

- the serious allegations about Mr Nisbett in 1984 and 1986⁵⁶⁴
- the allegations about Mr Treloar in 1987⁵⁶⁵
- the allegations about sexual molestation of ATJ by Mr Stewart in 1992⁵⁶⁶
- the 'affair' between then student Anthony Carden and teacher ARZ in 1992⁵⁶⁷
- the sexual assault on ARN in 1988.⁵⁶⁸

Failure to report to the Knox Council

Despite Dr Paterson's evidence that his practice would have been to report 'important matters' to the Knox Council,⁵⁶⁹ it is clear that he did not do so on a number of occasions. Dr Paterson did not report the allegations concerning Mr Treloar in 1988 and Mr Stewart in 1992 and he could not recall if he reported to the Knox Council in relation to Mr Nisbett in 1986 and Mr Vance in 1989.

Dr Paterson's failure to inform the Knox Council about those allegations of child sexual abuse reflected no proper governance structure at Knox. It resulted in both the Knox Council and the Synod being uninformed of these matters and unable to respond appropriately.

The giving of misleading references

As noted above, we heard evidence that on three occasions Dr Paterson gave references for former Knox staff members which were misleading or which omitted important information about the circumstances of the staff member's departure from Knox. These references were prepared by Dr Paterson for Mr James, Mr Vance and Mr Fotis. All three staff members went on to obtain further employment in schools elsewhere, including interstate and overseas.

Record keeping at Knox

Dr Paterson was a poor record keeper.

As we have found, no record was kept of the true reasons for Mr Vance's departure, the sacking of Mr Fotis, the incident involving Mr Treloar or the true reasons for the removal of Mr Nisbett from Ewan House in 1986.

The report that Mr Pearson prepared in 1986 of his investigation into Mr Nisbett is missing. Dr Paterson says that he put the report into Mr Nisbett's file.⁵⁷⁰ There is no evidence about how or why the report went missing.

Additionally, Dr Paterson's file note in 1992 regarding ATJ's allegations against Mr Stewart records the 'extraordinary'⁵⁷¹ disappearance of the student files of ATJ and Anthony Carden. Dr Paterson agreed that the fact of files going missing was a serious indication that there was something wrong with the integrity of Knox's record keeping.⁵⁷² There is evidence that the teachers' files were kept in a cabinet where the key was readily available. Dr Paterson accepted that this system did not provide 'great security'.⁵⁷³

We are satisfied that the system for record keeping at Knox between 1969 and 1998 failed in that relevant material about teachers' conduct with students was not systematically documented, securely kept and able to be made available to incoming headmasters or other relevant senior staff.

7.2 The system for employment of resident masters at Knox

Between 1982 and 1987 Knox had no system for holding interviews with, or conducting reference or criminal history checks for, those persons it employed as resident masters.⁵⁷⁴ The position of resident master was an important one because from time to time resident masters would have the sole responsibility for caring for boarders. Dr Paterson accepted that the lack of any such system was a failure. We reject Dr Paterson's evidence that this failure was a failure 'in retrospect'.⁵⁷⁵

It is obvious that there should have been some system in place at Knox which at a minimum required any person who was being considered for employment in the role of resident master to make a formal application, to be interviewed, to provide a reference or referees and to have a check performed to determine whether or not they had a criminal record.

We are satisfied that the system in place at Knox for the employment of resident masters between 1982 and 1987 failed in that it did not require potential employees with roles requiring direct contact with students to make a formal application, undergo an interview process and provide referees who were checked and whose responses were documented.

7.3 Policies and procedures during Dr Paterson's headmastership

During Dr Paterson's time as headmaster, no training was provided to the staff at Knox about their mandatory reporting obligations – in particular, with respect to reporting suspicions that a child had been sexually assaulted.⁵⁷⁶ This was despite the fact that information about these obligations was readily available from the Association of Independent Schools, of which Knox was (and remains) a member.⁵⁷⁷

Dr Paterson initially gave evidence that he was not aware of the mandatory reporting legislation⁵⁷⁸ and that he could not recall if mandatory reporting training had been offered to the teachers at Knox.⁵⁷⁹ He agreed that if this training was not offered then this was a failure.⁵⁸⁰ Later, Dr Paterson agreed with the propositions that in his time as headmaster he did not institute any system of training of staff in respect of mandatory reporting obligations⁵⁸¹ and that there were no written policies dealing with child protection.⁵⁸² Dr Paterson could not recall if the question of whether Knox had any child protection policies in place was raised by the Knox Council⁵⁸³ or Mr Mein⁵⁸⁴ but agreed that it was possible. Dr Paterson also agreed that, if he did give Mr Mein any assurance that the school had child protection policies in place, this would have been false.⁵⁸⁵

Mr Mein, who was a member of the Knox Council from 1994, gave evidence that for the period 1994 to 1998 he cannot recall Dr Paterson informing the Knox Council about mandatory reporting.⁵⁸⁶ In relation to child protection policies generally, Mr Mein had a recollection that at some point the issue of adopting child protection policies was raised with Dr Paterson and that Dr Paterson 'answered in the affirmative.'⁵⁸⁷

Mandatory reporting obligations with respect to physical and sexual abuse were introduced for teachers at non-government schools in January 1988. We are satisfied that between 1988 and 1998 Knox failed to have in place any system for training or educating its staff on the mandatory reporting obligations imposed by legislation in New South Wales.

Such training and education is important because it equips staff with the necessary knowledge and understanding of the dynamics of child sexual abuse and the mechanisms for detecting, investigating and reporting allegations of child sexual abuse.

No policies were produced to the Royal Commission about complaint-handling procedures during Dr Paterson's headmastership, either before or after the introduction of mandatory reporting. Similarly, no policies were produced to the Royal Commission relating to a code of conduct for boarding housemasters during Dr Paterson's headmastership. Clearly, there were no structures or procedures in place at Knox for handling such reports.

7.4 Current practices, policies and procedures

We had evidence from Knox that it now distributes information and resources on the issue of child protection from the Association of Independent Schools to teaching and other relevant staff.⁵⁸⁸ The evidence was that all staff members at Knox are also now required to attend training in child protection, which is delivered by the Association of Independent Schools.⁵⁸⁹

In addition, Knox has implemented the association's recommendation that all member schools have an Accredited Child Protection Investigator – Knox has one accredited staff member in the preparatory school and another in the senior school.⁵⁹⁰ The current headmaster at Knox, Mr Weeks, also gave evidence to the Royal Commission that the school's Child Protection Policy has been revised and is subject to ongoing review and that staff are required to acknowledge in writing that they have read, understood and agree to comply with the terms of that policy.⁵⁹¹

We received evidence from Mr Weeks about the current practice of the headmaster's responsibilities as they relate to the Knox Council. Mr Weeks gave evidence that the Knox Council meets on an approximately monthly basis during school terms and there are generally nine or 10 Knox Council meetings each year.⁵⁹² Mr Weeks is invited to attend the Knox Council meetings and delivers the headmaster's report.⁵⁹³

