



Royal Commission
into Institutional Responses
to Child Sexual Abuse

REPORT OF CASE STUDY NO. 20

The response of The Hutchins
School and the Anglican Diocese
of Tasmania to allegations of
child sexual abuse at the school

NOVEMBER 2015

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Royal Commission into Institutional Responses to Child Sexual Abuse
GPO Box 5283
Sydney, NSW, 2001

Email: mediacommunication@childabuseroyalcommission.gov.au

Report of Case Study No. 20

The response of The Hutchins School and the Anglican Diocese of Tasmania to allegations of child sexual abuse at the school

November 2015

COMMISSIONERS

Justice Jennifer Coate
Mr Andrew Murray

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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:

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 18 September 2015 the Royal Commission has held 4,146 private sessions and more than 1,476 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 case study explored in detail the experiences of two survivors of child sexual abuse and The Hutchins School's response to their complaints of child sexual abuse when they were students at the school.

We also heard evidence from three other former students who were abused by teachers at the school during the period 1963 to 1970 but who had not reported their abuse to the school before the announcement of this public hearing.

This case study highlighted the long-term impact of child sexual abuse and the associated difficulties of adequately responding to allegations of historical child sexual abuse in the absence of appropriate policies and procedures.

This case study also examined the role and influence of the Anglican Diocese of Tasmania on The Hutchins School's response to allegations of child sexual abuse and the actual and perceived power of the Anglican Diocese of Tasmania in the governance of the school.

The scope and purpose of the public hearing was to inquire into:

- The Hutchins School's response to allegations of child sexual abuse against David Ralph Lawrence and Lyndon Alfred Hickman
- the role of the Anglican Diocese of Tasmania in respect of The Hutchins School's response to allegations of child sexual abuse made against David Ralph Lawrence and Lyndon Alfred Hickman
- any related matters.

Executive summary

The Hutchins School

The focus of the public hearing was The Hutchins School – an independent Anglican day and boarding private school for boys in Hobart, Tasmania.

Since 1926, the school has been governed by the *Christ College Act 1926* (Tas). The Act requires that the school is managed by the board of management. The headmaster of the school is not a member of the board but is an advisor to the board and is the school's chief executive officer in all matters affecting its internal management.

Under the Act, the Bishop of the Anglican Diocese of Tasmania is appointed as the 'Visitor' to the school. The Visitor's powers are prescribed by the Act and common law. The Bishop is also considered as the 'culture bearer' at the school. These powers, in conjunction with the Bishop's role as 'culture bearer', allow the Bishop to exercise a significant influence on the school, which extends to the school's dealings with third parties who were survivors of child sexual abuse.

1963 to 1970 – The Hutchins School

Between 1963 and 1970, Mr David Lawrence was the headmaster at the school. During that period, three teachers were dismissed from the school: Mr Spencer George, Mr Lyndon Alfred Hickman and AOC. Following their departure rumours circulated amongst the staff about the reasons that the teachers had been dismissed.

Mr Geoffrey Mervyn Ayling was a science teacher at the school between 1962 and 1965. We heard evidence from him about a conversation that he overheard between the headmaster, Mr Lawrence, and AOC. Mr Ayling gave evidence that this conversation gave rise to concerns that children were being abused at the school.

In the 1960s, there were no policies or procedures in place at the school on how allegations of child sexual abuse should be dealt with. Due to the gravity of the conversation, Mr Ayling decided to consult his friend Mr Michael Hodgman, who was a lawyer and member of the Old Boys' Network, on how to proceed.

Mr Ayling reported to Mr Hodgman the conversation he overheard between AOC and Mr Lawrence and his concerns that students were being abused at the school. There is no evidence to conclude whether Mr Hodgman reported those matters to any members of the board.

Around 1970, Mr Lawrence's secretary intercepted a sexually explicit letter from a former student of the school, AOA, to Mr Lawrence which revealed that Lawrence had had a sexual relationship with AOA. The secretary gave the letter to the school chaplain and the deputy headmaster. In September 1970, Mr Lawrence resigned as headmaster of the school and then left Tasmania and the country at short notice.

By that time, the Tasmania Police were separately investigating and close to arresting Mr Lawrence on offences involving sexual activity with another former student that had taken place when the student was at the school and after he had left the school.

Mr Lawrence was not charged for those offences because, when the Tasmania Police sought to arrest him, they were told that he had left the school and Tasmania.

AOA

AOA was a student at the school from 1964 to August or September 1965. During the public hearing AOA gave evidence that during that time he was groomed and sexually abused by Mr Lawrence.

In the early 1990s, AOA decided to write to the school about his abuse. AOA wrote two letters dated 29 November 1993: one to the headmaster at the time, Dr John McDonnell Blore Bednall; and another to a person who AOA believed to be the Old Boys' representative. In his letter to Dr Bednall, AOA asked the school for an admission that it failed to guard him from emotional and sexual abuse.

In early 1994, Dr Bednall commenced an investigation of AOA's abuse by Mr Lawrence. Dr Bednall also engaged Dr John Isles, psychiatrist and Old Boy, to provide advice to the board.

Dr Bednall's investigation in 1994 unearthed the following evidence that corroborated AOA's allegation that he had been abused by Mr Lawrence when he was a student at the school:

- the sexually explicit letter from AOA to Mr Lawrence that was intercepted by Lawrence's secretary and Mr Lawrence's subsequent resignation
- Dr Isles' apparent acceptance that AOA had been abused by Mr Lawrence.

On 17 March 1994, Dr Bednall reported the outcome of his investigations to the board. The board resolved that Dr Bednall be authorised to meet with AOA. At that time the board should have:

- accepted that AOA was sexually abused by Mr Lawrence, the then headmaster of the school, when AOA was a student at the school in 1964 to 1965
- acknowledged to AOA that acceptance, and apologised to him for his abuse.

The board's failure to acknowledge to AOA that he had been abused by Mr Lawrence and to apologise to him for the abuse was contrary to the values that Dr Bednall stated he sought to instil in the school when he was headmaster.

On 1 June 1994, Dr Bednall met with AOA to discuss AOA's abuse. In that meeting, AOA asked for an apology from the school. On 21 July 1994, Dr Bednall attended a board meeting and reported that he had met with AOA in Canberra. The board resolved that, in consultation with solicitor Mr FB Dixon, Dr Bednall should compose a letter in appropriate terms, but the letter would contain no apology for alleged 'misdemeanours'.

Dr Bednall was reluctant to accept that AOA had been abused by Mr Lawrence because there had been ongoing contact between AOA and Lawrence after AOA left the school.

Dr Bednall's reluctance was unjustified: child sexual abuse is a criminal offence and cannot be justified or decriminalised by anything that takes place between the survivor and the abuser when the survivor is an adult.

AOA's evidence during the public hearing illustrates that the complexity and manipulation inherent in the grooming process may be very confusing for the child and may result in the abusing relationship being maintained for some time.

There was no legitimate justification for the board not to apologise to AOA after he had requested an apology at his meeting with Dr Bednall on 1 June 1994.

The board's refusal to apologise to AOA was based on a concern to avoid or limit reputational damage to the school that could result from an apology rather than a concern for AOA or his wellbeing.

The board's decision on 21 July 1994 was affected by its lack of understanding and knowledge about child sexual abuse and the value of a genuine apology to a survivor of child sexual abuse.

AOA continued to correspond with the school about his abuse and his request for an apology. On 4 May 1995, the board resolved to have no further contact with AOA. This resolution was motivated by a concern to avoid or limit reputational damage to the school rather than any concern for AOA or his wellbeing.

In June 1995, AOA decided to approach Assistant Bishop Ronald Stone, who was the then Assistant Bishop of the Diocese of Tasmania. He did this because the school was an Anglican school and he thought that Assistant Bishop Stone might have some power or influence over the school.

Assistant Bishop Stone was also contacted by Dr Bruce Stevens, who was the chair of the Social Issues Committee of the Anglican Diocese of Goulburn and Canberra, about AOA's abuse. Dr Stevens told Assistant Bishop Stone that AOA's complaint would be resolved if AOA received an apology. Assistant Bishop Stone then contacted Dr Bednall to discuss AOA's complaint and his request for an apology.

On 26 July 1995, Dr Bednall asked Assistant Bishop Stone to communicate a number of points to Dr Stevens. Dr Bednall's response to Assistant Bishop Stone was:

- incorrect in stating that the board had no basis to conclude that AOA's allegations were true
- misguided in recording that the board was perturbed that AOA had maintained contact with Lawrence after AOA had left the school

- misleading in referring to a ‘current dialogue’ between AOA and the board when the board had resolved on 4 May 1995 to initiate no further contact with AOA – a resolution that was reaffirmed on 29 June 1995
- misleading in stating that the board could not discuss the matter further with Assistant Bishop Stone unless AOA agreed that the issue was no longer confidential, particularly given that Assistant Bishop Stone had originally contacted the board on AOA’s behalf.

Around March 1996, AOA engaged solicitors to correspond with the school. On 13 March 1996, AOA’s solicitors wrote to the school repeating AOA’s earlier request that the school apologise to him for the abuse that he suffered. After the school received that letter, it resolved that the solicitors for the school should meet with the solicitors for AOA.

On 18 June 1996, Dr Bednall prepared a document entitled ‘The Hutchins School board of management: Briefing for School Solicitor for proposed meeting with solicitor of Mr [AOA]’. This document was tabled at the board meeting on 20 June 1996. Dr Bednall’s briefing for the school solicitor dated 18 June 1996 was:

- incorrect in asserting that the board had no reasonable ground for concluding that AOA had been abused by Mr Lawrence
- incorrect in stating that Dr Bednall’s investigations involved students at the time and implying that it involved staff members other than Mr Stuart Cripps and Mr John Kerr and board members other than Mr Arnold Wertheimer
- misguided in focusing on some perceived factual errors in AOA’s correspondence to justify the board’s unwillingness to conclude that it had an accurate understanding of the alleged events
- incorrect in stating that AOA had demanded to be put in touch with other individuals who made similar allegations against Mr Lawrence or other staff and in stating that AOA made the demand so that he might provide counselling to support them
- incorrect in stating that AOA had insisted that he be nominated as counsellor of any person who came forward alleging sexual abuse by members of staff at the school
- incorrect in concluding that AOA presumably wished to gain financially from providing this counselling service
- misguided in questioning whether AOA could have been traumatised by any abuse by Lawrence when AOA was a child because AOA maintained contact with Lawrence into adulthood.

The board’s decision on 20 June 1996 not to apologise to AOA or to accept that he had been abused by Mr Lawrence was also misguided and was affected by its lack of understanding and knowledge about child sexual abuse.

On 13 August 1996, AOA’s solicitors wrote to the school’s solicitor enclosing proposed wording of an apology that AOA would accept in ‘settlement of his claims against the School’. Between 13 August 1996 and May 1997, AOA and the school were not able to agree on the wording of a suitable apology.

By the end of May 1999, AOA still had not received any response from the school to his request for an apology. AOA gave evidence that at that time he saw that there was a new headmaster, so he thought that he would see if the new headmaster would respond differently and show some compassion.

On 31 May 1999, AOA wrote to the then headmaster of the school, Mr William Toppin, requesting that the school accept the validity of the report of sexual assault, acknowledge the hurt and provide an apology for the consequences it had for his life. That letter was referred to the school's solicitors Dobson, Mitchell & Allport. The solicitors advised the school that they should not respond to the letter.

On 28 October 1999, the board resolved not to respond to AOA's letter dated 31 May 1999. The decision to accept the advice of Dobson, Mitchell & Allport not to respond to the letter lacked compassion and was hurtful and damaging to AOA in his efforts to overcome the effects of his abuse by Mr Lawrence.

By February 2002, AOA still had not received any response from the school to his earlier letters. At or around that time, AOA wrote to Bishop John Harrower, who was then Bishop of the Diocese of Tasmania and Visitor to the school, stating that he had been abused while a student at the school. AOA told Bishop Harrower that he was not satisfied with the way that the school had handled his complaint. On 17 February 2002, AOA wrote to the school stating that he felt his request for an apology had fallen on deaf ears.

On 19 March 2002, Bishop Harrower wrote to AOA expressing his 'sincere and deep regret' for any abuse that AOA suffered. Bishop Harrower's expression of sincere and deep regret in that letter was compassionate and helpful to AOA in his efforts to overcome the effects of his abuse by Mr Lawrence.

On 21 March 2002, the school resolved that an amended draft letter be sent to AOA. On 3 April 2002, Mr Toppin wrote to AOA, in the form approved by the board, stating that 'while the School regrets that sexual misconduct may have occurred in the past, it could not now be held accountable for events that occurred more than a generation ago'.

The board's decision on 21 March 2002 to write to AOA saying that it cannot be held accountable for events that occurred more than a generation ago lacked compassion, constituted a denial of institutional accountability and was damaging to AOA in his efforts to overcome the effects of his abuse by Mr Lawrence.

After AOA received the letter dated 3 April 2002, he contacted the federal member of parliament for his electorate, the Hon. Bob McMullan MP, to see if Mr McMullan could help him to obtain an acknowledgement of his abuse and an apology from the school.

On 26 April 2002, Mr McMullan wrote to the school on behalf of AOA, whom he said was a victim of child sexual abuse by Mr Lawrence. Mr McMullan asked that AOA's letter to Lawrence be returned to AOA and asked if the school would consider sending a more personal response that addressed and directly acknowledged the experience AOA had endured.

In a letter dated 16 May 2002, board chair Mr Harvey Gibson responded to Mr McMullan on behalf of the board. He stated that the current school community had no present knowledge of or the ability to investigate AOA's complaint. This response was incorrect: the school had the record of Dr Bednall's investigation in 1994. When taken with AOA's own description of the abuse that he suffered and the psychiatric advice the board had received, this was more than sufficient to accept that AOA had been abused as he claimed.

On 23 August 2002, AOA wrote to the school seeking a review of Dr Bednall's 1994 investigation. On 31 October 2002, the board resolved that it would not respond to AOA's letter of 23 August 2002.

The board's decision on 31 October 2002 not to respond to AOA's letter of 23 August 2002 was hurtful and damaging to AOA in his efforts to overcome the effects of his abuse by Mr Lawrence.

By May 2010 AOA still had not received a response to his letter of 23 August 2002. Around that time, AOA says that he learned that a new headmaster, Mr Warwick Dean, had been appointed at the school. So, on 3 May 2010, AOA wrote to Mr Dean seeking a response to his letter of 23 August 2002 and asking the school to be more 'transparent and enlightened' in its response to him.

The school, by letter to the headmaster, received advice from Mr Andrew Walker of Dobson, Mitchell & Allport by letter dated 19 July 2010. Mr Walker said that:

- the board was not required to find corroborating evidence of AOA's complaint before accepting it as valid
- there was sufficient evidence to draw the inference that the events that AOA described did occur
- any ongoing relationship between AOA and Mr Lawrence after AOA left the school was not relevant to the issue of abuse – it could only properly be seen as a consequence of it given that a child is not able at law to consent to an assault
- the letter to the headmaster from AOA which was intercepted by the school secretary supported the inference that the events did occur – therefore, there was a reasonable basis for concluding that the events alleged by AOA did occur
- it might now be appropriate to provide an unconditional apology.