Mr Weeks said his current practice is to meet with the chairman of the Knox Council on a weekly basis to discuss operational issues, including child protection issues.⁵⁹⁴ Mr Weeks gave evidence that if he receives information which indicates a child protection issue he:

- immediately telephones the council chair and reports the information
- updates the chair by telephone at regular intervals of any ongoing communication
- reports the information and any steps taken or outcomes to the executive committee of the Knox Council. The executive committee is a subcommittee of the Knox Council comprising its chair, deputy chair, the head of the Audit and Risk Committee, one other individual elected from the council, the School Business Manager and the headmaster. The executive committee considers all matters for the forthcoming council meeting and prepares the agenda⁵⁹⁵
- reports the information and any steps taken or outcomes to the Knox Council.⁵⁹⁶

When he provided his statement to the Royal Commission, Mr Weeks attached a draft proposed Constitution which, at the time of the public hearing, had not been formally approved.⁵⁹⁷ In that draft Constitution,⁵⁹⁸ the duties and responsibilities of the headmaster are more clearly articulated and include:⁵⁹⁹

- exercising judgment in identifying issues which need to be brought to the Council for consideration, consultation or decision making; ...
- providing periodic reports to the Council, having regular communications with the Chairperson and developing information for the Council on key issues (including the strategic plan for the school);
- in consultation with the Chair person identifying issues which need to be brought to the Council for consideration, consultation or decision making; and
- attending meetings of the Council and its committees unless the Council otherwise directs (such as when Council sits in committee).

At the time of preparing this report, it was not known whether the draft Constitution had been adopted and the effectiveness of the new prescribed responsibilities for headmasters was untested.

8 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
- what environments encourage or facilitate offending and why
- responding to concerns, allegations and incidents of child sexual abuse
- 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:

require you to begin your inquiry as soon as practicable, and

require you to make your inquiry as expeditiously as possible; and

require you to submit to Our Governor-General:

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

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

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 Her Excellency's Command
Prime Minister

Appendix B: Public hearing

The Royal Commission	Justice Peter McClellan AM (Chair) Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray
Commissioners who presided	Justice Jennifer Coate Mr Bob Atkinson AO APM
Date of hearing	23 February 2015 – 6 March 2015 10 April 2015 28 April 2015 10 August 2015 23 March 2016
Legislation	<i>Royal Commissions Act 1902 (Cth)</i> <i>Royal Commissions Act 1923 (NSW)</i>

Leave to appear

Guy Lamond

Coryn Tambling

Craig Treloar

Dr Ian Paterson

Dr Timothy Hawkes

Uniting Church in Australia, Synod of NSW
and the ACT: Reverend Dr Andrew Williams,
James Mein and John Oldmeadow

Knox Grammar School: John Weeks, Peter
Crawley, Stuart Pearson, Rob Wannan,
Michael Jenkinson, Peter Roach and Chuck
Ardron, the Hon. Justice Morris Ireland QC,
Dr Brian Scott and Ian Bradford

State of New South Wales

Adrian Steer

Michael Probert

Robert Thomas

ATQ

Brownyn Steele

ASG

Scot Ashton

Dr David Harding

Damien Vance

Ann Cook

Lucy Perry

Angus Ollerenshaw

Brian Buggy

Christopher Fotis

Leslie Saddington and Philip Carden

Legal representation

D Lloyd, Counsel Assisting

P Skinner, instructed by M Slattery of Carroll & O’Dea Lawyers, appearing for Guy Lamond, Coryn Tambling and Adrian Steer

P Skinner, instructed by J Ellis of Ellis Legal, Lawyers and Advocates, appearing for ASG and ATQ

P Katsoolis, appearing for Craig Treloar

J Harrowell, appearing for Dr Ian Paterson, Dr Timothy Hawkes, Bronwyn Steele and Brian Buggy

S Foda, appearing for Dr Timothy Hawkes

K Eastman SC, instructed by A Tsacalos of Norton Rose Fullbright and Rhonda Ianna of the Uniting Church in Australia, Synod of NSW and the ACT, appearing for the Uniting Church in Australia, Synod of NSW and the ACT, Reverend Dr Andrew Williams, James Mein and John Oldmeadow

G Wright, instructed by Crown Solicitors Office (NSW), appearing for the State of New South Wales

G Watson SC, instructed by W Blacker of Gadens, appearing for Knox Grammar School, John Weeks, Peter Crawley, Stuart Pearson, Rob Wannan, Michael Jenkinson, Peter Roach and Chuck Ardron, the Hon. Morris Ireland QC, Dr Brian Scott and Ian Bradford

G Waugh, instructed by J Rickard of Rickard Lawyers, appearing for Michael Probert

K Morgan, instructed by S Horton of Horton Rhodes, appearing for Robert Thomas

L Johnson, appearing for Scot Ashton

P O’Brien, appearing for Dr David Harding

A Kernaghan, appearing for Damien Vance
 J Downing, instructed by A Bland of
 Blandslaw, appearing for Ann Cook
 M Ainsworth, appearing for Lucy Perry
 E Romaniuk SC, instructed by L Powell of
 Edwards Michael Powell Lawyers, appearing
 for Angus Ollerenshaw
 M Bateman, appearing for Christopher Fotis
 G Stapleton, instructed by M Osborne of
 Osbornes Lawyers, appearing for Leslie
 Saddington and Philip Carden

Pages of transcript	1,278
Notice to Produce issued under Royal Commissions Act 1902 (Cth) and documents produced	42 notices to produce, producing approximately 235 documents
Summons to Produce issued under Royal Commissions Act 1923 (NSW) and documents produced	32 notices to produce, producing approximately 11,711 documents
Summons to Attend issued under Royal Commissions Act 1902 (Cth)	38
Number of exhibits	81 exhibits consisting of a total of 720 documents tendered at the hearing

Witnesses**ARY**

Former student of Knox Grammar School

Dr John Rentoul

Former teacher and father of former student of Knox Grammar School

ARG

Former student of Knox Grammar School

Adrian Steer

Former student of Knox Grammar School

Guy Lamond

Former student of Knox Grammar School

ATQ

Former student of Knox Grammar School

Scot Ashton

Former student of Knox Grammar School

Coryn Tambling

Former student of Knox Grammar School

ATU

Mother of former student of Knox Grammar School

ASG

Former student of Knox Grammar School

Damien Vance

Former teacher of Knox Grammar School

Craig Treloar

Former teacher of Knox Grammar School

Michael Jenkinson

Former Head of Knox Grammar Preparatory School

Michael Probert

Former staff member of Knox Grammar School

Dr David Harding

Senior Clinical Psychologist

Dr Timothy Hawkes

Former teacher and Boarding Housemaster
at Knox Grammar School

Bronwyn Steele

Former teacher and school counsellor
at Knox Grammar School

Robert Thomas

Former Head of Knox Grammar
Preparatory School

Peter Crawley

Former Headmaster of Knox Grammar School

Robert Wannan

Former Chair of the Knox Grammar
School Council

John Weeks

Current Headmaster of
Knox Grammar School

Stuart Pearson

Former General Duties Master at Knox
Grammar School

James Mein

Former Moderator of the Uniting Church
in Australia, Synod of NSW and the ACT

AST

Former student of Knox Grammar School

Lucy Perry

Former student of Roseville College

Ann Cook

Former counsellor of Knox Grammar School

Terry Chapman

Former Executive Director of the Association
of Independent Schools (NSW)

Dr Ian Paterson

Former Headmaster of Knox Grammar School

Dr Brian Scott

Former Chair of the Knox Grammar School Council

Hon. Mr Morris Ireland QC

Former Chair of the Knox Grammar School Council

AUE

Former student of Knox Grammar School

Brian Buggy

Former Music Director of Knox Grammar School

Angus Ollerenshaw

Former student of Knox Grammar School

Ian Bradford

Current teacher and former Resident Master of Knox Grammar School

Christopher Fotis

Former teacher of Knox Grammar School

Endnotes

- 1 Exhibit 23-0022, 'Statement of John Weeks', Case Study 23, STAT.0480.002.0001_R at [5]–[6].
- 2 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12397:29–34.
- 3 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12397:40–5.
- 4 Exhibit 23-0048, 'Statement of Reverend Dr Andrew Williams', Case Study 23, STAT.0481.001.0001 at [13].
- 5 Exhibit 23-0030, 'Statement of James Mein', Case Study 23, STAT.0489.001.0001_R at [16]–[18].
- 6 Exhibit 23-0030, 'Statement of James Mein', Case Study 23, STAT.0489.001.0001_R at [19(c)].
- 7 Exhibit 23-0049, 'Statement of John Oldmeadow', Case Study 23, STAT.0477.001.0001_R at [30]; Exhibit 23-0023, 'Supplementary Statement of John Weeks', Annexure JW-1, Case Study 23, STAT.0480.003.0003 at [6(a)].
- 8 Exhibit 23-0049, 'Statement of John Oldmeadow', Case Study 23, STAT.0477.001.0001_R at [31].
- 9 Exhibit 23-0049, 'Statement of John Oldmeadow', Case Study 23, STAT.0477.001.0001_R at [35]; Exhibit 23-0023, 'Supplementary Statement of John Weeks', Annexure JW-1, Case Study 23, STAT.0480.003.0003 at [6(d)].
- 10 Exhibit 23-0049, 'Statement of John Oldmeadow', Case Study 23, STAT.0477.001.0001_R at [33]; Exhibit 23-0023, 'Supplementary Statement of John Weeks', Annexure JW-1, Case Study 23, STAT.0480.003.0003 at [11].
- 11 Exhibit 23-0023, 'Supplementary Statement of John Weeks', Annexure JW-1, Case Study 23, STAT.0480.003.0003 at [11(b)].
- 12 Exhibit 23-0030, 'Statement of James Mein', Case Study 23, STAT.0489.001.0001_R at [19(k)].
- 13 Exhibit 23-0030, 'Statement of James Mein', Case Study 23, STAT.0489.001.0001_R at [19(k)].
- 14 Exhibit 23-0049, 'Statement of John Oldmeadow', Case Study 23, STAT.0477.001.0001_R at [39].
- 15 Exhibit 23-0023, 'Supplementary Statement of John Weeks', Case Study 23, STAT.0480.003.0003 at [10(g)].
- 16 Exhibit 23-0030, 'Statement of James Mein', Case Study 23, STAT.0489.001.0001_R at [36].
- 17 Exhibit 23-0049, 'Statement of John Oldmeadow', Case Study 23, STAT.0477.001.0001_R at [50]–[51]; Exhibit 23-0030, 'Statement of James Mein', Case Study 23, STAT.0489.001.0001_R at [19(l)].
- 18 Exhibit 23-0030, 'Statement of James Mein', Case Study 23, STAT.0489.001.0001_R at [19(l)].
- 19 Exhibit 23-0030, 'Statement of James Mein', Case Study 23, STAT.0489.001.0001_R at [38]; Exhibit 23-0049, 'Statement of John Oldmeadow', Case Study 23, STAT.0477.001.0001_R at [56].
- 20 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12404:30–9.
- 21 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12404:46–12405:37.
- 22 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12405:39–42.
- 23 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12450:38–12451:4.
- 24 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12399:4–13.
- 25 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12399:15–29.
- 26 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12451:34–44.
- 27 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12451:46–12452:2.
- 28 Transcript of M Probert, Case Study 23, 25 February 2015, 12000:26–34.
- 29 Exhibit 23-0017, 'Statement of Timothy Hawkes', Case Study 23, STAT.0484.001.0001_R at [11]; Transcript of DP Vance, Case Study 23, 24 February 2015, 11862:1–3.
- 30 Transcript of DP Vance, Case Study 23, 24 February 2015, 11864:11–13.
- 31 Exhibit 23-0017, 'Statement of Timothy Hawkes', Case Study 23, STAT.0484.001.0001_R at [12].
- 32 'Teachers' were prescribed by cl 10(1) of the *Children (Care and Protection – General) Regulation 1988* as a profession required to comply with the mandatory reporting obligations contained in s 22(3)(a) of the *Children (Care and Protection) Act 1987* (NSW).
- 33 'Deputy Principals' and 'Principals' were prescribed by cl 10(2) of the *Children (Care and Protection – General) Regulation 1988* as an 'office' for the purposes of s 22(3)(b) of the *Children (Care and Protection) Act 1987* (NSW).
- 34 The term 'school' was defined to mean both state schools and registered schools within the meaning of the *Education and Public Instruction Act 1987*. 'Registered schools' included non-government schools if they were registered schools.
- 35 *Children (Care and Protection) Act 1987* (NSW) s 22(4).
- 36 When the legislation came into operation on 18 January 1988, the Department was called 'Youth and Community Services'. It was later called the 'Department of Community Services' and is presently called the 'Department of Family and Community Services'.