The advice of Dobson, Mitchell & Allport was not put before the board, so the board was denied the opportunity to accept or act on that advice.

On 25 November 2010, the board resolved to write a letter to AOA that contained no apology or acknowledgement of any abuse AOA had suffered. That approach lacked compassion and was unjustified.

On 22 October 2014, after the Royal Commission announced that it would hold a public hearing on the school's response, the school wrote to AOA and apologised for the hurt and distress AOA suffered as a result of his abuse by Mr Lawrence.

The board's failure over the years to acknowledge to AOA that he had been sexually abused by Mr Lawrence and to apologise for that abuse materially contributed to AOA's distress and suffering.

Generally, in dealing with AOA's complaint of abuse and his request for an acknowledgement and apology from the school, the board was motivated by a concern to avoid damaging publicity that could result from an apology being given rather than a concern for the truth about what occurred and compassion for AOA.

The board's acknowledgement and apology to AOA on 22 October 2014 and a statement of apology to victims that Senior Counsel for the school made on the board's behalf at the commencement of the public hearing are commendable, even though they arose directly from the fact that the public hearing was looming and there was concern that the school would be criticised for not making the acknowledgement and apology.

AOB

AOB was a student at the school from 1963 to 1970. During that time Mr Lawrence was the headmaster of the school. AOB gave evidence that he was groomed and abused by Mr Hickman while he was a student at the school.

Around 2000, AOB gave evidence that he contacted Independent Pastoral Inquiry into Sexual Misconduct by Clergy or Officers of the Anglican Diocese of Tasmania (the Anglican inquiry) and reported his abuse at the school to the inquiry. AOB had not previously reported his abuse to anyone.

In September 2006, AOB saw an advertisement in the school newsletter, *Magenta and Black*, saying that the school's historian was going to write a book on the school's history. The advertisement asked former students and school acquaintances to contact the school to give stories about their time at the school so that they could be included in the book.

On 5 September 2006, AOB wrote to the editor of *Magenta and Black* stating that a history of the school would be highly deficient if it did not fully and proactively examine the period when Mr Lawrence was headmaster.

AOB observed:

An invitation to past students to submit memories, recollections of this particular period may be most interesting. There would appear to be an abundance of 'D H Lawrence' [[sic]

tenor material' usually forthcoming in the form of jokes, allegations, embarrassed silences, bravado, and sheer pain etc. (usually deflected or covered up) whenever students of this era gather together.

... it may be that you are alerted to issues of the sudden, unexplained (almost covert) departure of Lawrence from the School and country, allegations of sexual abuse, allegations of suicide related to the same, allegations of an informal and/or formal network of alleged perpetrators of sexual abuse etc preying on students, alleged 'cover-up' of abuse, etc.

On 27 September 2006, Mr Toppin wrote to AOB stating that the allegations and imputations contained in his letter were extremely serious and that, if AOB or any others were the victims of sexual abuse at the school, the most appropriate course was to report the matter to the police.

Mr Toppin's response to AOB dated 27 September 2006, in which Mr Toppin referred AOB to the police, lacked empathy and compassion for AOB.

On or about 2 March 2009, AOB wrote to the school requesting a meeting. On 15 May 2009, AOB met with Mr Dean, the headmaster at the time. AOB gave evidence that he disclosed to Mr Dean that he was sexually abused when he was a student at the school. AOB also gave evidence that he told Mr Dean that he wanted to know the real reason that Mr Lawrence resigned from the school so that AOB could put his abuse in some context and make sure it did not happen to others.

On 25 May 2009, Mr Dean wrote to AOB. That response did not address AOB's primary request for information about the circumstances surrounding Mr Lawrence's departure from the school and was unhelpful to AOB in understanding the circumstances surrounding his abuse.

On 26 October 2011, AOB met with Mr Dean. Mr Dean acted compassionately and appropriately and apologised to AOB for his abuse. At that meeting, the school did not give AOB all of the relevant information that it had available about Mr Lawrence's resignation.

On 4 June 2013, AOB wrote to Bishop Harrower setting out his personal history, including his claim that he was sexually abused while he was a student at the school during the 1960s, and the information he was seeking from the Diocese of Tasmania and the school.

On 11 September 2013, Bishop Harrower arranged for a letter to be sent to AOB inviting him to a meeting with him and Mr Dean at Bishop Harrower's office on 16 October 2013.

On 16 October 2013, Bishop Harrower met with Mr Dean and AOB. At the end of the meeting, Mr Dean presented AOB with a copy of the book about school's history, entitled *Character Unbound*.

In the book *Character Unbound* the school failed to provide an honest and transparent account of the events surrounding Mr Lawrence's departure from the school. It did not include a detailed summary of Mr Lawrence's conduct as known to the school at the time of publication and clouded the facts with euphemisms and innuendo.

On or about 7 July 2014, AOB wrote to the school to seek clarification and further information about *Character Unbound* – in particular, the sections in the book that related to Mr Lawrence and the circumstances surrounding his departure from the school.

On 7 August 2014 Mr Dean responded to that letter. He provided detailed information about the circumstances surrounding Mr Lawrence's resignation. Much of the information in the letter of 7 August 2014 was known to the school from 1994 and appears to have been derived from Dr Bednall's report of 17 March 1994.

AOD

AOD attended The Hutchins School from grade 1, in 1963, to the end of grade 10, in 1973. AOD left the school in year 10 because he no longer wished to attend. He completed his secondary education at a government college.

AOD gave evidence that he was groomed and sexually abused by Mr Ken Dexter, a physical education teacher, and Mr Ronald Thomas, a music teacher.

AOD did not report his abuse to anyone until 2014. Therefore, AOD has had to live with his sexual abuse and its impacts for his whole adult life.

AOE

AOE was a student at the school between 1964 and 1972. AOE gave evidence that during that time he was groomed and sexually abused by Mr Thomas and Mr Dexter. AOE also gave evidence that he was abused by Mr Lawrence.

The Royal Commission heard evidence that, when Mr Thomas started to abuse AOE, AOE started to have trouble sleeping, so he reported the abuse to his parents one night. However, they did not believe him.

AOE also gave evidence that he reported his abuse by Mr Thomas to Mr Lawrence. Mr Lawrence assured him that he would do something about it, but nothing happened. Mr Thomas continued to abuse AOE during his music lessons.

After that time, AOE did not report his abuse to anyone until 2014, when he learned the Royal Commission was intending to hold a public hearing in Tasmania.

Mr Timothy Rowland

Mr Timothy Rowland attended the school from kindergarten in 1953 to 1964.

Mr Rowland gave evidence that in late 1963 or early 1964 Mr Hickman sexually abused him on two occasions in French lessons. At the time of the abuse, Mr Rowland reported his abuse to Mr Ayling. Mr Rowland did not tell his parents about his sexual abuse at the time because he was ashamed.

Mr Rowland also reported his abuse to the school three weeks before he gave his statement to the Royal Commission. He said that after he reported his abuse by Mr Hickman to the school a counsellor from the school contacted him, but he did not receive any other information about how to make a formal complaint.

The school's apology

On the first day of the public hearing, Senior Counsel for the school indicated at the outset that the school accepted that AOA, AOB, AOD and AOE were abused by members of staff in the 1960s. At that point in time, Mr Rowland had not come forward and provided a statement to the Royal Commission.

Senior Counsel for the school indicated that he was instructed that the current board wished to apologise for the hurt and distress caused to each of them.

On 1 December 2014, the chair of the board wrote to the parents and students of the school informing them about the public hearing and apologising to any former students who had been sexually abused. The school submits that this remains the heartfelt position of the chair and the board.

We are satisfied that the school's acceptance that AOA, AOB, AOD, AOE and Mr Rowland had been abused by members of staff of the school and its decision to apologise to them is commendable and assists the process of healing.

The school's policies and procedures

For a number of years, the school has had in place general policies and procedures for the safety of students, including:

- general policies and procedures for the resolution of grievances
- child protection policies
- mandatory notification guidelines
- harassment and bullying guidelines.

In July or August 2014, the board approved the Policy for Dealing with Complaints Received by Adults of Sexual Abuse whilst Attending the School. As a part of the policy, the school has also adopted the Anglican Diocese of Tasmania's Pastoral Support and Assistance Scheme.

In August 2014, the suite of policies and protocols was extended to include a policy entitled 'Grooming Behaviour'.

1 The Hutchins School

The focus of this public hearing was The Hutchins School – an independent Anglican day and boarding private school for boys located in Hobart, Tasmania. It was established in 1846.

The school provides for boys from kindergarten to year 12 on one site, which contains four mini-schools.¹ It is located in Sandy Bay, about five kilometres from the centre of Hobart.²

1.1 Structure and management

Since 1926, the school has been governed by the *Christ College Act 1926 (Tas)*. The Act requires that the school is managed by the board of management.³

The headmaster of the school is not a member of the board but is entitled to attend meetings of the board. He is an advisor to the board and the school's chief executive officer in all matters affecting its internal management. He is responsible to the board for the school's proper discipline and teaching.⁴

Under the Act, the board conducts the management of the school. The board controls and manages the operation of the school, including the finances and day-to-day operations and employment of all staff.⁵

The former and current headmasters

During the public hearing we heard evidence from two former headmasters of the school and the current headmaster of the school. They gave evidence about their involvement in the school's response to complaints of child sexual abuse by former school students that the school has received between 1993 and the present.

The former headmasters also gave evidence about the school headmaster's responsibilities and the school's formal and informal relationship with the Anglican Diocese of Tasmania (the Diocese).

The current headmaster gave evidence about the powers of the Visitor and the role that the current Visitor, Bishop John Harrower, plays in the school's affairs.

Dr John McDonnell Blore Bednall – 1987 to 1996

Dr John McDonnell Blore Bednall was the headmaster of the school from 1987 to 1996. We heard evidence that as headmaster he was responsible for the daily management of the school, for setting policy direction and for providing educational leadership across all of the school's operations.⁶

As a part of his role, Dr Bednall prepared reports to the board, which were tabled at the board meetings. These reports would typically contain briefing information and also advice or recommendations.⁷ Dr Bednall described the relationship between himself and the board as one of mutual trust and respect.⁸

During the time that Dr Bednall was headmaster he said that the school sought to adhere very strongly to the values of the Anglican Church, including those of truth, honesty and integrity.⁹ Dr Bednall said he promoted integrity, compassion and dignity as values in the school and in the conduct of the school.¹⁰

Mr William Toppin – 1997 to 2007

Mr William Toppin was the headmaster of the school from 1997 to 2007. As headmaster, Mr Toppin also reported to the board and made recommendations to the board for consideration at their meetings.¹¹ Mr Toppin accepted that, as headmaster, he could potentially influence the board in its decision making¹² and that the board relied on him to a considerable degree for guidance.¹³

As headmaster and chief executive officer, Mr Toppin said that if he saw the board falling into error he would point out the error and save the board from that error.¹⁴

Mr Toppin could not remember whether he agreed or disagreed with what the board instructed him to do; there were things he had to do, so he did them.¹⁵

Mr Warwick Dean – 2007 to present

Mr Warwick Dean was appointed as headmaster of the school in 2007. He held this position at the time of the public hearing.¹⁶

We heard from Mr Dean that the board conducted the management of the school and its operations, including the finances, day-to-day operations and employment of all staff.¹⁷

Mr Dean also gave evidence about specific conversations and decisions that he and the board made when responding on behalf of the school to complaints of child sexual abuse.

1.2 The role of the Anglican Church

The school promotes itself as an independent Anglican school. All staff are required to understand and embrace the Anglican tradition.¹⁸

Under the Act, the Bishop of Tasmania is appointed as Visitor to the school. The Visitor's powers are prescribed by the Act and the common law¹⁹ and relevantly include:

- i. Approval of any regulations made by the board
- ii. Appointment of three members of the School board
- iii. Requiring the chair of the board to call a meeting of the board for the purposes of a conference with the Visitor
- iv. Consultation regarding the appointment and removal of the headmaster.²⁰

Bishop Harrower has been the Bishop of the Diocese since 2000²¹ and is the current Visitor to the school.²²

During the public hearing we heard evidence from Bishop Harrower about the role of the Visitor. In addition to the statutory functions prescribed by the Act, Bishop Harrower described the role of the Visitor as the 'culture bearer'.²³ His role was to ensure that the culture of the school reflected the Anglican Church's values.²⁴ These were summarised in the Diocese's submissions as understanding of God, the Father, Son and Holy Spirit; engagement with all of society; inclusiveness; salvation; intellectual freedom; Christian virtue; humility; meekness; 'turning the other cheek'; caring for people; and pastoral care.²⁵

Bishop Harrower gave evidence that when he attends the school he is concerned to see that those values are being 'grounded in different parts of the School'.²⁶ He said that as the Visitor to the school he would:

- Speak with the chaplain
- Attend the chapel services
- Speak with the headmaster about Anglican values.²⁷

Bishop Harrower also said that his role included providing guidance to the board on the Anglican Church's values. He said that as a part of his role he met with the chair of the board and the headmaster of the school twice a year.²⁸ Bishop Harrower perceived it to be important that the Anglican values were followed or adopted at all levels of the school.²⁹

The Diocese submits that the Visitor had limited structural power in the school but exercised a power of influence and a power as culture bearer at the school.³⁰ The Diocese disputes Counsel Assisting's proposed finding that the Visitor had a 'significant power' of influence. The Diocese says that the evidence supports a finding that the Bishop as Visitor to the school had a 'limited' power of influence.³¹

The statutory and common law powers alone support a conclusion that the Bishop had the ability to exercise influence in the school. This is consistent with the oral evidence that we heard. It is the degree of this influence about which there were conflicting submissions.

Bishop Harrower's formal powers were limited to internal management of the school.³² However, we heard evidence that, from time to time, former students contacted Bishop Harrower to seek his assistance in facilitating a response from the school to their complaints of child sexual abuse. In response to those requests, the Bishop contacted the school to arrange a meeting with the chair of the board and the headmaster to discuss the complaint³³ and 'what they were going to do about this'.³⁴

We also heard evidence that, in February 2002, Bishop Harrower caused a letter to be written to Mr Toppin, the headmaster at the time, asking for information on the school's processes for dealing with allegations of sexual misconduct.³⁵ Mr Toppin responded by providing a copy of the school's harassment policy.³⁶ This is discussed in more detail below.

During the public hearing, we were also taken to a copy of a letter that the school wrote to Bishop Harrower seeking his input and comments about a draft letter of response to be sent to a former student who complained of sexual abuse during his time at the school.³⁷ Quite properly, Bishop Harrower sought to influence the school to a 'more compassionate' response in keeping with Anglican values and queried the board's position that the school 'cannot be held accountable for events that occurred more than a generation ago'.³⁸

More recently, the Diocese also assisted in the development of a Policy for Dealing with Complaints Received by Adults of Sexual Abuse whilst Attending the School.³⁹

The Diocese accepts that the Bishop sought to influence the school in its dealings with former students.⁴⁰ It follows from the evidence we discuss further below that the degree of that influence was significant and extended to the school's dealings with third parties who were survivors of child sexual abuse.

2 1963–1970 – The Hutchins School

2.1 David Ralph Lawrence, Lyndon Alfred Hickman, Ken Dexter, Spencer George, Ronald Thomas and AOC

On 28 November 1962, Mr David Ralph Lawrence was appointed as acting headmaster of the school.⁴¹ In 1963, after headmaster Mr Geoffrey Newman retired due to ill health, Mr Lawrence was appointed headmaster of the school.⁴²

On 5 December 1962, Mr Ken Dexter was appointed as games master at the school.⁴³

In 1963, shortly after he started as headmaster, Mr Lawrence appointed Mr Lyndon Alfred Hickman and Mr Spencer George as French and chemistry teachers respectively.⁴⁴ A third teacher, given the pseudonym AOC,⁴⁵ was appointed by Mr Lawrence's predecessor, Mr Newman, as a science teacher.⁴⁶ All three teachers commenced their teaching tenure in term 1 of 1964.⁴⁷

In 1964, Mr Lawrence dismissed Mr George from the school. Both Mr Hickman and AOC left the school sometime between January and July 1965.⁴⁸ Mr Hickman had previously worked at the school after the war during the 1940s and 1950s but had been dismissed at that time for misconduct and for 'paedophilia'.⁴⁹

In 1968, Mr Ronald Thomas joined the school as assistant master in the music department.⁵⁰ He left the school at the end of 1970.⁵¹

Around September 1970, Mr Lawrence resigned from the school.⁵² Mr Dexter held the position of games master until he resigned on 19 November 1974.⁵³

Rumours at the school after AOC's and Mr George's dismissal

Mr Geoffrey Mervyn Ayling was a science teacher at the school from 1962 to 1965.⁵⁴ In the first term of 1964, Mr Lawrence visited Mr Ayling at his home and offered him the position as head of chemistry, in place of Mr George, who had left the school at short notice.⁵⁵ Mr Lawrence asked Mr Ayling to take over all of Mr George's responsibilities. Mr Ayling was not provided with any explanation as to why Mr George had left the school.⁵⁶

Shortly after term 1 started, Mr Ayling was informed by two of his colleagues that Mr George had been dismissed for 'paedophilia' and had been found 'committing an act of buggery' on a student.⁵⁷ Mr Ayling was told that Mr George had used the excuse of teaching students three-dimensional trigonometry in private to account for the awkward position in which the school nurse had found Mr George with one of the students.⁵⁸

Sometime later, AOC left the school. After AOC's departure, rumours circulated amongst the staff about the reason that AOC had been dismissed.⁵⁹ After AOC's departure, Mr Lawrence also asked Mr Ayling to take on AOC's science classes.

Mr Ayling explained that the usual practice at the time was that the teacher would give the students notes that they would copy down and the students would do further reading in their textbooks. When Mr Ayling took over AOC's classes, a student read out aloud the last notes that AOC had given them. We heard from Mr Ayling that the notes that AOC had given them were specifically orientated to male genital organs and their function.⁶⁰ The notes also included graphic details about sexual intercourse, masturbation experiences and more. These subjects were not in the syllabus.⁶¹

Mr Ayling gave evidence that he did not report what AOC's notes contained because AOC had already been dismissed.⁶² Mr Ayling said that he did not think that there was any point in taking it further at the time because he did not have any direct knowledge about what AOC had been doing and Mr Ayling was only a very junior teacher at the time.⁶³

Conversation between AOC and Mr Lawrence

Sometime in 1965, after AOC's dismissal, Mr Ayling overheard part of a conversation between AOC and Mr Lawrence in which AOC asked for his job back.⁶⁴

Mr Ayling explained that he heard words to the effect of:

We cannot do this or the board will find us out. The parents will complain and it will come to the board's notice. I cannot take you back on.⁶⁵

After listening to the conversation for a few minutes, Mr Ayling said he left to avoid being confronted by Mr Lawrence and AOC.⁶⁶

Mr Ayling said that AOC and Mr Lawrence appeared to him to be colleagues with a 'common purpose'. He said it was clear to him from the conversation that the reason he was dismissed was because he was a 'paedophile' and 'they were in on it together'.⁶⁷

Mr Ayling explained that he did not hear the beginning or the end of the conversation and accepted that he could not say for how long he overheard the conversation.⁶⁸ However, he said that there was no doubt that he had not taken the conversation out of context.⁶⁹

Mr Ayling accepted that he did not hear Mr Lawrence say that AOC was a paedophile.⁷⁰ Mr Ayling did not give any other evidence of having witnessed any improper conduct by AOC or any other rumours about AOC. It follows that it was Mr Ayling's interpretation only of the conversation that AOC was a 'paedophile'.

Mr Ayling reports child sexual abuse

In the 1960s, there were no policies or procedures in place at the school on how allegations of child sexual abuse should be dealt with.⁷¹ Due to the gravity of the conversation, Mr Ayling decided

to consult his friend and practising lawyer, Mr Michael Hodgman⁷² (as he then was), as to how he should proceed.⁷³

Mr Ayling said that he contacted Mr Hodgman because he was a lawyer and because Mr Ayling knew that, as a part of the Old Boys' Network, Mr Hodgman was close to members of the board.⁷⁴

Mr Ayling gave evidence that when he met with Mr Hodgman he told him about the conversation that he had overheard between AOC and Mr Lawrence. He said that he asked Mr Hodgman what he should do about what he had overheard and his concerns that the students were being abused and the 'headmaster was working in conjunction with teachers'.⁷⁵

The Royal Commission heard that Mr Hodgman said 'leave it to me'⁷⁶ and advised Mr Ayling that he should do nothing.⁷⁷ Mr Ayling believed that Mr Hodgman would take care of it.⁷⁸ Mr Ayling said that after that day he did not discuss this conversation or his concerns about child sexual abuse with Mr Hodgman again.⁷⁹ Mr Hodgman died in 2013. Before Mr Hodgman's death, he had not given an account of these events.

Nothing in the evidence that Mr Ayling gave on 20 November or 18 December 2014 or in Mr Ayling's letter to the Tasmania Police dated 11 June 2013⁸⁰ causes doubt that Mr Ayling reported to Mr Hodgman the conversation that he overheard between AOC and Mr Lawrence and his concerns that students were being abused at the school. There is no evidence before the Royal Commission to conclude whether Mr Hodgman reported those matters to any members of the board.

2.2 Tasmania Police investigations – 1970

On 20 June 2014, the Royal Commission issued a Notice to Produce to the Commissioner of the Tasmania Police seeking production of documents relating to any allegations, complaints or criminal investigations concerning child sexual abuse in respect of certain named teachers at the school, including Mr Lawrence.⁸¹

By letter dated 18 July 2014, the Solicitor-General of Tasmania informed the Royal Commission that the Tasmania Police were unable to confirm whether there had been a police investigation of Mr Lawrence and other former teachers at the school during the 1960s and 1970s.⁸²

The Solicitor-General indicated that Tasmania Police had examined their remaining holdings and intelligence systems for records in response to the Royal Commission's request and that Mr Lawrence and other named teachers were not recorded on any Tasmania Police systems for child sexual abuse. This was because all documents relating to any police investigations of Mr Lawrence and other named teachers during the 1960s and 1970s had been destroyed, after disposal authorisations, in keeping with the *Archives Act 1983 (Tas)*.⁸³ However, the Solicitor-General indicated that it was expected that Tasmania Police intelligence systems would have

produced a result if Mr Lawrence or any of the other named teachers were charged as a result of an investigation during that time.⁸⁴

The Tasmania Police did not produce any records of charges laid against Mr Lawrence or any other named teacher at the school during the 1960s or 1970s.

However, during the public hearing the former Commissioner of Police, Mr Richard McCreadie, contacted the Royal Commission with information about an investigation of Mr Lawrence that he had conducted as a junior police officer. On the fifth day of the public hearing, Mr McCreadie attended and gave evidence about that investigation.

Tasmania Police investigation of Mr Lawrence

In 1970 Mr McCreadie was a junior police officer working as an investigator in the Criminal Investigation Branch, Sexual Crimes Unit.⁸⁵ We heard evidence that, at some point that year, a young man came into the police station⁸⁶ and reported to Mr McCreadie that he had been sexually abused by Mr Lawrence while he was a student at the school.⁸⁷ Mr McCreadie said that the young man reported that he had sex with Mr Lawrence on a brown chaise lounge in his office at the school.⁸⁸ The young man also disclosed having been abused by Mr Thomas, who was then a music teacher at the school.⁸⁹

Mr McCreadie gave evidence that he was a very young detective at that time and was very conscious of the fact that very serious allegations had been made against the headmaster and a music teacher at the school. Mr McCreadie said that, before he took any further steps, he spoke with Detective Senior Sergeant Keith Viney about his proposed investigation of the allegations. He said that Detective Senior Sergeant Viney told him to proceed with the investigations but to be discreet.⁹⁰

Mr McCreadie investigated the allegations against Mr Thomas and Mr Lawrence. His investigation of Mr Thomas ceased when he learned that Mr Thomas had left the country.⁹¹

Mr Lawrence's confession

As a part of the investigation, Mr McCreadie and one of his colleagues attended at the school to interview Mr Lawrence.⁹² He said that the interview took place shortly after he consulted with Detective Senior Sergeant Viney and 'towards the end of 1970'.⁹³

When Mr McCreadie walked into Mr Lawrence's office he immediately noticed a brown chaise lounge.⁹⁴ Mr McCreadie said that he put to Mr Lawrence that he had received information that Mr Lawrence had sexual intercourse with one of his former students while he was a student at the school and after that student had left the school.⁹⁵ Mr McCreadie gave evidence that Mr Lawrence immediately admitted that that had occurred and he was somewhat surprised that Mr Lawrence was so candid about it.⁹⁶

Mr McCreadie proceeded to take a confessional statement from Mr Lawrence and informed him that he was likely to be arrested at some time in the future.⁹⁷

Mr McCreadie explained he did not arrest Mr Lawrence immediately because he needed to obtain a warrant and he thought that he needed to discuss the next steps with Detective Senior Sergeant Viney.⁹⁸ Mr McCreadie said that he had every expectation that Mr Lawrence would still be at the school when he returned and it did not occur to him that Mr Lawrence might be a flight risk.⁹⁹

Police attempt to arrest Mr Lawrence

When Mr McCreadie returned to the police station he spoke with Detective Senior Sergeant Viney about Mr Lawrence's confession. Detective Senior Sergeant Viney informed him that he would advise Tasmania Police Detective Senior Inspector Harvey Smith, who was responsible for the Criminal Investigation Branch, that Mr McCreadie would be taking out a warrant to arrest Mr Lawrence.¹⁰⁰

Within a 'relatively short period of time' and 'likely a matter of weeks',¹⁰¹ Mr McCreadie returned to the school to make arrangements for Mr Lawrence to present himself at the police station so that Mr McCreadie could formally arrest him. When Mr McCreadie arrived at the school, the secretary told him that Mr Lawrence had moved back to England.¹⁰²

After this, Mr McCreadie did not take any further steps in his investigation.¹⁰³ He did not report the matters to the board or the acting headmaster or to any person at the school in 1970.¹⁰⁴

During the public hearing, counsel for AOA asked Mr McCreadie whether he spoke to any other person associated with the school during his investigation.¹⁰⁵ Mr McCreadie gave evidence that he had reflected on that and he had not.¹⁰⁶ He said that, having gone to a public school, he was not aware that there was a school board. Also, because of the position of the headmaster and the status of the school, he treated his investigation as a sensitive matter and confined his discussions between himself and Detective Senior Sergeant Viney.¹⁰⁷

Because of the passage of time, the disposal of documents under the Archives Act and the fact that other relevant witnesses are now deceased, the evidence before the Royal Commission about the Tasmania Police's investigation is limited to Mr McCreadie's witness statement and oral evidence.

In the absence of further evidence, we do not know what steps, if any, Senior Detective Sergeant Viney or Detective Senior Inspector Smith may have taken, including contacting the board or any others associated with the school. Accordingly, our findings are limited to matters that are within the knowledge of Mr McCreadie as a junior police officer who conducted an investigation of Mr Lawrence in 1970.

Why Mr Lawrence left the school

By late 1970, Mr Lawrence was aware that the Tasmania Police were investigating him for child abuse. It was later revealed, in a report prepared by Dr Bednall dated March 1994, that around this time his relationship (either past or present) with AOA had been revealed to senior schools officials. In those circumstances, his departure from the school, whether by resignation or dismissal, was inevitable.

It is clear that it was in that context that Mr Lawrence resigned. It is not necessary for this Royal Commission – or possible based on the evidence before us – to make a finding about the cause of resignation and whether it was the interception of AOA's letter, the police investigation or a combination of both. Dr Bednall's report in 1994 is discussed in further detail below.

We are satisfied that:

- In 1970, the Tasmania Police were investigating and close to arresting Mr Lawrence on offences involving sexual activity with a former student when he was a student at the school and after he had left the school.
- Mr Lawrence was not charged for those offences because when the Tasmania Police sought to arrest him they were told that he had left the school and Tasmania. As a result, they conducted no further investigation.

3 AOA

3.1 AOA's evidence about abuse by Mr David Lawrence

AOA studied at the school from 1964 to around August or September 1965.¹⁰⁸

AOA said he first met Mr Lawrence when Mr Lawrence interviewed him to assess his needs as a student at the school. AOA explained that during this interview his family was discussed, including the fact that he was an only child and his father was a widower.¹⁰⁹

At some stage after AOA started at the school, Mr Lawrence contacted AOA's father and offered to tutor AOA privately in French, one-on-one.¹¹⁰ AOA said that these private French lessons were held in Mr Lawrence's office and that every lesson was 'more or less the same'.¹¹¹

AOA gave evidence that he would sit on the large sofa with Mr Lawrence, who would make him recite the lesson. Mr Lawrence would then pull AOA close and place his arm around his waist and then place his hand on or around his groin. Mr Lawrence would then tutor AOA in French.¹¹² AOA said that, in many but not all lessons, Mr Lawrence would casually rub his penis to erection, through his trousers, as he read through the French lesson book.¹¹³

AOA also described other occasions when Mr Lawrence would sexually abuse him. AOA said that Mr Lawrence did not say anything during 'the incidents'¹¹⁴ and that it was like his behaviour was 'normal and a part of his teaching'.¹¹⁵ AOA said that he was young and not too sure what was happening. He said that at the time he felt special, wanted and important and that he needed the affection. He said that he did not then think it was wrong even though he felt guilty about what was happening.¹¹⁶

AOA said that his abuse by Mr Lawrence ended when AOA left the school.