- 37 *Children (Care and Protection) Act 1987* (NSW) s 22(3).
- 38 Exhibit 23-0056, 'Letter from Bruce Barbour, New South Wales Ombudsman', Annexure, Case Study 23, OMB.0010.001.0001_R at [1].
- 39 Section 25A(1) of the *Ombudsman Act 1974* (NSW) defines a 'designated non-government agency' to include a non-government school and a 'designated government agency' to include a government school.
- 40 *Ombudsman Act 1974* (NSW) s 25C(1).
- 41 *Ombudsman Act 1974* (NSW) s 25D.
- 42 *Ombudsman Act 1974* (NSW) s 25A.
- 43 *Ombudsman Act 1974* (NSW) s 25A.
- 44 *Ombudsman Act 1974* (NSW) s 25A.
- 45 Exhibit 23-0056, 'Letter from Bruce Barbour, New South Wales Ombudsman', Annexure, Case Study 23, OMB.0010.001.0001_R at [1].
- 46 Exhibit 23-0056, 'Letter from Bruce Barbour, New South Wales Ombudsman', Annexure, Case Study 23, OMB.0010.001.0001_R at [1].
- 47 Exhibit 23-0056, 'Letter from Bruce Barbour, New South Wales Ombudsman', Annexure, Case Study 23, OMB.0010.001.0001_R at [1].
- 48 Exhibit 23-0056, 'Letter from Bruce Barbour, New South Wales Ombudsman', Annexure, Case Study 23, OMB.0010.001.0001_R at [1].
- 49 Exhibit 23-0050, 'Statement of Geoff Newcombe', Case Study 23, STAT.0486.001.0001_R at [1.1].
- 50 Exhibit 23-0050, 'Statement of Geoff Newcombe', Case Study 23, STAT.0486.001.0001_R at [1.3].
- 51 Exhibit 23-0050, 'Statement of Geoff Newcombe', Case Study 23, STAT.0486.001.0001_R at [2.1].
- 52 Exhibit 23-0050, 'Statement of Geoff Newcombe', Case Study 23, STAT.0486.001.0001_R at [1.1] and [2.1]; Exhibit 23-0035, 'Statement of Terrence Chapman', Case Study 23, STAT.0521.001.0001_R at [8.1].
- 53 Exhibit 23-0022, 'Statement of John Weeks', Case Study 23, STAT.0480.002.0001_R at [9].
- 54 Exhibit 23-0002, 'Statement of ARY', Case Study 23, STAT.0483.001.0001_R at [5].
- 55 Exhibit 23-0002, 'Statement of ARY', Case Study 23, STAT.0483.001.0001_R at [43].
- 56 Exhibit 23-0008, 'Statement of Matthew O'Neal', Case Study 23, STAT.0476.001.0001_R at [4].
- 57 Exhibit 23-0008, 'Statement of Matthew O'Neal', Case Study 23, STAT.0476.001.0001_R at [25].
- 58 Exhibit 23-0008, 'Statement of Matthew O'Neal', Case Study 23, STAT.0476.001.0001_R at [25].
- 59 Exhibit 23-0008, 'Statement of Matthew O'Neal', Case Study 23, STAT.0476.001.0001_R at [28].
- 60 Exhibit 23-0004, 'Statement of ARG', Case Study 23, STAT.0507.001.0001_R.
- 61 Exhibit 23-0004, 'Statement of ARG', Case Study 23, STAT.0507.001.0001_R at [33].
- 62 Exhibit 23-0004, 'Statement of ARG', Case Study 23, STAT.0507.001.0001_R at [35].
- 63 Exhibit 23-0006, 'Statement of Guy Lamond', Case Study 23, STAT.0462.002.0001_R at [4].
- 64 Exhibit 23-0006, 'Statement of Guy Lamond', Case Study 23, STAT.0462.002.0001_R at [24]–[30].
- 65 Exhibit 23-0006, 'Statement of Guy Lamond', Case Study 23, STAT.0462.002.0001_R at [41].
- 66 Exhibit 23-0006, 'Statement of Guy Lamond', Case Study 23, STAT.0462.002.0001_R at [42].
- 67 Exhibit 23-0011, 'Statement of Coryn Tambling', Case Study 23, STAT.0499.001.0001_R.
- 68 Exhibit 23-0011, 'Statement of Coryn Tambling', Case Study 23, STAT.0499.001.0001_R at [18]–[24].
- 69 Exhibit 23-0011, 'Statement of Coryn Tambling', Case Study 23, STAT.0499.001.0001_R at [34]–[35].
- 70 Exhibit 23-0011, 'Statement of Coryn Tambling', Case Study 23, STAT.0499.001.0001_R at [56]–[59].
- 71 Exhibit 23-0005, 'Statement of Adrian Steer', Case Study 23, STAT.0491.001.0001_R at [3].
- 72 Exhibit 23-0005, 'Statement of Adrian Steer', Case Study 23, STAT.0491.001.0001_R at [10].
- 73 Exhibit 23-0005, 'Statement of Adrian Steer', Case Study 23, STAT.0491.001.0001_R at [19].
- 74 Exhibit 23-0005, 'Statement of Adrian Steer', Case Study 23, STAT.0491.001.0001_R at [26].
- 75 Exhibit 23-0005, 'Statement of Adrian Steer', Case Study 23, STAT.0491.001.0001_R at [29]–[30].
- 76 Exhibit 23-0001, Case Study 23, KGS.001.003.1868_R.
- 77 Exhibit 23-0013, 'Statement of ASG', Case Study 23, STAT.0509.001.0001_R.
- 78 Exhibit 23-0010, 'Statement of Scot Ashton', Case Study 23, STAT.0512.001.0001_R.
- 79 Exhibit 23-0010, 'Statement of Scot Ashton', Case Study 23, STAT.0512.001.0001_R at [28].
- 80 Exhibit 23-0010, 'Statement of Scot Ashton', Case Study 23, STAT.0512.001.0001_R at [52].
- 81 Exhibit 23-0028, 'Statement of ATN', Case Study 23, STAT.0513.001.0001_R.
- 82 Exhibit 23-0029, 'Statement of ARQ', Case Study 23, STAT.0514.001.0001_R at [8].
- 83 Exhibit 23-0029, 'Statement of ARQ', Case Study 23, STAT.0514.001.0001_R at [17].