Effect of abuse on AOA

AOA also gave evidence about the long-term impact of Mr Lawrence's abuse on him. We heard that the abuse that Mr Lawrence committed has had a significant effect on AOA physically as well as mentally, especially as he was quite isolated, alone and vulnerable when the abuse began.¹¹⁷

AOA gave evidence that he had ongoing inflammatory illnesses all over his body that relate to the grief and anger and his inability to resolve or express the outrage and hurt that he feels as a result of the abuse he suffered. AOA also gave evidence that he feels he carries the burden of the abuse in his body to the present day.¹¹⁸

Ongoing contact with Mr Lawrence

AOA continued to write to Mr Lawrence after AOA left the school.

AOA said that he remembered writing letters to Mr Lawrence about sex, his sexuality and sexual fantasies. He said that he could not remember exactly what he said in those letters, but he did not believe that he ever wrote about sexual activity between himself and Mr Lawrence.¹¹⁹ He said that he did not remember Mr Lawrence ever being sexually explicit in his letters.¹²⁰

Around 1970, AOA received a telephone call from Mr Lawrence. Mr Lawrence asked AOA to mark any future correspondence with him as ‘Private and Confidential’. Mr Lawrence told AOA that a letter from AOA had been discovered and read by Mr Lawrence’s secretary.¹²¹

Some time later, Mr Lawrence contacted AOA and invited him to a farewell dinner in Sydney, as he was moving to London.¹²² On the night after the farewell dinner, Mr Lawrence informed AOA that his secretary had opened the letter AOA had written to him and this had ‘opened a can of worms’. Mr Lawrence told AOA that he had ‘lost his job and lost his wife’.¹²³

AOA gave evidence that some years later, in the 1970s, he received one further letter from Mr Lawrence. After that, AOA had no further contact with him.¹²⁴

3.2 AOA discloses his abuse to the school – 1993

In the early 1990s, AOA decided to write to the school about his abuse. He undertook research online and decided that there were two people whom he could contact about these matters: the Old Boys’ representative and the current headmaster of the school.¹²⁵

On 29 November 1993, AOA wrote to the then headmaster, Dr Bednall, and Mr Christopher Hall (whom AOA believed to be the Old Boys’ representative) reporting his abuse by Mr Lawrence.¹²⁶ In his letter to Dr Bednall, AOA asked for an admission by the school, at board level, of the school’s failure to guard him from emotional and sexual abuse. He also requested that the school reach out to other survivors.¹²⁷

A copy of the letter that AOA sent to the Old Boys’ representative was provided to Dr Bednall.¹²⁸ On about 1 December 1993, Dr Bednall received AOA’s letter, addressed to the headmaster of the school, detailing his abuse.¹²⁹

3.3 School’s initial response to AOA – 1994

Board considers AOA’s claims

Because of the contents of the letters, Dr Bednall went to see the chair of the board, Mr Brett Palfreyman.¹³⁰ Dr Bednall showed both of the letters to Mr Palfreyman, who told him that the letters needed to go to the board.¹³¹

On 7 December 1993, Dr Bednall wrote to AOA and advised him that he had had a preliminary discussion with the chair of the board but that the board did not meet again until February 1994, at which time his ‘concerns would be raised’.¹³²

At the board meeting on 10 February 1994, the board considered ‘contents of a letter directed to the headmaster by a former student, Mr [AOA]’.¹³³ At that meeting, the board resolved that Dr Bednall and Mr FB Dixon, a member of the board and a solicitor, would be authorised ‘to proceed discretely to secure further information about the matters raised’.¹³⁴

On 11 February 1994, Dr Bednall wrote a letter to AOA that stated:

You will appreciate that it will take time for the Board to understand the full extent of the matters you describe in your letter. Accordingly, I was authorised to commence enquiries with members of the Hobart community who might have a wider understanding than any single member of the current board.

I am to report further to the Board in its meeting in April and I will be in touch with you as soon as the Board authorises me to proceed further.¹³⁵

Dr Bednall engages Dr John Isles

Dr Bednall gave evidence that, after the board meeting on 10 February 1994, he sought the assistance of Dr John Isles. Dr Isles was an Old Boy of the school and a consulting psychiatrist in Hobart.¹³⁶ Dr Bednall said that this was his own initiative and not directed by the board.¹³⁷

Dr Bednall said that he asked Dr Isles to provide ‘private and confidential’ advice to the board because of the ‘complexities’ and ‘inconsistencies’ between the letters.¹³⁸

Dr Bednall gave evidence that he wanted Dr Isles to comment holistically on AOA’s letters, what might be giving rise to them, what frame of mind might be influencing AOA and what advice he could give the board on how to deal with them.¹³⁹ Dr Bednall did not specifically raise the issue of an apology, as requested by AOA, with Dr Isles.¹⁴⁰

On 17 February 1994, Dr Bednall received a letter of advice from Dr Isles.¹⁴¹ In this letter, Dr Isles commented that it seemed that AOA ‘felt a strong desire to speak out at last and raise these matters with the School as part of his efforts to resolve his personal anguish’.¹⁴²

Dr Isles also made a number of recommendations on how the school might respond to AOA, including ‘enlisting [AOA]’s aid’ in setting up a ‘therapeutic net’ to ensure that a ‘recurrence of student abuse will be avoided in the future’, appointing a ‘confidential counsellor’ and placing a regular notice in the school magazine about the establishment of the service.

Dr Bednall's investigation

In late February 1994, Dr Bednall started his investigation.¹⁴³ The first step in his investigation was to review the school archives, including board minutes from Mr Lawrence's time as headmaster, for any reference to AOA.¹⁴⁴ Dr Bednall did not remember finding any documents about AOA, except for an enrolment form. There was no correspondence about AOA's withdrawal from the school.¹⁴⁵

Next, Dr Bednall identified and interviewed members of the school community who were present during the time that Mr Lawrence was headmaster and who may have had information about Mr Lawrence's resignation and the 'credibility of Mr [AOA]'s allegation'.¹⁴⁶

In particular, Dr Bednall interviewed:

- Mr Arnold Wertheimer, the chair of the board at the time that Mr Lawrence resigned
- Mr John Kerr, the deputy headmaster in 1970
- Mr Stuart Cripps, master in charge of social studies and resident house master.

Mr Arnold Wertheimer

Mr Wertheimer told Dr Bednall that Mr Lawrence had resigned and that the board had accepted his resignation with some regret. Mr Wertheimer said that he did not know the reason for Mr Lawrence's resignation and that it had taken the board by surprise.¹⁴⁷

Mr Wertheimer told Dr Bednall that sometime after Mr Lawrence's departure rumours began to circulate about his alleged homosexuality.¹⁴⁸ Mr Wertheimer said that, given the nature of the rumours, he sought advice and verification of the reports. He spoke to the Attorney-General of Tasmania at the time, Sir Max Bingham; and the Bishop of the Anglican Diocese of Tasmania, the Rt Reverend Robert Davies.¹⁴⁹

Mr Wertheimer reported to Dr Bednall that Sir Max advised him that the police had been investigating an alleged group of homosexual businessmen based in Taroom in Tasmania. Mr Lawrence was known to the police as being part of this group.¹⁵⁰ There was no evidence before the police to suggest Mr Lawrence had involved underage males in the group's activities or had been involved in the abuse of boys from the school.¹⁵¹

Sir Max provided a statement to the Royal Commission, which was tendered into evidence.¹⁵² In that statement, Sir Max said that he had no recollection of being advised or being aware of any criminal investigation of Mr Lawrence or any investigation of a group of homosexual businessmen based in Taroom.¹⁵³ Sir Max also said that he had no recollection of having had a conversation with Mr Wertheimer about a criminal investigation of Mr Lawrence or about a criminal investigation of a group of homosexual businessmen based in Tasmania.¹⁵⁴

Sir Max said that he did not recall having had any conversations with any members of the board or a headmaster of the school about Mr Lawrence and allegations of child sexual abuse.¹⁵⁵ Sir Max said that, if he had been advised of these allegations, he believes that he would have a memory of them given his interest in the school as a parent, his prior knowledge of Mr Lawrence and the significant nature of the allegations.¹⁵⁶

Mr Wertheimer also reported to Dr Bednall that Bishop Davies had told him that he was Mr Lawrence's confessor. Bishop Davies said that Mr Lawrence had come to see him and disclosed why he was leaving the school. Bishop Davies told Mr Wertheimer that 'no Hutchins boys were at risk'.¹⁵⁷ A few weeks later, Dr Bednall himself spoke with Bishop Davies, who repeated to Dr Bednall his comments to Mr Wertheimer.¹⁵⁸

Mr John Kerr

Dr Bednall gave evidence that Mr Kerr confirmed the events that AOA described in his letter of 29 November 1993.¹⁵⁹ In particular, Mr Kerr told Dr Bednall that shortly before Mr Lawrence's resignation in 1970 he was approached by the then school chaplain, Reverend Michael Eagle, who advised him that Mr Lawrence's secretary had opened a letter from a former student to Mr Lawrence. From that letter it was clear that a sexual relationship had existed, or still existed, between them. Mr Kerr did not pass this information on to the board at that time.¹⁶⁰ Dr Bednall reported that it was reasonable to conclude that this was the letter that AOA said Mr Lawrence telephoned him about some time in the 1970s.¹⁶¹

Mr Kerr said that he was not able to recollect why this matter was never taken to the chairman of the board, Mr Wertheimer. He suggested that the events that led to Mr Lawrence's resignation overcame any need for him to do so.¹⁶²

Mr Kerr also confirmed that, during his time as deputy headmaster, he was aware of three members of the teaching staff who were widely regarded as homosexuals and 'suspected to be potential pedaphiles [sic]'.¹⁶³

Mr Stuart Cripps

Mr Cripps reported to Dr Bednall that in April or May 1964 he had had a conversation with Mr Lawrence about Mr George's inappropriate conduct towards the boys in the boarding house.¹⁶⁴ Mr Cripps said that Mr Lawrence subsequently removed Mr George from the boarding house and the school.¹⁶⁵

Other than speaking with Mr Wertheimer, Mr Kerr and Mr Cripps, Dr Bednall did not speak with any other members of the school community, including former students, former members of the board or former members of the teaching staff.¹⁶⁶ Relevantly, Dr Bednall did not seek further information from AOA as a part of his investigation.¹⁶⁷

Dr Bednall's report to the board of management

On 17 March 1994, Dr Bednall's completed investigation report was tabled at a meeting of the board. His report included the advice that he had received from Dr Isles¹⁶⁸ and summaries of the conversations that he had with the individuals in the school community.¹⁶⁹

Dr Bednall's report recorded the central issues as follows:¹⁷⁰

1. At least three members of staff in 1964 and 1965 had widespread reputations among some staff and senior management for showing an unhealthy interest in boys. These impressions were sufficiently based in fact for all of them to be summarily dismissed either by the headmaster or the deputy headmaster, but no details of their behaviour or dismissal appears ever to have been given to the board of management for information, let alone ratification.

It seems inexplicable that despite three, possibly four, dismissals of staff for sexual misconduct in about a period of fifteen years, successive boards of management appear to have been quite unaware of the seriousness of risk to which boys had been exposed. It suggests that if there were any legal implications (which we know there are not), the board would be vulnerable. If any unscrupulous individual were to become aware of these matters, there could be serious potential to embarrass the School.

2. Mr [AOA] gave significant description of his personal trauma as a result of Lawrence's behaviour to him. However, he appears to have maintained correspondence with Lawrence for at least six years after he left the School.

Dr Isles' letter makes it clear that certain components of Mr [AOA]'s state of mind described in his letter to me of November 29th 1993 suggest continuing trauma. This makes it clear that the board's reaction to this whole affair must be very carefully delineated and then held to unanimous, consistent support.

3. The whole matter should not be assessed only within the context of Lawrence's headmastership as the issue of abuse by teachers had arisen before and since Lawrence.¹⁷¹

In his report, Dr Bednall recommended:

A balance must now be struck between reassuring Mr [AOA] of the current board's goodwill and integrity, but at the same time preventing the situation to get beyond the board's control by allowing Mr [AOA] to control the agenda. It is my view that it is imperative that all future initiatives be exercised by the board. It must not find itself reacting to developments or agendas which emerge beyond its control.¹⁷²

Dr Bednall also recommended that, if public controversy emerged, the headmaster should not make media comment until he had had a discussion with the chair.¹⁷³

Dr Bednall's report did not come to any specific conclusions about whether AOA's abuse had occurred.¹⁷⁴ During the public hearing, Dr Bednall accepted that there was no reason to disbelieve that AOA had been abused by Mr Lawrence.¹⁷⁵

However, Dr Bednall said that he was not able to come to the truth about the allegations of AOA's sexual abuse because of the 'complexity of other matters'.¹⁷⁶ In particular, Dr Bednall would not accept that AOA's intercepted letter corroborated AOA's allegations of abuse.¹⁷⁷

Dr Bednall accepted that, at the time he prepared his report, he did not have a clear understanding that a child could not consent to abuse.¹⁷⁸ Dr Bednall testified that the fact that a victim would maintain contact with his abuser would 'puzzle him'¹⁷⁹ and, further, that he found it 'strange'.¹⁸⁰ He stated that, while he understood that a child was unable to consent, he believed a child was capable of 'acquiescing'.¹⁸¹

We also heard evidence that, in 1994, Dr Bednall considered it 'extremely odd that a boy who was being sexually abused would return for more abuse'.¹⁸² He further stated that, as at 1993, he did not understand that a person who had been sexually abused might only become conscious of the trauma it had caused years later.¹⁸³

In his report, Dr Bednall acknowledged that Mr Kerr had confirmed AOA's version of the events that occurred immediately before Mr Lawrence's resignation. Whether a sexual relationship existed (or not) at the time of the discovery of the letter was not relevant to AOA's allegations of abuse while he was a student at the school. In fact, the information that Mr Kerr provided only served to provide further objective evidence about AOA's credibility and the circumstances giving rise to Mr Lawrence's departure from the school.

Dr Bednall's lack of understanding and knowledge about child sexual abuse in 1994 does not explain why Dr Bednall could not accept that AOA had been abused by Mr Lawrence, particularly given that:

- Dr Bednall accepted that there was no reason to disbelieve that AOA had been abused by Mr Lawrence
- Dr Bednall had not yet sought any further information from AOA about his abuse
- Dr Isles implicitly accepted that AOA was abused.

The board's resolution after Dr Bednall's report

On 17 March 1994, the board resolved that Dr Bednall be authorised to meet with AOA, that the school would contemplate any action after that meeting and that the board would deal with that action in due course.¹⁸⁴

The school accepts that, in the light of the current knowledge of sexual assault matters, in 1994 the board should have accepted that AOA was sexually abused by Mr Lawrence, acknowledged its acceptance of that and apologised to AOA for his abuse.¹⁸⁵ However, the school submits that it is unfair to judge the board's actions in 1994 against today's knowledge.¹⁸⁶

There is no evidence before the Royal Commission to support a finding that the board's decision not to apologise to AOA was based on malice towards AOA. The school says that its failure to apologise to AOA was based on an incomplete and false understanding of child sexual abuse at that time.¹⁸⁷ The Royal Commission accepts this as a partial explanation for its failure, although it seems also to have been motivated by a concern for possible adverse consequences of any admission to AOA that he had been abused at the school.

The school's failure to acknowledge AOA's abuse and apologise for it was not justified on the objective evidence before the board at that time and was contrary to the values that Dr Bednall said he sought to instil at the school.

The board resolves not to apologise to AOA

On 1 June 1994, AOA and Dr Bednall met at AOA's home office in Canberra to discuss his abuse.¹⁸⁸ Dr Bednall said that the purpose of the meeting was to inform AOA of the results of the inquiry that had been conducted and to assure him of the school's active concern to understand the matter and therefore deal with him appropriately.¹⁸⁹

AOA gave evidence that during that meeting Dr Bednall gave him feedback about an investigation he had conducted on AOA's allegations of sexual abuse by Mr Lawrence. Dr Bednall told him that he had spoken with Mr Kerr. AOA gave evidence that Dr Bednall told him that Mr Kerr had read AOA's letter to Mr Lawrence that was intercepted by Mr Lawrence's secretary in 1970.¹⁹⁰

AOA also gave evidence that Dr Bednall told him that part of the reason that Mr Lawrence had resigned from the school was that he was a member of a homosexual businessmen's club¹⁹¹ and that Mr Lawrence had not been fired as a result of the discovery of AOA's letter.¹⁹² Dr Bednall did not remember making such a clear statement.¹⁹³

AOA said that Dr Bednall told him that he had assessed his claim and that there was no supporting evidence that Mr Lawrence had abused him.¹⁹⁴ Dr Bednall said to AOA that there was no doubt Mr Lawrence loved AOA and that Mr Lawrence was the only one that AOA loved.¹⁹⁵ AOA said that he

took that response to mean that no other victims had come forward.¹⁹⁶ AOA said that at no point before or during this meeting did Dr Bednall seek any further information about AOA's abuse.¹⁹⁷

Dr Bednall accepted in evidence that AOA's description of what occurred at that meeting, as described in his letter dated 9 September 1994, was accurate except for a number of limited matters.¹⁹⁸

Dr Bednall disagreed that he said the board knew about Mr Lawrence's homosexuality at the time of his resignation. He said that the board would only have learned about this after Mr Lawrence's resignation.¹⁹⁹

Dr Bednall also accepted that, as at 1 June 1994, the board had not received independent legal advice.²⁰⁰ He conceded that he had only had discussions with two former staff members – Mr Kerr and Mr Cripps – and that he had not had any discussions beyond that. He had not had any discussions with former students, despite AOA believing that this had occurred.²⁰¹

After this meeting, Dr Bednall did not receive any further advice from Dr Isles or investigate AOA's allegations any further before he reported back to the board.²⁰²

On 21 July 1994, Dr Bednall attended a board meeting. He reported to the board that he had met with AOA in Canberra. He did not give the board any other report or any further information about AOA's allegations of sexual abuse by Mr Lawrence.²⁰³

The board resolved that Dr Bednall, in consultation with board member and solicitor Mr Dixon, would compose a letter in appropriate terms but that it would contain no apology for alleged 'misdemeanours'.²⁰⁴

Dr Bednall reported that the board's decision not to provide AOA with an apology at that time was based on the following:²⁰⁵

- The allegation that AOA made against Mr Lawrence could not be verified.
- AOA had made factual errors; and he made certain assumptions that the board suspected, or actually could confirm, were unfounded.
- AOA had placed reliance on his assumption that Mr Lawrence had been dismissed for misconduct involving him when it was clear that Mr Lawrence had in fact resigned.
- The board did not know of any other boys who had allegedly been abused by Mr Lawrence, as AOA was asserting.
- There was no factual basis for AOA's claim that a 'cover-up' by the board had occurred with respect to Mr Lawrence either in 1963 or 1970. The board was not aware of the letter that AOA sent to Mr Lawrence in 1970, which the secretary intercepted and gave to the deputy headmaster, Mr Kerr, and therefore it had played no role in the board's attitude to Mr Lawrence at the time of his resignation.

- AOA had admitted that he had maintained contact with Mr Lawrence after he left the school and that the letter that he sent to Mr Lawrence in 1970 was not a letter of complaint.
- The board was aware that the Chief Commissioner of Tasmania Police had advised the former chair of the board that there was no evidence of child sexual abuse by Mr Lawrence.
- Mr Kerr informed Dr Bednall that the letter AOA sent to Mr Lawrence in 1970 was not a letter of complaint.
- Dr Isles expressed a view that there should be no apology.

On 19 August 1994, Dr Bednall wrote to AOA stating that the board had instructed him to express his 'goodwill' towards AOA but that the board did not believe that it had any basis to proceed further with the concerns that AOA had raised regarding Mr Lawrence's behaviour towards him.²⁰⁶ It is unclear to us what is meant by the use of the word 'goodwill'.

On 9 September 1994, AOA wrote to Dr Bednall about their meeting on 1 June 1994 and his abuse more generally. At the end of his letter, AOA said that he was willing to accept an informal, private, verbal apology from the headmaster as representative of the board. AOA also said that he was willing to sign any legal document guaranteeing that he would not make any claim against the school over his abuse or the school's failure to care for him after his abuse.²⁰⁷

The school now regrets that it did not make an apology at an earlier time.²⁰⁸ The school says that it did not give an unreserved apology because the board lacked understanding and knowledge during that period about:

- child sexual abuse and grooming in particular
- the impact of sexual abuse
- the value of apologies to victims.²⁰⁹

Indeed, by June 1994 the board had verification of AOA's abuse in the form of AOA's own account. Dr Bednall did not seek any further information about AOA's abuse when he met with him on 1 June 1994. Instead, that meeting appeared to focus on reporting to AOA about Dr Bednall's investigation and, in particular, AOA's preoccupation with the sequence of events that gave rise to Mr Lawrence's departure from the school. There is no evidence before the Royal Commission which indicates that the purpose of that meeting was a concern for AOA or his wellbeing.

The fact that no-one else had reported sexual abuse to the school and that AOA maintained contact with Mr Lawrence after his withdrawal from the school does not explain why the board could not apologise to AOA, even with its limited understanding of child sexual abuse and its impact. This is especially the case given that Dr Isles had been appointed to advise the school and clearly accepted AOA's distress and subsequent trauma.²¹⁰

Similarly, whether or not the discovery of AOA's letter caused Mr Lawrence to resign was not relevant to AOA's complaint. AOA's complaint was that he had been abused by Mr Lawrence while he was a student at the school.

Conclusions

We are satisfied that:

- Mr Lawrence resigned as headmaster of the school in about September 1970 and thereafter left Tasmania and then the country at short notice.
- A sexually explicit letter from AOA to Mr Lawrence, which revealed that Mr Lawrence had had a sexual relationship with AOA, was intercepted by Mr Lawrence's secretary and his secretary revealed this to the school chaplain and the deputy headmaster.
- Dr Bednall's investigation in 1994 unearthed evidence that corroborated AOA's allegation that he had been abused by Mr Lawrence when he was a student at the school: namely, the sexually explicit letter from AOA to Mr Lawrence that was intercepted by Lawrence's secretary, Mr Lawrence's subsequent resignation and Dr Isles' apparent acceptance that AOA had been abused by Mr Lawrence.
- Dr Bednall was reluctant to accept that AOA had been abused by Mr Lawrence because there had been ongoing contact between AOA and Mr Lawrence after AOA left the school.
- Dr Bednall's reluctance was unjustified because child sexual abuse is a criminal offence and cannot be justified or decriminalised by anything that subsequently takes place between the survivor and the abuser when the survivor is an adult.
- AOA's evidence illustrates that the complexity and manipulation inherent in the grooming process may be very confusing for the child and may result in the abusing relationship being maintained for some time.
- After Dr Bednall's investigation, which he reported to the board at its meeting on 17 March 1994, the board should have:
 - accepted that AOA was sexually abused by Mr Lawrence, the then headmaster of the school, when AOA was a student at the school from 1964 to 1965
 - acknowledged to AOA that it accepted this and apologised to him for his abuse.
- The board's failure to acknowledge to AOA that he had been abused by Mr Lawrence and to apologise to him for the abuse was contrary to the values that Dr Bednall stated that he sought to instil in the school when he was headmaster – namely, dignity, integrity and compassion.
- There was no legitimate justification for the board not to apologise to AOA after he had requested an apology at his meeting with Dr Bednall on 1 June 1994.
- The board's refusal to apologise to AOA was motivated by a concern to avoid or limit reputational damage to the school that might result from an apology rather than concern for AOA or his wellbeing.
- The board's decision on 21 July 1994 was affected by its lack of understanding and knowledge about child sexual abuse and the value of a genuine apology to a survivor of child sexual abuse.

Dr John Isles is appointed as honorary counsellor

On 15 September 1994, Dr Bednall provided a copy of AOA's letter dated 9 September 1994 to Dr Isles. Dr Bednall asked for Dr Isles' advice and queried whether an 'informal apology' would be the best way forward.²¹¹ Dr Bednall did not recall giving Dr Isles a copy of the report on his investigation that was tabled at the board meeting on 17 March 1994.²¹²

On 21 October 1994, Dr Isles gave his advice to Dr Bednall. The advice included his view that 'an apology will not finalise the matter but would go a long way in pacifying the writer' and that AOA's desire to meet 'other sufferers, is driven by a sense of isolation'.²¹³ Dr Isles commented that 'most of all [he] wants an apology'.²¹⁴

On 27 October 1994, Dr Isles attended a meeting of the board. The board resolved that a further letter be sent to AOA advising him that Dr Isles had been appointed as honorary counsellor. The board also resolved that the headmaster could meet with him in Canberra at a future date.²¹⁵ The minutes from the board meeting do not record that the board gave any consideration to whether it should apologise to AOA.

School's letter of response to AOA

On 28 October, Dr Bednall wrote to AOA. He said that the board accepted AOA's assurances that he had no intention to harm the school. He recognised AOA's genuine professional concern and commented that 'as an experienced therapist [you] would only be too well aware of the emotional damage that unnecessary publicity could do to the sufferers'. Dr Bednall also said the board wished to make clear that AOA had the 'School's understanding and deep sympathy' and that the school had appointed Dr Isles as counsellor.²¹⁶

AOA gave evidence that he did not meet with Dr Isles. AOA said that this was partly because Dr Isles was located in Hobart and AOA lived in Canberra.²¹⁷

3.4 AOA's second request for apology – 1995

AOA's letter to Dr Bednall

On 13 March 1995, AOA wrote to Dr Bednall again requesting an informal and off-the-record apology on behalf of the school and Mr Lawrence.²¹⁸ After Dr Bednall received this letter, he again sought Dr Isles' advice.²¹⁹

On 28 March 1995, Dr Bednall wrote to AOA indicating that his letter would be tabled at the next board meeting.²²⁰

In April 1995, Dr Isles met with Dr Bednall at the Tasmanian Club and they discussed AOA's most recent letter.²²¹ After that conversation, Dr Bednall again wrote to Dr Isles and asked that he provide written advice 'concerning how to proceed with the matter of [AOA]'. Dr Bednall stated 'the Board would fully recognise your professional confidentiality, but [I] think we need to hear from you in writing your recommendation to me that we should proceed in a certain way regarding [AOA]'.²²²

The school's response to AOA's letter

The next board meeting took place on 4 May 1995. Dr Bednall did not receive any written advice before the meeting.²²³ At that meeting, the board considered the most recent correspondence from AOA. The minutes of the board meeting record that Dr Isles had expressed the view to Dr Bednall that '[AOA] had begun to exhibit a disturbing ambivalence and had offered verbal advice that the School should initiate no further contact with [AOA]'.²²⁴

On 29 June 1995, the board reaffirmed its decision not to initiate any further contact with AOA.²²⁵

In his letter of advice of 21 October 1994, Dr Isles discussed AOA's 'ambivalence' in the context of retribution.²²⁶ He commented:

Many of his remarks still indicate an ambivalence concerning the matter of retribution. Nevertheless, the writer asks to be trusted in his claim to avoid causing harm to the School.

Cf 'You may know I wouldn't go public with it, but you have no reason to trust me on this.'²²⁷

It follows that the 'ambivalence' that Dr Isles referred to in his discussion with Dr Bednall and that was recorded in the minutes of the board meeting is the same as that discussed in Dr Isles' letter of advice of 21 October 1994. That advice and the focus of the board on 4 May 1995 was the likelihood that AOA would seek 'retribution' or would 'cause harm to the School' by going public. The focus was not on AOA or his wellbeing.

We are satisfied that the board's decision of 4 May 1995 to have no further contact with AOA after AOA's letter to the board of 13 March 1995 was motivated by a concern to avoid or limit reputational damage to the school rather than any concern for AOA or his wellbeing.

3.5 AOA contacts the Anglican Diocese of Tasmania – 1995

AOA meets with Assistant Bishop Ronald Stone

In or about June 1995, AOA decided to approach Assistant Bishop Ronald Stone, who was then the Assistant Bishop of the Diocese of Tasmania. He decided to do this because the school was an

Anglican school and he thought that Assistant Bishop Stone might have some power or influence over the school.²²⁸

AOA gave evidence that he met with Assistant Bishop Stone but that Assistant Bishop Stone told him he had no legal authority over the school and was only a religious figurehead for the school.²²⁹

Assistant Bishop Stone told us that he had no recollection of the meeting but said that that did not mean that it did not happen.²³⁰ Assistant Bishop Stone said that he usually kept files, but the Diocese of Tasmania had been unable to locate his files. He said that, because of that, he had been hampered in his ability to prepare for the public hearing.²³¹

In July 1995, Assistant Bishop Stone was contacted by Dr Bruce Stevens, who was the chair of the Social Issues Committee of the Anglican Diocese of Goulburn and Canberra, about a complaint by AOA of abuse while he was a student at the school.²³²

Assistant Bishop Stone told us that Dr Stevens said to him that AOA's complaint would be resolved if AOA received an apology from the school.²³³ Assistant Bishop Stone said that Dr Stevens asked him if he would ask the school whether an apology was possible.²³⁴ Assistant Bishop Stone said that he explained his limited connection to the school but said that he would.²³⁵

Assistant Bishop Stone gave evidence that he saw his role as being that of conduit.²³⁶ He said that often an apology would bring about healing and that was why he got involved in the matter and why he said that he would see what he could do.²³⁷

Assistant Bishop Stone contacts Dr Bednall

After he had spoken to Dr Stevens, Assistant Bishop Stone said that he telephoned Dr Bednall to inform him that Dr Stevens had contacted him about AOA²³⁸ and AOA's request for an apology.²³⁹

On 26 July 1995, Dr Bednall asked Assistant Bishop Stone to communicate a number of points to Dr Stevens, including the following:²⁴⁰

- Despite intensive investigations and close consultations with individuals closely connected to the management of the school during Mr Lawrence's headmastership, the board had no basis to conclude that AOA's allegations were true.
- The board was further perturbed by clear evidence that, despite the alleged offence, AOA had maintained contact with Mr Lawrence after he left the school.
- The board had received both medical and legal advice that it should not have any further contact with AOA.
- The board understood that the 'current dialogue' between AOA and the board was on an entirely confidential basis. The board wished to respect that understanding, although it noted that AOA had decided to step outside it. The board believed it could not discuss the matter without a declared agreement from AOA that the matter was no longer confidential.