84 Exhibit 23-0029, 'Statement of ARQ', Case Study 23, STAT.0514.001.0001_R at [18].
85 Exhibit 23-0029, 'Statement of ARQ', Case Study 23, STAT.0514.001.0001_R at [46].
86 Exhibit 23-0007, 'Statement of ATQ', Case Study 23, STAT.0495.001.0001_R at [3].
87 Exhibit 23-0007, 'Statement of ATQ', Case Study 23, STAT.0495.001.0001_R at [21].
88 Exhibit 23-0001, Case Study 23, IND.0232.001.0004_R.
89 Exhibit 23-0007, 'Statement of ATQ', Case Study 23, STAT.0495.001.0001_R at [23].
90 Exhibit 23-0007, 'Statement of ATQ', Case Study 23, STAT.0495.001.0001_R at [31]–[32].
91 Exhibit 23-0007, 'Statement of ATQ', Case Study 23, STAT.0495.001.0001_R at [32].
92 Exhibit 23-0043, 'Statement of Angus Ollerenshaw', Case Study 23, STAT.0523.001.0001_R.
93 Exhibit 23-0043, 'Statement of Angus Ollerenshaw', STAT.0523.001.0001_R.
94 Exhibit 23-0043, 'Statement of Angus Ollerenshaw', Case Study 23, STAT.0523.001.0001_R.
95 Exhibit 23-0001, Case Study 23, NPF.057.001.0808_R.
96 Exhibit 23-0001, Case Study 23, NPF.057.001.0808_R.
97 Exhibit 23-0003, 'Statement of John Rentoul', Case Study 23, STAT.0475.001.0001 at [6].
98 Exhibit 23-0003, 'Statement of John Rentoul', Case Study 23, STAT.0475.001.0001 at [7].
99 Exhibit 23-0001, Case Study 23, NSW.2022.003.0168_R at [16]–[17].
100 Exhibit 23-0003, 'Statement of John Rentoul', Case Study 23, STAT.0475.001.0001 at [22].
101 Exhibit 23-0003, 'Statement of John Rentoul', Case Study 23, STAT.0475.001.0001 at [27].
102 Exhibit 23-0012, 'Statement of ATU', Case Study 23, STAT.0510.001.0001_R.
103 Exhibit 23-0012, 'Statement of ATU', Case Study 23, STAT.0510.001.0001_R.
104 Exhibit 23-0036, 'Statement of Ian Paterson', Case Study 23, STAT.0485.001.0001_R at [18].
105 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12398:3–38.
106 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12526:43–12527:4, 12527:46–12528:16.
107 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12528:15–30.
108 Transcript of IW Paterson, Case Study 23, 3 March 2015, 23526:43–23527:4.
109 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12525:46–12526:3.
110 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12528:10–16.
111 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12528:18–30.
112 Transcript of P Crawley, Case Study 23, 26 February 2015, 12124:18–40.
113 Transcript of P Crawley, Case Study 23, 26 February 2015, 12125:27–34.
114 Transcript of P Crawley, Case Study 23, 26 February 2015, 12125:41–12126:18; Exhibit 23-0020,
'Statement of Peter Crawley', Case Study 23, STAT.0473.001.0001_R at [13]–[15].
115 Transcript of P Crawley, Case Study 23, 26 February 2015, 12126:8–18.
116 Exhibit 23-0006, 'Statement of Guy Lamond', Case Study 23, STAT.0462.002.0001_R at [42].
117 Exhibit 23-0001, Case Study 23, KGS.006.001.0163.
118 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12412:42–7.
119 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12408:26–30.
120 Exhibit 23-0002, 'Statement of ARY', Case Study 23, STAT.0483.001.0001_R; Exhibit 23-0001, Case Study 23,
NSW.2022.001.0064_E_R.
121 Exhibit 23-0001, Case Study 23, UCA.105.001.8230_R at 8239_R.
122 Exhibit 23-0022, Case Study 23, STAT.0480.002.0069_R at 0079_R; Exhibit 23-0001, Case Study 23,
UCA.104.004.4161.
123 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12407:32.
124 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12438:28–9.
125 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12438:9–24.
126 Exhibit 23-0001, Case Study 23, KGS.006.001.0176.
127 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12408:4–30.
128 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12409:4–7.
129 Exhibit 23-0001, Case Study 23, KGS.006.001.0164_R.
130 Exhibit 23-0001, Case Study 23, KGS.003.001.0019.
131 Exhibit 23-0001, Case Study 23, KGS.003.001.0019.
132 Exhibit 23-0001, Case Study 23, KGS.006.001.0163.
133 Exhibit 23-0001, Case Study 23, KGS.006.001.0163.
134 Exhibit 23-0001, Case Study 23, KGS.006.001.0176; Transcript of IW Paterson, Case Study 23, 3 March 2015,
12408:4–30.

- 135 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12412:22–8.
- 136 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12505:5–11.
- 137 Exhibit 23-0001, Case Study 23, OMB.0009.001.0010_R at 0012_R.
- 138 Exhibit 23-0001, Case Study 23, NSW.2022.004.0760_R; Exhibit 23-0001, Case Study 23, UCA.105.001.8230_R at 8239_R.
- 139 Transcript of ARG, Case Study 23, 23 February 2015, 11723:20–9; Transcript of AD Steer, Case Study 23, 23 February 2015, 11730:34–40; Exhibit 23-0022, ‘Statement of John Weeks’, Case Study 23, STAT.0480.002.0001_R at [106].
- 140 Exhibit 23-0001, Case Study 23, OMB.0009.003.0373_R at 0379_R; Exhibit 23-0025, ‘Statement of Stuart Pearson’, Case Study 23, STAT.0474.001.0001_R at [39].
- 141 Exhibit 23-0036, ‘Statement of Ian Paterson’, Case Study 23, STAT.0485.002.0001_R at [46].
- 142 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12513:20–3.
- 143 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12513:25–7.
- 144 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12513:44–6.
- 145 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12514:1–4.
- 146 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12514:41–3.
- 147 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12514:10–21.
- 148 Exhibit 23-0025, ‘Statement of Stuart Pearson’, Case Study 23, STAT.0474.001.0001_R at [9]–[10].
- 149 Exhibit 23-0025, ‘Statement of Stuart Pearson’, Case Study 23, STAT.0474.001.0001_R at [9], [11].
- 150 Exhibit 23-0025, ‘Statement of Stuart Pearson’, Case Study 23, STAT.0474.001.0001_R at [46].
- 151 Transcript of SL Pearson, Case Study 23, 27 February 2015, 12250:43–6.
- 152 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12512:37–43, 12513:7–9.
- 153 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12513:11–18.
- 154 Exhibit 23-0025, ‘Statement of Stuart Pearson’, Case Study 23, STAT.0474.001.0001_R at [58]–[59]; Transcript of SL Pearson, Case Study 23, 27 February 2015, 12255:9–12256:43; Transcript of IW Paterson, Case Study 23, 3 March 2015, 12517:4–36.
- 155 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12517:42–12518:7.
- 156 Exhibit 23-0025, ‘Statement of Stuart Pearson’, Case Study 23, STAT.0474.001.0001_R at [61]; Transcript of SL Pearson, Case Study 23, 27 February 2015, 12257:39–42.
- 157 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12516:8–22.
- 158 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12517:4–36.
- 159 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12522:21–8.
- 160 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12524:7–12.
- 161 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12524:19–23.
- 162 Transcript of SL Pearson, Case Study 23, 27 February 2015, 12256:1–13.
- 163 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12521:11–21.
- 164 Exhibit 23-0001, Case Study 23, KGS.001.003.0779_R at 0780_R.
- 165 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12527:9–24.
- 166 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12518:12–41.
- 167 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12581:28–32.
- 168 Exhibit 23-0001, Case Study 23, KGS.006.001.0114.
- 169 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12520:36–42.
- 170 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12520:23–12521:5.
- 171 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12520:44–12521:9.
- 172 Exhibit 23-0001, Case Study 23, KGS.006.001.0113.
- 173 Exhibit 23-0001, Case Study 23, KGS.006.001.0113.
- 174 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12518:26–41.
- 175 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12518:26–41.
- 176 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12523:6–11.
- 177 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12523:6–29.
- 178 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12548:4–12549:7.
- 179 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12548:4–11.
- 180 Exhibit 23-0001, Case Study 23, KGS.001.003.0111_R.
- 181 Exhibit 23-0001, Case Study 23, OMB.0009.003.0111_R.