Assistant Bishop Stone gave evidence that he assumed that he called Dr Stevens and communicated Dr Bednall's points to him.²⁴¹ Assistant Bishop Stone also gave evidence that at the time Dr Stevens contacted him he did not understand the depth of the problem that AOA was dealing with.²⁴²

Assistant Bishop Stone commented that, on reflection, he thought he should have done more to help to facilitate an apology, even though he did not think he had any authority to do more.²⁴³ Assistant Bishop Stone said that he wished that it had been possible to obtain an apology for AOA.²⁴⁴

While we accept there is no evidence before the Royal Commission that Dr Bednall was motivated by malice or that he attempted to conceal the abuse or any perpetrator, Dr Bednall's response to Assistant Bishop Stone cannot be justified by a lack of knowledge of grooming or the impact of sexual abuse as he understood it in 1995.²⁴⁵

At the time that Assistant Bishop Stone contacted Dr Bednall, the board had been discussing with Dr Isles AOA's complaint of child sexual abuse. It was therefore inaccurate to say that the 'current dialogue' between AOA and the board was on an entirely confidential basis – in fact, the board had been discussing AOA's complaints with an independent person without AOA's consent and AOA assumed that Dr Isles was not aware of his correspondence with Dr Bednall.²⁴⁶ In contrast, AOA had asked Assistant Bishop Stone (either directly or through Dr Stevens) to discuss his complaint with the board. It was also misleading to refer to a 'current dialogue' when the board had resolved some months earlier to have no further contact with AOA.

It was equally misleading to say that the school had received medical advice that it should not have further contact with AOA. That statement implied that the medical advice was based on AOA's needs or interests, when in fact it was based on the school's interests – that is, it was a medical assessment of AOA's potential to harm the school.

Further, it was misleading to say that the school had received legal advice not to have further contact with AOA because it had received no independent legal advice. It is not clear that it had even received legal advice from its own board members who were lawyers.²⁴⁷

We are satisfied that Dr Bednall's response to Assistant Bishop Stone on 26 July 1995 was:

- incorrect in stating that the board had no basis to conclude that AOA's allegations were true
- misguided in recording that the board was perturbed that AOA had maintained contact with Mr Lawrence after AOA had left the school
- misleading in referring to a 'current dialogue' between AOA and the board when the board had resolved on 4 May 1995 to initiate no further contact with AOA – a resolution that the board reaffirmed on 29 June 1995
- misleading in stating that the board could not discuss the matter further with Assistant Bishop Stone unless AOA agreed that the issue was no longer confidential given that Assistant Bishop Stone had contacted the board on AOA's behalf.

3.6 AOA continues to seek an apology from the school – 1996

AOA engages solicitors

Around March 1996, AOA engaged solicitors to correspond with the school on his behalf. AOA felt that this was the only way to try to facilitate an apology and the only way that the school would accept and acknowledge that he had been abused while he was a student at the school.²⁴⁸

On 13 March 1996, AOA's solicitors wrote to the school repeating AOA's earlier request that the school apologise to him for the abuse that he suffered. In this letter, AOA's solicitors said that, if AOA received that apology, he was prepared to give a full release to the school barring him from any other claims arising from the incidents.²⁴⁹ AOA's solicitors also said that AOA intended to advertise nationally to identify other survivors of sexual assault at the school.²⁵⁰

The school contacted its solicitors about AOA's request for an apology and his offer to provide a full release to the school barring him from making any other claims arising from the incidents.²⁵¹

On 28 March 1996, AOA's letter was tabled at the board meeting and AOA was informed that the matter would be discussed after Dr Bednall's return from overseas.²⁵²

On 1 May 1996, the school's solicitor advised the school to, amongst other things, offer a conditional apology to AOA.²⁵³ The school's solicitor had spoken with both Dr Wertheimer and Mr Kerr and had confirmed the contents of Dr Bednall's original discussions with them as part of his 1994 investigation.²⁵⁴

During the public hearing, Dr Bednall agreed that the substance of the advice that the school's solicitors gave was not to do with the question of legal liability but instead was about how to protect the school's name in respect of the events that had occurred 16 years previously.²⁵⁵

At a board meeting on 1 May 1996, the advice of the school's solicitors dated 1 May 1996 was tabled. The board resolved that the headmaster would meet with board member and solicitor Mr Dixon and the school's solicitors to formulate a suitable reply to AOA's request for an apology.²⁵⁶

The school's approach to meeting with AOA's solicitors

On 3 May 1996, the school's solicitors contacted AOA's solicitors and proposed that there be a meeting with the headmaster, other board members, the school's solicitors and AOA and his solicitors.²⁵⁷

On 5 June 1996, AOA's solicitors wrote to the school's solicitors about the proposed meeting and said that 'our client wishes to have this matter resolved as soon as possible'.²⁵⁸

Dr Bednall prepared a document dated 18 June 1996 and entitled 'The Hutchins School board of management: Briefing for School Solicitor for proposed meeting with solicitor of Mr [AOA]' to be tabled at a meeting of the board.²⁵⁹ In it he put forward two different approaches that the school might take in response to AOA. The first approach was conciliatory. It involved a re-consideration as to whether it would accept AOA's word and provide a response to AOA's earlier letter dated 9 September 1994. The second approach involved a rejection of AOA's request for an apology. On the second approach, Dr Bednall noted the following:

- The board has made very clear its commitment to finding a just and reasonable solution to this predicament but it cannot formally apologise for an incident about which it can find no reasonable grounds to conclude actually occurred. This is despite intensive investigations by the current headmaster when Mr [AOA] first made his allegation and which involved individuals who were students, staff members or board members during Lawrence's headmastership.
- The board's unwillingness to conclude that it has an accurate understanding of the alleged events, is further influenced by serious errors of fact in Mr [AOA]'s correspondence ...
- Much of Mr [AOA]'s complaint against the School rests upon his mistaken assumption that the board of management of the time knew of Lawrence's alleged behaviour, tried to cover it up, failed to identify possible victims and failed to bring criminal proceedings against Lawrence. These assertions all rest upon Mr [AOA]'s insistence that his letter to Lawrence led to Lawrence's dismissal from the School. It has been established beyond doubt that this was not the case. The accusations against the school cannot therefore be justified.
- No former students of the school have alleged that they were sexually abused by teachers of the School. The board of management has already made an appointment of a qualified counsellor in order to provide care and support of any individuals who might come forward. The board resists strenuously the suggestion made by Mr [AOA] that he be put in touch with any such persons so that he may provide counselling to them. The School has a duty of care to any such persons, Mr [AOA] does not ... The board seriously questions the motivation of Mr [AOA].
- Mr [AOA] presumably wished to gain financially from providing such a counselling service.
- The board believes that it is entitled to ask what degree of trauma is represented by a man who after allegedly being sexually abused as a child by a trusted adult, remains in contact with that adult well into his own adulthood.
- The board is not perturbed by the possibility that Mr [AOA] will make his allegations public and believes that it would win public support.²⁶⁰

On 20 June 1996, that document was tabled at a meeting of the board.²⁶¹ The board resolved that it would adopt the second approach set out in Dr Bednall's report with some amendments. In so doing, the school's solicitor was briefed to advise AOA's solicitor that:

The board does not believe that it can make such an apology but is prepared to reaffirm its goodwill to Mr [AOA] by offering an apology which does not indicate an acceptance that Mr [AOA]'s allegation is true.²⁶²

Dr Bednall gave evidence that the board's decision on 20 June 1996 was an example of a matter on which he disagreed with a decision of the board.²⁶³ However, the evidence before us establishes that the board's decision was based on the briefing for the school solicitor that Dr Bednall authored. The briefing was consistent with his previous position and with conclusions that he had mistakenly and incorrectly drawn from his investigation in early 1994. Moreover, in his evidence to us Dr Bednall sought to justify the board's refusal to apologise to AOA. His statement that he did not support the board's decision not to apologise to AOA is therefore doubtful.

The school accepts that, 'with the knowledge of these matters, it now has, an apology should have been made to AOA at an earlier time',²⁶⁴ although it does not identify the time it should have done this.²⁶⁵ For the reasons already discussed, the school had sufficient information in June 1996 to resolve to provide an apology to AOA.

We are satisfied that Dr Bednall's briefing for the school solicitor dated 18 June 1996 was:

- incorrect in asserting that the board had no reasonable ground for concluding that AOA had been abused by Mr Lawrence
- incorrect in stating that Dr Bednall's investigations involved students at the time and implying that it involved staff members other than Mr Cripps and Mr Kerr and board members other than Mr Wertheimer
- misguided in focusing on some perceived factual errors in AOA's correspondence to justify the board's unwillingness to conclude that it had an accurate understanding of the alleged events
- incorrect in stating that AOA had demanded to be put in touch with other individuals who made similar allegations against Mr Lawrence or other staff and in stating that AOA made this demand so he might provide counselling to support them
- incorrect in stating that AOA had insisted that he be nominated as counsellor of any person who came forward alleging sexual abuse by members of staff at the school
- incorrect in concluding that AOA presumably wished to gain financially from providing this counselling service
- misguided in questioning whether AOA could have been traumatised by any abuse by Mr Lawrence when AOA was a child because AOA maintained contact with Mr Lawrence into adulthood.

We are also satisfied that the board's decision on 20 June 1996 not to apologise or to accept that AOA had been abused by Mr Lawrence was misguided and was affected by its lack of understanding and knowledge about child sexual abuse.

3.7 AOA continues to correspond with the school – 1996–1999

On 13 August 1996, AOA's solicitors wrote to the school's solicitor enclosing a proposed wording of an apology that AOA would accept in 'settlement of his claims against the School'.²⁶⁶

Between 13 August 1996 and May 1997, AOA and the school were unable to agree on the wording of a suitable apology.²⁶⁷

On 22 May 1997, the board resolved not to reply to the latest proposed version of an apology that AOA's solicitors had provided on 13 August 1996.²⁶⁸

By the end of May 1999, AOA had still not received any response from the school to his request for an apology. By that time, AOA had learned that there was a different headmaster – Mr Toppin – at the school. AOA gave evidence he thought he would see if the new headmaster would respond differently and show some compassion.²⁶⁹

On 31 May 1999, AOA wrote to Mr Toppin asking the school to accept the validity of his report of sexual assault, acknowledge the hurt and provide an apology for its consequences on his life. At that time, AOA also sought information on the development of the school's policies and procedures for dealing with other survivors of harassment and assault.²⁷⁰

Mr Toppin gave evidence that, after he received this letter, he passed it on to the board because 'it was their dealings and it was a matter for the board to handle'.²⁷¹

On 7 June 1999, Mr Toppin wrote to AOA acknowledging receipt of his letter and advising that it would be tabled at the next meeting of the board, which was scheduled for 29 July 1999.²⁷²

On 29 July 1999, the board resolved that AOA's letter dated 31 May 1999 would be referred to the school's solicitors.²⁷³

On 14 September 1999, the school received advice from its solicitors Dobson, Mitchell & Allport. The advice recorded that the solicitor was 'not inclined to take any further action, unless Mr [AOA] wrote again. However, the School may have reasons to take a more active approach to the matter'.²⁷⁴ On 28 October 1999, the board resolved to accept the solicitors' advice not to respond to the letter from AOA dated 31 May 1999.²⁷⁵

The school accepts that AOA interpreted the board's action in not responding to his correspondence as hurtful and damaging to him but says that the board was not motivated to cause hurt or damage. The school also says that by not responding it was acting on legal advice.²⁷⁶

The legal advice of 14 September 1999 states that the school may have 'reasons' to take a more active approach to the matter and made it clear that the advice was based on the objective of 'not providing Mr [AOA] with a tool to keep grinding [his axe]'. There were reasons that the school might have chosen to reply to AOA – for example, given it was a pre-eminent education institution,

it may have had views on how it wished to respond to allegations of child sexual abuse by a former student. Indeed, these reasons may have included a desire to avoid a negative impact on AOA as a result of its failure to respond and a desire to act in a way consistent with the school's professed values. Instead, the board took an approach in defence of the school's narrow self-interest.

We are satisfied that the board's decision on 28 October 1999 to accept the advice of Dobson, Mitchell & Allport not to respond to the letter from AOA dated 31 May 1999 lacked compassion and was hurtful and damaging to AOA in his efforts to overcome the effects of his abuse by Mr Lawrence.

3.8 AOA seeks the assistance of Bishop John Harrower – 2002

Between April 2000 and February 2002, AOA decided to approach *The Mercury* and *The Australian* newspapers about his abuse. AOA gave evidence that he did this because he wanted some resolution or at least to have the school acknowledge what had happened to him at the school in the 1960s.²⁷⁷

By February 2002, AOA still had not received any response from the school to his earlier letters. On 17 February 2002, AOA wrote to the school stating that he felt his request for an apology had fallen on deaf ears.²⁷⁸

Around that time, AOA decided to approach Bishop Harrower with his complaint of sexual abuse by Mr Lawrence. AOA gave evidence that he thought that Bishop Harrower might be able to facilitate an apology from the school and would be able to influence the school and somehow hold it accountable.²⁷⁹

At the time that AOA wrote his letter to Bishop Harrower, AOA did not know that on 22 February 2002 Bishop Harrower had contacted the school to ask what the processes were within the school community for dealing with allegations of sexual misconduct.²⁸⁰ Bishop Harrower gave evidence that the reason he wrote this letter was that the issue of sexual misconduct was becoming a huge issue for the Anglican Church and he was on a learning curve. He said that he was 'collecting information, to try and understand what was happening'.²⁸¹

On 4 March 2002, Bishop Harrower wrote to Mr Toppin advising that he had received a complaint from AOA that when he was a student at the school he was sexually abused by the then headmaster, Mr Lawrence. Bishop Harrower said that AOA had raised these matters some years ago but had been 'rebuffed by the School'.²⁸² In his letter, Bishop Harrower said that AOA had appealed to him as Visitor of the school. While he realised that disputes involving third parties were outside his jurisdiction as Visitor, he asked Mr Toppin and the chair of the board to meet with him.²⁸³

Bishop Harrower said that he saw his role as facilitator and that he was trying to use his Visitor's office to 'help this complaint come to the school and see whether the school could do something'.²⁸⁴

Bishop Harrower accepted in evidence that he had some power of influence and moral authority over the school but not structural power to compel the school to take particular steps.²⁸⁵

On 5 March 2002, Mr Toppin wrote to Bishop Harrower providing him with a copy of a policy document 'covering harassment'. Mr Toppin said that he looked forward to meeting with Bishop Harrower to discuss the matters that AOA raised.²⁸⁶

Mr Toppin gave evidence that on the same day he sent a facsimile to Dr Ian Sale (a psychiatrist) to arrange a time to meet with him so that the school could obtain his opinion on how the board should respond to AOA's letter dated 17 February 2002.²⁸⁷ Mr Toppin said that the board instructed him to contact Dr Sale.²⁸⁸ Mr Toppin did not identify who on the board told him to contact Dr Sale. Mr Toppin gave evidence that the advice sought was not directed at what the board could do for AOA.²⁸⁹

On 12 March 2002, Mr Toppin received a letter of advice addressed to the board from Dr Sale.²⁹⁰ Dr Sale said that he thought that it was unreasonable for AOA to demand an apology. He said that the school could express genuine regret and sorrow, but 'apology' indicates an acknowledgement that those who are apologising have acted wrongfully.²⁹¹ Dr Sale also commented:

the complainant, in my opinion, seeks to punish the current school community. His apparent reasonability in earlier letters was ambivalent and unconvincing. His 'role' in his letters moved ambiguously between victim, therapist and advocate. There seems to be a disproportionate sense of entitlement, and some egocentricity.²⁹²

On 14 March 2002, Bishop Harrower met with headmaster Mr Toppin, the chair of the board and the Bishop's Registrar, Mr William Haas, to discuss AOA's complaints. Bishop Harrower gave evidence that at that meeting Mr Toppin and the chair gave him a summary of the history of their dealings with AOA regarding his complaint.²⁹³ Bishop Harrower said that he was told that the school had in place policies and procedures to create a safe environment and to deal with misconduct.²⁹⁴

Bishop Harrower gave evidence that the chair and the headmaster said that they were not able to find any information to substantiate or disprove AOA's complaint.²⁹⁵

Bishop Harrower said that at that meeting there was some discussion about the unreserved apology that Bishop Harrower gave in 2002 for abuse within the Anglican Church.²⁹⁶ We heard evidence at the public hearing that there was a debate at the meeting about how the school could apologise when it could not substantiate that the abuse alleged by AOA had occurred.²⁹⁷

Bishop Harrower gave evidence that, in his role within the Anglican Church, he had come to see the importance of believing and giving an apology to people who said that they had been abused and also the importance of meeting them face to face.²⁹⁸

Mr Toppin did not remember the meeting on 14 March 2002.²⁹⁹

On 18 March 2002, Bishop Harrower received a copy of the 'Principal's report to the board of March 2002' together with a copy of Dr Sale's report dated 12 March 2002 and a suggested statement from a media consultant.³⁰⁰ Bishop Harrower gave evidence that he did not remember reading the advice from Dr Sale at that time.³⁰¹

On 19 March 2002, Bishop Harrower wrote to AOA advising him that his role in the school was one of Visitor and therefore he had no power to deal with AOA's dispute with the school. Bishop Harrower also wrote:

I wish to express my sincere and deep regret at any abuse which you have suffered. From the beginning of my time as Bishop of Tasmania I have sort [sic] to deal justly and compassionately with all complaints relating to abuse within the life of the Diocese of Tasmania.

The pain experienced by survivors of sexual abuse is traumatic to say the least. I have found it most disturbing to sit with survivors of such abuse and hear their stories of suffering.³⁰²

On 25 March 2002, AOA emailed Bishop Harrower saying that he felt that his concerns were about 40 per cent resolved and that the remaining resolution could only come from the school.³⁰³

Bishop Harrower gave evidence that he wished that the school had given a fulsome apology.³⁰⁴ He said that he thought that, by writing his letter dated 19 March 2002, the school may have seen it and done likewise.³⁰⁵

We are satisfied that the expression of sincere and deep regret to AOA by Bishop Harrower in his letter of 19 March 2002 was compassionate and helpful to AOA in his efforts to overcome the effects of his abuse by Mr Lawrence.

3.9 School denies accountability – 2002

On 14 March 2002, Mr Toppin wrote to the school's solicitors Dobson, Mitchell & Allport seeking advice on how to respond to AOA's most recent letter. At that time, Mr Toppin provided a copy of Dr Sale's advice to the school's solicitors and asked them to send a copy of their draft reply to AOA to Bishop Harrower for consideration.³⁰⁶

At a board meeting on 21 March 2002, the board resolved that the amended draft letter of response to AOA that the school's solicitors had prepared should be sent to Bishop Harrower for his approval, after which it would be sent to AOA.³⁰⁷ The draft response to AOA was also provided to the school's media consultant.³⁰⁸

On 25 March 2002, Mr Toppin sent a copy of the draft letter of response to AOA, as approved by the board, to Bishop Harrower for his comments.³⁰⁹

After Bishop Harrower received that letter, he dictated his initial thoughts to his Registrar, Mr Haas. He said that he was concerned that there was a lack of compassion in the draft letter and he felt that both morally and legally there was an issue as to whether the school could be held accountable.³¹⁰

A copy of the covering letter was tendered into evidence.³¹¹ Bishop Harrower gave evidence that the handwriting on the covering letter was that of his Registrar. The handwritten notes said ‘more compassion – this is where we cannot be held accountable – is in fact? In law’.³¹²

We heard evidence from Bishop Harrower that, at that time, he was receiving advice from people in his team, including his Chancellor and pastoral advisor, that one could give an apology even in the absence of personal wrongdoing.³¹³ He said he disagreed with Dr Sale’s comments that it was ‘unreasonable’ for AOA to demand an apology. He said that, in the context of ‘moral leadership’, the role of leadership of an institution is that one would apologise for something for which ‘the institution must bear some level of responsibility’.³¹⁴

The school did not wait for a response from Bishop Harrower. On 3 April 2002, Mr Toppin wrote to AOA, in the form approved by the board, stating that ‘while the School regretted that sexual misconduct may have occurred in the past, it could not now be held accountable for events that occurred more than a generation ago’.³¹⁵

On the same day, the Registrar, Mr Haas, wrote to Mr Toppin on behalf of Bishop Harrower about the school’s draft response to AOA. In that letter, Bishop Harrower asked whether it was correct that ‘the board cannot be held accountable for events that occurred more than a generation ago’ and also whether the board had decided to withdraw the offer of counselling in its original draft.³¹⁶

AOA gave evidence that after receiving the school’s letter dated 3 April 2002 he was outraged. He felt that the school was saying that the abuse never occurred and, if it did happen, they were not responsible.³¹⁷ AOA said that he was flabbergasted and deeply insulted by the response.³¹⁸ Bishop Harrower gave evidence that he was disappointed in the approach that the school took.³¹⁹

On 15 April 2002, AOA wrote to Bishop Harrower outlining the response that he had received from the school. AOA commented that the school ‘clearly has a way to go in the accountability stakes. Many thanks again for your heartening apology’.³²⁰

The school says that its letter of response to AOA needs to be considered in the context of the level of knowledge of child sexual abuse that existed in 2002 rather than through the lens of today’s knowledge.³²¹ The school also says that the board acted on Dr Sale’s advice, which referred to the live debate within the community about whether current bodies should apologise for sins of the past and said that there is no evidence that the board intended by its action to cause harm or damage to AOA.³²²

There is no suggestion that the board intended to cause harm or damage to AOA. However, the school's explanation of its response is too simplistic and does not properly characterise the history of the school's contact with AOA, the ongoing dialogue that was taking place with Bishop Harrower and the true nature of the advice the board sought and received from Dr Sale.

Dr Sale's advice was provided against the background of the school's history of incorrectly asserting that the board did not have reasonable grounds for concluding that AOA had been abused by Mr Lawrence. In that context, the advice sought from Dr Sale was not about AOA or what the board could do for him but, rather, how the school should respond to AOA given that the school mistakenly believed it could not accept that AOA had been abused.

Dr Sale's advice acknowledged that AOA's 'demand for an apology' reflected a recent 'social movement' but it focused on the damage that AOA might do to the school.³²³

In any event, the school did not accept Dr Sale's advice in its entirety. Notably absent from the school's letter in response was any attempt to assist AOA to overcome the effects of his abuse by Mr Lawrence as suggested by Dr Sale.

It is also relevant that, as at April 2002, the school had been actively engaged in discussion with Bishop Harrower about child sexual abuse generally and also specifically about the school's response to AOA. The school had been given a copy of Bishop Harrower's apology to AOA.³²⁴ On 21 March 2002, the board had resolved that a copy of its draft response was to be provided to Bishop Harrower for his comments. However, Mr Toppin did not wait for Bishop Harrower's comments before responding to AOA. The letter of response that Bishop Harrower's Registrar sent to Mr Toppin clearly indicates that Bishop Harrower thought that a more 'compassionate' response to AOA was appropriate.

We are satisfied that the decision of the board on 21 March 2002 to write to AOA saying that it cannot be held accountable for events that occurred more than a generation ago lacked compassion, constituted a denial of institutional accountability and was damaging to AOA in his efforts to overcome the effects of his abuse by Mr Lawrence.

3.10 AOA contacts his federal member of parliament – 2002

After receiving the letter from Mr Toppin, AOA contacted the federal member of parliament for his electorate, the Hon. Bob McMullan MP, to see if Mr McMullan could help him to obtain an acknowledgement of his abuse and an apology from the school.³²⁵

On 26 April 2002, Mr McMullan wrote to the school on behalf of AOA, whom he said was a victim of child sexual abuse by Mr Lawrence. Mr McMullan requested that AOA's letter to Mr Lawrence be returned to AOA and asked if the school would consider sending a more personal response that directly addressed and acknowledged the experience AOA had endured.³²⁶

On 16 May 2002, the chair of the board, Mr Harvey Gibson, responded to Mr McMullan's letter saying that the 'current school community [does] not consider itself accountable for the unfortunate events he relates' and that 'the acknowledgement of regret and sorrow in the School's last letter was sincere and that its terms were also accurate, because the current school community had no present knowledge of, nor the ability to investigate AOA's complaint'.³²⁷

We are satisfied that the response of the board by its chair, Mr Gibson, by letter dated 16 May 2002, to Mr McMullan was incorrect in stating that the current school community had no present knowledge of or ability to investigate AOA's complaint. The school had the record of Dr Bednall's 1994 investigation. That record, taken with AOA's own description of the abuse that he suffered and the psychiatric advice that the board received, was more than sufficient to accept that AOA had been abused as he claimed.

3.11 AOA seeks review of Dr John Bednall's 1994 investigation

On 23 August 2002, AOA wrote to Mr Toppin about Dr Bednall's investigation of his allegations in 1994. AOA gave evidence that he questioned whether his complaint was handled adequately, whether Dr Bednall's investigation was thorough and whether that investigation 'did not result in a cover up, nor in the destruction of evidence'. AOA asked Mr Toppin to reopen his case and 'to openly canvas Old Boys who may have been abused by Mr Lawrence'.³²⁸

On 6 September 2002, Mr Robert Mackay of Dobson, Mitchell & Allport considered AOA's letter and advised that a 'minimalist' approach ought to be taken. Mr Mackay advised that it may be just as effective not to reply at all. Mr Mackay said that 'either approach was equally defensible and one is no more likely than the other to either stop [AOA] from continuing to agitate the matter or to provoke activity from him'.³²⁹ Mr Mackay also noted:

in my view, the decision as to whether the School replies to Mr [AOA] is a matter for the judgement of the board although it would be appropriate, in my view, for me to advise as to the contents of any response which may be sent.³³⁰

On 31 October 2002, the board resolved that it would not respond to AOA's letter dated 23 August 2002.³³¹ The school accepts that AOA found the board's decision hurtful and damaging but says that it was acting on legal advice.³³² The legal advice that the school received clearly stated it was ultimately a matter for the board as to whether or not it would respond. The advice was focused on the likelihood that AOA would continue to agitate the matter or provoke activity and not on AOA's primary complaint that he was abused by Mr Lawrence while he was a student at the school.

We are satisfied that the board's decision on 31 October 2002 not to respond to AOA's letter of 23 August 2002 was hurtful and damaging to AOA in his efforts to overcome the effects of his abuse by Mr Lawrence.

3.12 AOA contacts Mr Warwick Dean – 2010

By May 2010 AOA still had not received a response to his letter dated 23 August 2002. Around that time, AOA says that he learned that a new headmaster had been appointed.³³³

On 3 May 2010, AOA wrote to Mr Dean, the new headmaster at the school, seeking a response to his earlier letter and asking if the school would be more ‘transparent and enlightened’ in its response to him.³³⁴

After Mr Dean read the letter from AOA, he contacted the chair of the board, Mr Scott Harvey. Mr Harvey advised Mr Dean that he should obtain legal advice about how to respond on behalf of the school.³³⁵

On 19 May 2010, Mr Dean responded to AOA stating:

‘[I will] however give careful consideration to [Dr Bednall’s] investigation of [your] complaints. I was appointed headmaster in 2007 and have had no past contact with the School. As such, I will require time to become familiar with the documentation.’³³⁶

On 23 May 2010, Mr Dean reported to the board that he had received a letter from AOA and that he had sought advice from Dobson, Mitchell & Allport together with a draft reply to AOA acknowledging his communication.³³⁷

On 19 July 2010, Mr Andrew Walker of Dobson, Mitchell & Allport provided advice to the school. Attached to that letter of advice were three different proposed responses to AOA.³³⁸ Mr Walker summarised the three main matters concerning AOA to be addressed as follows:

The first is the Bednall investigation. Mr [AOA] refers to his letter of 23 August 2002 to Bill Toppin, in which he asks that the School retrace [Mr] Bednall’s steps in the investigation to assure itself that the investigation was thorough and there was no cover up. This is mentioned in the context of media reports at the time of [Mr] Bednall’s police charges in WA which were subsequently not proceeded with.

The second matter concerns the conclusion that there was ‘no corroborating evidence’, and this appears in correspondence to Bill Toppin dated 17 February 2002, in which Mr [AOA] states that at no time was his declaration taken as evidence.

The third matter is the ‘[AOA] letter’ to Mr Lawrence.³³⁹

In that regard, Mr Walker advised:

In my view Mr [AOA] has a point. Was there a requirement for the board to have corroborating evidence? The answer to that is probably not, and the evidence of Mr [AOA]

himself could reasonably have been given more weight. This is particularly so given what was apparently contained in the [AOA] letter. In all likelihood the investigation was not going to produce ‘corroborating’ evidence, because of the nature of the allegation. The School could properly have considered all of the evidence available and drawn inferences about whether events did occur. In my view there was probably sufficient evidence for an inference to be drawn that the events described by Mr [AOA] did occur. I note that the possibility of an ongoing relationship (something that is denied by [AOA] in later emails) is not in my view relevant to the complaint of abuse. It could only be seen as a possible consequence of it. A child is not able at law to consent to an assault. ...