182 Exhibit 23-0001, Case Study 23, KGS.001.003.1961_R; Exhibit 23-0001, Case Study 23, OMB.0009.003.0054_R; Exhibit 23-0020, 'Statement of Peter Crawley', Case Study 23, STAT.0473.001.0001_R at [35].

183 Exhibit 23-0001, Case Study 23, KGS.001.003.1961_R.

184 Exhibit 23-0001, Case Study 23, KGS.001.003.0107_R.

185 Exhibit 23-0001, Case Study 23, OMB.0009.003.0059_R at 0064_R.

186 Exhibit 23-0001, Case Study 23, KGS.001.003.0004_R.

187 Exhibit 23-0001, Case Study 23, OMB.0009.003.0048_R; Exhibit 23-0001, Case Study 23, OMB.0009.003.0054; Exhibit 23-0001, Case Study 23, OMB.0009.003.0041_R.

188 Transcript of JW Weeks, Case Study 23, 27 February 2015, 12168:7–10, 12168:46–12169:45.

189 Exhibit 23-0022, Annexure JW-L, Case Study 23, STAT.0480.002.0157_R.

190 Exhibit 23-0022, Annexure JW-M, Case Study 23, STAT.0480.002.0172_R.

191 Exhibit 23-0001, Case Study 23, OMB.0009.003.0373_R at 0388_R–0389_R.

192 Exhibit 23-0001, Case Study 23, OMB.0009.003.0373_R at 0390_R.

193 Exhibit 23-0001, Case Study 23, KGS.001.003.1954.

194 Exhibit 23-0001, Case Study 23, NSW.0047.001.0040_R.

195 Exhibit 23-0022, Annexure JW-M, Case Study 23, STAT.0480.002.0172_R.

196 Transcript of J Weeks, Case Study 23, 27 February 2015, 12187:21–43.

197 Transcript of J Weeks, Case Study 23, 27 February 2015, 12183:2–14.

198 Transcript of J Weeks, Case Study 23, 27 February 2015, 12187:21–43.

199 Exhibit 23-0056, Case Study 23, OMB.0010.001.0001_R at 0032_R–0033_R.

200 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12413:25–7.

201 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12413:29–33.

202 Transcript of DP Vance, Case Study 23, 24 February 2015, 11859:31–46; Transcript of CH Treloar, Case Study 23, 25 February 2015, 11928:13–29; Transcript of IW Paterson, Case Study 23, 3 March 2015, 12413:35–47.

203 Transcript of CH Treloar, Case Study 23, 25 February 2015, 11929:2–32; Transcript of DP Vance, Case Study 23, 24 February 2015, 11860:11–14.

204 Exhibit 23-0001, Case Study 23, NSW.2022.022.0039_R at 0042_R.

205 Exhibit 23-0001, Case Study 23, UCA.105.001.8230_R at 8239_R.

206 Exhibit 23-0001, Case Study 23, STAT.0480.002.0069_R at 0079_R.

207 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12416:21–34.

208 Transcript of DP Vance, Case Study 23, 24 February 2015, 11878:32–47, 11879:8–36.

209 Exhibit 23-0001, Case Study 23, KGS.006.001.0143; Transcript of DP Vance, Case Study 23, 24 February 2015, 11879:42–11880:14.

210 Transcript of DP Vance, Case Study 23, 24 February 2015, 11880:9–14.

211 Transcript of DP Vance, Case Study 23, 24 February 2015, 11879:42–11880:7.

212 Transcript of DP Vance, Case Study 23, 24 February 2015, 11880:16–11882:16; Transcript of IW Paterson, Case Study 23, 3 March 2015, 12417:1–13.

213 Exhibit 23-0036, 'Statement of Ian Paterson', Case Study 23, STAT.0485.001.0001_R at [53]–[54]; Transcript of IW Paterson, Case Study 23, 3 March 2015, 12417:15–19.

214 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12418:37–12419:23.

215 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12419:25–7.

216 Exhibit 23-0036, 'Statement of Ian Paterson', Case Study 23, STAT.0485.001.0001_R at [53].

217 Exhibit 23-0036, 'Statement of Ian Paterson', Case Study 23, STAT.0485.001.0001_R at [53].

218 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12420:31–5.

219 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12420:42–4.

220 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12421:46–12422:1.

221 Transcript of DP Vance, Case Study 23, 24 February 2015, 11880:16–21, 11886:24–30.

222 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12421:46–12422:10.

223 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12422:15.

224 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12422:17–24.

225 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12422:26–33.

226 Transcript of DP Vance, Case Study 23, 24 February 2015, 11882:23–8.

227 Transcript of DP Vance, Case Study 23, 24 February 2015, 11882:41–11883:21.

- 228 Transcript of DP Vance, Case Study 23, 24 February 2015, 11883:6–21.
- 229 Exhibit 23-0036, ‘Statement of Ian Paterson’, Case Study 23, STAT.0485.001.0001_R at [54];
Transcript of IW Paterson, Case Study 23, 3 March 2015, 12427:8–12.
- 230 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12422:43–5.
- 231 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12422:35–7.
- 232 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12573:16–21.
- 233 *Child Welfare Regulations 1940* (NSW) cl 74.
- 234 ‘Teachers’ were prescribed by cl 10(1) of the *Children (Care and Protection – General) Regulation 1988* as a profession required to comply with the mandatory reporting obligations contained in s 22(3)(a) of the *Children (Care and Protection) Act 1987* (NSW).
- 235 ‘Deputy Principals’ and ‘Principals’ were prescribed by cl 10(2) of the *Children (Care and Protection – General) Regulation 1988* as an ‘office’ for the purposes of s 22(3)(b) of the *Children (Care and Protection) Act 1987* (NSW).
- 236 The term ‘school’ was defined to mean both state schools and registered schools within the meaning of the *Education and Public Instruction Act 1987*. ‘Registered schools’ included non-government schools if they were registered schools.
- 237 Transcript, Case Study 23, 26 February 2016, 12079:46–12080:19.
- 238 *Children (Care and Protection) Act 1987* (NSW) ss 3(1) and 22(4).
- 239 *Children (Care and Protection) Act 1987* (NSW) s 22(3). ‘Sexual assault’ was defined to include various offences under the *Crimes Act 1900* (NSW), the *Crimes (Child Assault) Amendment Act 1985* (NSW) and the *Crimes (Sexual Assault) Amendment Act 1981* (NSW).
- 240 *Children (Care and Protection) Amendment Act 1987* (NSW) Sch 1(2).
- 241 *Children (Care and Protection) Act 1987* (NSW) ss 120 and 121.
- 242 *Justices Act 1902* (NSW) s 56.
- 243 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12401:18–25.
- 244 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12402:20–3.
- 245 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12403:18–31.
- 246 Dr Paterson held a prescribed office under cl 10(2) of the 1988 Regulation.
- 247 Exhibit 23-0001, Case Study 23, KGS.003.001.0014_R.
- 248 Exhibit 23-0001, Case Study 23, KGS.003.001.0014_R at 0015_R; Transcript of DP Vance, Case Study 23, 24 February 2015, 11886:46–11887:9.
- 249 Exhibit 23-0001, Case Study 23, KGS.003.001.0012.
- 250 Exhibit 23-0036, ‘Statement of Ian Paterson’, Case Study 23, STAT.0485.001.0001_R at [56].
- 251 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12423:3–29.
- 252 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12423:27–9.
- 253 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12424:37–40, 12427:22–4.
- 254 Exhibit 23-0001, Case Study 23, KGS.003.001.0011_R.
- 255 Exhibit 23-0001, Case Study 23, KGS.003.001.0010.
- 256 Exhibit 23-0001, Case Study 23, KGS.003.001.0009.
- 257 Exhibit 23-0001, Case Study 23, KGS.003.001.0009.
- 258 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12430:23–31.
- 259 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12431:44–12432:4.
- 260 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12433:3–11.
- 261 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12433:23–34.
- 262 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12434:5–10, 12434:33–5.
- 263 Transcript of DP Vance, Case Study 23, 24 February 2015, 11891:33–42, 11892:29–46, 11921:21–6; Exhibit 23-0001, Case Study 23, NSW.2022.002.0039_R at 0042_R.
- 264 Transcript of DP Vance, Case Study 23, 25 February 2015, 11921:28–32, 11892:44–6.
- 265 Submissions of Dr Ian Paterson and Dr Timothy Hawkes, Case Study 23, SUBM.1023.004.0001_R at [65].
- 266 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12434:33–5.
- 267 Transcript of DP Vance, Case Study 23, 24 February 2015, 11891:33–11892:42.

- 268 Transcript of DP Vance, Case Study 23, 24 February 2015, 11892:33–5.
- 269 Transcript of DP Vance, Case Study 23, 24 February 2015, 11891:44–7.
- 270 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12430:23–31.
- 271 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12431:44–12432:4.
- 272 Transcript of CH Treloar, Case Study 23, 25 February 2015, 11928:20–9, 11929:34–6.
- 273 Transcript of CH Treloar, Case Study 23, 25 February 2015, 11930:29–30.
- 274 Transcript of CH Treloar, Case Study 23, 25 February 2015, 11928:31–11929:18, 11930:11–22.
- 275 Transcript of CH Treloar, Case Study 23, 25 February 2015, 11929:47–11930:9.
- 276 Exhibit 23-0001, Case Study 23, UCA.105.001.8230_R at 8239_R.
- 277 Exhibit 23-0001, Case Study 23, NSW.2022.007.0187, UCA.104.004.4161; Transcript of CH Treloar, Case Study 23, 25 February 2015, 11947:8–38.
- 278 Exhibit 23-0001, Case Study 23, NSW.2022.007.0187 at 0192; Transcript of GA Lamond, Case Study 23, 23 February 2015, 11749:44–11750:4.
- 279 Transcript of GA Lamond, Case Study 23, 23 February 2015, 11749:44–11750:4.
- 280 Transcript of CH Treloar, Case Study 23, 25 February 2015, 11931:40–11932:22; Exhibit 23-0001, Case Study 23, NSW.2022.007.0187.
- 281 Exhibit 23-0009, Case Study 23, NSW.2039.002.0162_R.
- 282 Transcript of CH Treloar, Case Study 23, 25 February 2015, 11931:40–11932:18, 11932:40–11933:12, 11938:14–46.
- 283 Transcript of SL Pearson, Case Study 23, 27 February 2015, 12239:33–12240:11.
- 284 Transcript of SL Pearson, Case Study 23, 27 February 2015, 12239:3–12240:11; Exhibit 23-0025, ‘Statement of Stuart Pearson’, Case Study 23, STAT.0474.001.0001_R at [19]–[21].
- 285 Transcript of SL Pearson, Case Study 23, 27 February 2015, 12240:33–12241:47; Exhibit 23-0025, ‘Statement of Stuart Pearson’, Case Study 23, STAT.0474.001.0001_R at [22].
- 286 Transcript of SL Pearson, Case Study 23, 27 February 2015, 12242:5–37; Exhibit 23-0025, ‘Statement of Stuart Pearson’, Case Study 23, STAT.0474.001.0001_R at [24].
- 287 Transcript of CH Treloar, Case Study 23, 25 February 2015, 11933:27–11934:5.
- 288 Transcript of SL Pearson, Case Study 23, 27 February 2015, 12243:28–31.
- 289 Transcript of SL Pearson, Case Study 23, 27 February 2015, 12243:28–12244:9; Exhibit 23-0025, ‘Statement of Stuart Pearson’, Case Study 23, STAT.0474.001.0001_R at [27]–[30].
- 290 Transcript of SL Pearson, Case Study 23, 27 February 2015, 12244:47–12245:2; Exhibit 23-0025, ‘Statement of Stuart Pearson’, Case Study 23, STAT.0474.001.0001_R at [31].
- 291 Transcript of SL Pearson, Case Study 23, 27 February 2015, 12246:4–11.
- 292 Transcript of SL Pearson, Case Study 23, 27 February 2015, 12246:19–23.
- 293 Transcript of SL Pearson, Case Study 23, 27 February 2015, 12246:19–31.
- 294 Transcript of CH Treloar, Case Study 23, 25 February 2015, 11933:27–11934:5.
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- 296 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12472:30–12473:3, 12473:26–30, 12474:7–9.
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- 299 Transcript of M Probert, Case Study 23, 25 February 2015, 11993:1–24.
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- 303 Exhibit 23-0001, Case Study 23, NSW.2022.007.0738_R at 0741_R; Submissions of Dr Ian Paterson and Dr Timothy Hawkes, Case Study 23, SUBM.1023.004.0001_R at [106].
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- 305 Transcript of SL Pearson, Case Study 23, 2 March 2015, 12281:46–12330:4.
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- 307 Transcript of MJT Jenkinson, Case Study 23, 25 February 2015, 11962:1–5.

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311 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12481:42–12482:19.
312 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12424:32–40.
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314 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12603:31–2, 12604:47–12605:7.
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318 Transcript of SL Pearson, Case Study 23, 27 February 2015, 12245:4–27.
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337 Transcript of J Weeks, Case Study 23, 27 February 2015, 12196:25–8.
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350 Exhibit 23-0047, ‘Statement of Ruth Mitchell’, Case Study 23, STAT.0515.001.0001_R at [8]–[11];
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363 Transcript of AJ Rentoul, Case Study 23, 23 February 2015, 11713:4–8.
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365 Transcript of AJ Rentoul, Case Study 23, 23 February 2015, 11709:40–6.
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378 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12510:8–14.
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- 409 Transcript of DP Vance, Case Study 23, 24 February 2015, 11862:14–22.
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- 411 Transcript of IS Bradford, Case Study 23, 5 March 2015, 12724:47–12725:2.
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- 420 Transcript of T Hawkes, Case Study 23, 26 February 2015, 12042:43–12043:24.
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510 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12456.39–46.
511 Exhibit 23-0001, Case Study 23, KGS.002.008.0001.
512 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12459:30–12460:40.
513 Transcript of C Fotis, Case Study 23, 28 April 2015, 13917:31–13918:1.
514 Exhibit 23-0027, ‘Statement of Elizabeth Cullen’, Case Study 23, STAT.0518.001.0001 at [13].
515 Exhibit 23-0027, ‘Statement of Elizabeth Cullen’, Case Study 23, STAT.0518.001.0001 at [14].
After discussion during the public hearing, it was decided that this name would be redacted.
516 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12534:8–10.
517 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12534:12–20.
518 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12533:1–4, 12533:25–8.

- 519 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12533:21–3.
- 520 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12534:17–20.
- 521 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12534:27–33.
- 522 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12534:40–5.
- 523 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12535:5–8.
- 524 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12535:13–17.
- 525 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12535:19–22.
- 526 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12535:24–6.
- 527 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12535:36–9.
- 528 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12535:28–34.
- 529 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12535:41–7.
- 530 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12536:7–12537:24, 12539:40–12541:37.
- 531 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12635:22–32.
- 532 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12539:1–4, 12594:33–43, 12596:29–47.
- 533 Transcript of IW Paterson, Case Study 23, 6 March 2015, 12781:34–12782:5.
- 534 Submissions of Dr Ian Paterson and Dr Timothy Hawkes, Case Study 23, SUBM.1023.004.0001_R at [188].
- 535 Submissions of Dr Ian Paterson and Dr Timothy Hawkes, Case Study 23, SUBM.1023.004.0001_R at [190].
- 536 Submissions of Dr Ian Paterson and Dr Timothy Hawkes, Case Study 23, SUBM.1023.004.0001_R at [197].
- 537 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12534:27–33.
- 538 Exhibit 23-0027, ‘Statement of Elizabeth Cullen’, Case Study 23, STAT.0518.001.0001 at [18].
- 539 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12535: 36–9.
- 540 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12535:41–7.
- 541 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12534:40–12537:29.
- 542 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12540:22–5, 12541:21–8.
- 543 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12540:27–9.
- 544 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12541:30–4.
- 545 Transcript of TW Chapman, Case Study 23, 3 March 2015, 12388:19–23.
- 546 Exhibit 23-0035, ‘Statement of Terrence Chapman’, Case Study 23, STAT.0521.001.0001_R at [8.3].
- 547 Exhibit 23-0035, ‘Statement of Terrence Chapman’, Case Study 23, STAT.0521.001.0001_R at [8.4]–[8.5];
Transcript of TW Chapman, Case Study 23, 3 March 2015, 12393:21–8.
- 548 Transcript of TW Chapman, Case Study 23, 3 March 2015, 12393:35–41.
- 549 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12524:42–12525:9.
- 550 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12525:15–23.
- 551 Exhibit 23-0001, Case Study 23, NPF.060.001.0007_R at 0010_R.
- 552 Exhibit 23-0033, ‘Statement of Lucy Perry’, Case Study 23, STAT.0508.002.0001 at [16]–[17].
- 553 Exhibit 23-0001, Case Study 23, UCA.101.002.6900.
- 554 Exhibit 23-0001, Case Study 23, UCA.101.005.0099.
- 555 Transcript of RW Wannan, Case Study 23, 27 February 2015, 12153:11–30.
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- 558 Exhibit 23-0001, Case Study 23, UCA.101.005.0099.
- 559 Transcript of JS Mein, Case Study 23, 2 March 2015, 12338:12–13.
- 560 Transcript of JS Mein, Case Study 23, 2 March 2015, 12338:45–7.
- 561 Submissions of the Uniting Church in Australia, Case Study 23, SUBM.1023.003.0001 at [4].
- 562 Exhibit 23-0031, ‘Statement of Robert Wannan’, Case Study 23, STAT.0498.001.0001_R at [12];
Transcript of RW Wannan, Case Study 23, 27 February 2015, 12155:36–12156:6.
- 563 Exhibit 23-0031, ‘Supplementary Statement of James Mein’, Case Study 23, STAT.0489.002.0001 at [11];
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- 564 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12568:46–12569:11; see also Transcript of
IW Paterson, Case Study 23, 3 March 2015, 12513:20–46; Exhibit 23-0036, ‘Statement of Ian Paterson’,
Case Study 23, STAT.0485.002.0001_R at [46].
- 565 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12568:37–45.
- 566 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12568:26–35.
- 567 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12500:14–12501:9.

- 568 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12567:28–12568:24.
- 569 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12404:30–9.
- 570 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12521:11–21.
- 571 Exhibit 23-0001, Case Study 23, KGS.001.001.0003_R; Transcript of IW Paterson, Case Study 23, 4 March 2015, 12584:6–8.
- 572 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12506:47–12507:3, 12508:7–11;
Transcript of IW Paterson, Case Study 23, 4 March 2015, 12584:10–18.
- 573 Transcript of IW Paterson, Case Study 23, 3 March 2015, 12529:22–4.
- 574 Transcript of IW Paterson, Case Study 23, 4 March 2015, 12572:29–33.
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- 576 Transcript of MJT Jenkinson, Case Study 23, 25 February 2015, 11976:9–14; Transcript of T Hawkes, Case Study 23, 26 February 2015, 12030:37–43; Transcript of A Cook, Case Study 23, 2 March 2015, 12382:1–47.
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- 590 Exhibit 23-0022, 'Statement of John Weeks', Case Study 23, STAT.0480.002.0001_R at [40].
- 591 Exhibit 23-0022, 'Statement of John Weeks', Case Study 23, STAT.0480.002.0001_R at [49].
- 592 Exhibit 23-0022, 'Statement of John Weeks', Case Study 23, STAT.0480.002.0001_R at [12].
- 593 Exhibit 23-0022, 'Statement of John Weeks', Case Study 23, STAT.0480.002.0001_R at [18].
- 594 Exhibit 23-0022, 'Statement of John Weeks', Case Study 23, STAT.0480.002.0001_R at [13].
- 595 Exhibit 23-0022, 'Statement of John Weeks', Case Study 23, STAT.0480.002.0001_R at [11]–[19].
- 596 Exhibit 23-0022, 'Statement of John Weeks', Case Study 23, STAT.0480.002.0001_R at [19].
- 597 Exhibit 23-0022, Annexure JW-C, Case Study 23, STAT.0480.002.0050; Exhibit 23-0023, 'Supplementary Statement of John Weeks', Case Study 23, STAT.0480.003.0001_R.
- 598 Exhibit 23-0022, Annexure JW-C, Case Study 23, STAT.0480.002.0050; Exhibit 23-0023, 'Supplementary Statement of John Weeks', Case Study 23, STAT.0480.003.0001_R.
- 599 Exhibit 23-0022, Annexure JW-C, Case Study 23, STAT.0480.002.0050.



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