Previous ‘conditional’ apologies appear to have prolonged Mr [AOA]’s grievances, if not inflamed his manner. Given the passage of time since the last series of correspondence, and more recent changes to attitudes generally to issues of this type and processes that have occurred since then, it may now be appropriate to provide an unconditional apology. I recognise that the psychiatric opinion on the likely effect of this was sceptical, but clearly the qualified approach has not worked.³⁴⁰

On 25 November 2010, the board considered how it should respond to AOA. Mr Dean gave evidence about that meeting. The solicitor’s advice dated 19 July 2010 and three alternative wordings were put before the board at that time.³⁴¹ Mr Dean accepted, when asked by Senior Counsel appearing on behalf of the school, that he could not say with confidence that the board actually saw the letter that advised that it may be timely to offer an apology.³⁴²

Mr Dean said that his and the board’s focus was very much on replying to the challenge AOA put in his correspondence, which was ‘to establish the veracity of Dr Bednall’s investigation’.³⁴³ However, Mr Dean accepted that AOA’s letter dated 3 May 2010 requested an apology.³⁴⁴

Mr Harvey provided a statement which was tendered into evidence at the public hearing.³⁴⁵ Mr Harvey was the chair of the board from 2008 to May 2010 and was present at the board meeting on 25 November 2010. Mr Harvey said that the letter of advice from Mr Walker dated 19 July 2010 was not tabled at the meeting in November 2010 and that he had not seen it before being shown it when he was preparing for the public hearing.³⁴⁶ Mr Harvey said that at the meeting on 25 November 2010 the board did not discuss whether the school should apologise to AOA.³⁴⁷

A statement from Mr Lance Balcombe was also obtained and tendered at the public hearing.³⁴⁸ Mr Balcombe was the chair of the board from June 2010 to December 2012 and he was at the November 2010 meeting.

Mr Balcombe said that the letter of advice from Mr Walker dated 19 July 2010 was not tabled at the meeting in November 2010. He said he had not seen it before being shown it when he was preparing for the public hearing.³⁴⁹ Mr Balcombe did not recall any discussion on 25 November 2010 about whether the school should apologise to AOA.³⁵⁰

Mr Balcombe stated that before the board meeting on 25 November 2010 he would have had a meeting with Mr Dean to prepare for that meeting. Mr Balcombe said that he believed that the draft letter to AOA, which is annexure IV to the minutes of that board meeting, would have been discussed at that time.³⁵¹

Mr Balcombe said that to the best of his recollection his discussion with Mr Dean centred on the allegations of a failure in Dr Bednall's investigation and a cover-up. He said that he had no memory of an apology being discussed with Mr Dean at that meeting.³⁵²

Mr Dean responded to AOA on behalf of the school.³⁵³ His response was approved by the board on the same day.³⁵⁴ The letter of response did not contain an apology or an acceptance that AOA was the victim of child sexual abuse by Mr Lawrence.³⁵⁵ Instead, the letter focused on a review of Dr Bednall's investigation and the whereabouts of the letter that AOA sent to Mr Lawrence.

We heard that AOA thought that Mr Dean's response of 25 November 2010 was a 'waste of time'. AOA gave evidence that he was deeply disappointed that, after 17 years of trying to get an apology, it was still not forthcoming despite the intervention of a number of people, including Mr McMullan, Bishop Harrower, Assistant Bishop Stone, Dr Stephens and the editor of *The Mercury* newspaper.³⁵⁶

AOA gave evidence that, after he received this response, he gave up. He believed the only way for him to move forward was to try and put it in the past and to manage the ongoing effects of the sexual abuse trauma as best he could.³⁵⁷

It is not possible to conclude on the evidence that Mr Walker's advice of 19 July 2010 was provided to the board or any of its members. If it was, it certainly does not appear to have been the focus of the school's response.

Clearly, Mr Dean, in his capacity as headmaster, received the advice on behalf of the school. We accept Counsel Assisting's submission that it would be odd and remiss of Mr Dean not to have discussed that advice with Mr Balcombe in their meeting in preparation for the board meeting and for him not to have tabled it at the board meeting. However, there is no reason to doubt the evidence of Mr Harvey and Mr Balcombe that the letter was not tabled at the board meeting and that the board, when properly constituted, had not seen it.

We are satisfied that:

- The school, by letter to the headmaster, received advice from Mr Walker of Dobson, Mitchell & Allport lawyers by letter dated 19 July 2010 that:
 - it was not a requirement that the board find corroborating evidence of AOA's complaint before accepting it as valid
 - there was sufficient evidence for the inference to be drawn that the events that AOA described did occur

- the possibility of an ongoing relationship between AOA and Mr Lawrence after AOA left the school is not relevant to the issue of abuse – it could only properly be seen as a consequence of it, as a child is not able at law to consent to an assault
- the letter to the headmaster from AOB dated 5 September 2006 supports the inference that the events did occur, with the result that there is a reasonable basis for concluding that the events that AOA described did occur
- it might now be appropriate to provide an unconditional apology.
- The advice of Dobson, Mitchell & Allport was not put before the board; therefore, the board was denied the opportunity to accept or act on that advice.
- On 25 November 2010, the board resolved to write a letter to AOA that contained no apology or acknowledgement of any abuse suffered by him. That approach lacked compassion and was unjustified.

3.13 The impact on AOA of the school's failure to provide an apology

AOA gave evidence that all he ever wanted from the school was a face-to-face acknowledgment that he was abused when he was a student at the school and a genuine, heartfelt apology. AOA said that it was clear to him that the school did not even believe that the abuse occurred or, even worse, that he was to blame for the abuse because he continued to have contact with Mr Lawrence after the abuse ended.³⁵⁸

AOA also gave evidence about the effect that the school's response has had on his ability to move forward. AOA said that the fact that he has been trying to facilitate an apology for over 20 years is evidence in itself that he has been unable to move forward.³⁵⁹

AOA said that if he had received recognition and an apology from the school in 1993 when he first reported that he was abused then it would have been a significant step in his road to recovery. Instead, for the last 20 years he has had to try to attempt to seek his own resolution on this issue.³⁶⁰

3.14 The school provides an apology to AOA – 2014

On 22 October 2014, the school wrote to AOA and apologised for the hurt and distress he suffered as a result of his abuse by Mr Lawrence. Mr Dean expressed regret that this apology was not given at an earlier time. He said that the school now has a policy on how to deal with complaints received by adults of sexual abuse while attending the school.³⁶¹

On 29 October 2014, the board noted that an apology had been given. At that time, the board confirmed the actions of the chair in directing that an apology be given.³⁶²

At the commencement of the public hearing on 19 November 2014, Senior Counsel for the school repeated its apology and acknowledged AOA's abuse. He stated that the current board wished to apologise for the hurt and distress caused to AOA.³⁶³ The current board also wished to acknowledge to AOA that an apology should have been provided to him at an earlier time.³⁶⁴ When asked, Mr Dean could not identify at what earlier time the school should have apologised to AOA.³⁶⁵

None of the headmasters since 1993 had any personal knowledge or were directly involved in the child sexual abuse that AOA reported. The abuse by Mr Lawrence occurred many years before their time in office.³⁶⁶

The school says that the apology provided on 22 October 2014 arose out of the board's appreciation of the full history of the matter, which they acquired when preparing for the Royal Commission public hearing.³⁶⁷ This is consistent with AOA's submission that he would not have received an apology from the school if the Royal Commission's inquiry had not taken place.³⁶⁸ In light of the school's acceptance that an apology should have been provided at an earlier time, it must follow that the school understood that it would have been criticised for failing to provide an apology if it had not done so by the time that the public hearing commenced.

On 1 December 2014, the chair of the board wrote to the parents and students of the school informing them about the public hearing. The chair wrote:

I want to state categorically that the Hutchins School Board apologises sincerely and wholeheartedly, to any and all Hutchins Old Boys who have been sexually abused. Child sexual abuse is an abhorrent crime. We cannot ignore what occurred in the 1960s. Those Hutchins Boys were entitled to protection then and deserve our support now and throughout their lives.³⁶⁹

The school submits that this remains the heartfelt position of the chair and the board.³⁷⁰

We are satisfied that:

- The failure by the board over the years to acknowledge to AOA that he had been sexually abused by Mr Lawrence and to apologise for that abuse materially contributed to AOA's distress and suffering.
- Generally, in dealing with AOA's complaint of abuse and his request for an acknowledgement and apology from the school, the board was motivated by a concern to avoid damaging publicity that it perceived might result from an apology to AOA rather than a concern for the truth about what occurred and compassion for AOA.
- The board's acknowledgement and apology to AOA contained in its letter of 22 October 2014 and the statement on its behalf by Senior Counsel for the school at the commencement of the public hearing is commendable even though it arose directly from the fact that the public hearing was looming and there was concern that the school would be criticised for not making the acknowledgement and apology.

4 AOB

4.1 AOB's abuse by Mr Lyndon Hickman

AOB was a student at the school from 1963 to 1970. During that time Mr Lawrence was the headmaster of the school.³⁷¹

In his first year of high school, Mr Hickman was AOB's French teacher.³⁷² Shortly after AOB started at the school he was groomed and abused by Mr Hickman.³⁷³ In 1965, Mr Hickman left the school. AOB did not report his abuse to anyone at that time. AOB said that he remembers his parents meeting Mr Hickman and telling AOB to try not to be alone with him.³⁷⁴

Around the third term of 1970, Mr Lawrence resigned as headmaster of the school. AOB said that he remembered that his resignation was very sudden.³⁷⁵ AOB said that as a result there was a lot of discussion between the students about why Mr Lawrence resigned.³⁷⁶

4.2 AOB reports his abuse to Anglican Diocese of Tasmania

In 1997, the Diocese established a public inquiry into allegations of child sexual abuse by the clergy – the Independent Pastoral Inquiry into Sexual Misconduct by Clergy or Officers of the Anglican Diocese of Tasmania (the Anglican inquiry).

Around the year 2000, AOB gave evidence that he contacted the inquiry and reported his abuse at the school to the inquiry. AOB had not previously reported his abuse to anyone.³⁷⁷

AOB gave evidence that he thought that the Anglican inquiry might be able to assist him to obtain information from the school – in particular, information about the circumstances surrounding Mr Lawrence's departure from the school.³⁷⁸ AOB said that he thought that the information about Mr Lawrence's departure would help him to understand the context in which his abuse occurred and whether his abuse at the school was an isolated occurrence or part of a wider pattern of abuse.³⁷⁹

AOB gave evidence that he met with a counsellor from the Anglican inquiry. The counsellor informed him that his abuse did not fall within the scope of the inquiry but suggested that she could perhaps help him to arrange a time to meet with the then headmaster, Mr Toppin.³⁸⁰

AOB gave evidence that Mr Toppin was prepared to meet with him but that his diary was full and the meeting would have to wait for a couple of months.³⁸¹

Ultimately, the meeting could not be organised. AOB did not meet with Mr Toppin to discuss his abuse or seek further information about Mr Lawrence's resignation from the school.³⁸²

4.3 AOB contacts the school about proposed publication of a school history

In 2006, the school's historian was writing a book on the history of the school. In September 2006, AOB saw an advertisement in the school newsletter, the *Magenta and Black*, asking former students and acquaintances to contact the school to give stories of their time at the school to help the historian with the book.³⁸³

On 5 September 2006, AOB wrote to the editor of the *Magenta and Black* stating that a history of the school would be highly deficient if it did not fully and proactively examine the period when Mr Lawrence was headmaster. AOB observed:

An invitation to past students to submit memories, recollections of this particular period may be most interesting. There would appear to be an abundance of 'D H Lawrence [sic] tenor material' usually forthcoming in the form of jokes, allegations, embarrassed silences, bravado, and sheer pain etc. (usually deflected or covered up) whenever students of this era gather together.

... it may be that you are alerted to issues of the sudden, unexplained (almost covert) departure of Lawrence from the School and country, allegations of sexual abuse, allegations of suicide related to the same, allegations of an informal and/or formal network of alleged perpetrators of sexual abuse etc preying on students, alleged 'cover-up' of abuse, etc.³⁸⁴

After Mr Toppin received this letter, he contacted the school's solicitors to assist him to draft a 'minimal' reply to AOB's letter.³⁸⁵ Mr Toppin suggested something along these lines:

the history covers the times at Sandy Bay and provides a fair and accurate picture subject to the normal lines of defamation and liability of that time at the School. I will pass your letter on to the Historian.³⁸⁶

He explained the following to the solicitors:

My reason for suggesting that the letter be passed on to the Historian is to give the sense that I am 'doing something'. It is my view that there are no allegations from the writer.³⁸⁷

On 15 September 2006, Mr Toppin received a draft response from the school's solicitors.³⁸⁸ Mr Toppin provided the solicitors with some suggested amendments to that letter.³⁸⁹ He later discussed these amendments with the school's solicitors. They advised that a conversational tone was not warranted and that it is important to assume that any letter the school wrote was likely to find itself in the public domain. It was ultimately agreed that the response must reflect that the school takes issues like this extremely seriously.³⁹⁰

On 27 September 2006, Mr Toppin wrote to AOB stating that the allegations and imputations contained in his letter were extremely serious and that if AOB, or any others, were the victims of sexual abuse at the school the most appropriate course was to report the matter to the police.³⁹¹

The board did not discuss the school's response to AOB's letter dated 5 September 2006 at any of its meetings. During the public hearing, Mr Toppin accepted responsibility for the school's reply to AOB's letter dated 5 September 2006.³⁹² Mr Toppin also accepted that the school's response to AOB should have been one of support or empathy for AOB's request for recognition.³⁹³

Mr Toppin gave evidence that he did not remember referring AOB's letter to the school historian even though AOB had asked that the school historian proactively examine the period when Mr Lawrence was headmaster.³⁹⁴

We are satisfied that Mr Toppin's letter in response of 27 September 2006 to AOB's letter of 5 September 2006, which referred AOB to the police, lacked empathy and compassion for AOB.

4.4 AOB reports his abuse to the school and the school responds

On about 2 March 2009, AOB wrote to the school requesting a meeting to attempt to resolve the matters that he had raised about his time as a student at the school. AOB did not disclose to the school that he had been a victim of abuse while he was a student at the school.³⁹⁵

On 15 May 2009, AOB met with Mr Dean, the headmaster at the time, at AOB's house. AOB said that at that meeting he disclosed to Mr Dean that he was sexually abused when he was a student at the school in the 1960s.³⁹⁶ AOB said that he told Mr Dean that he wanted to know the real reason that Mr Lawrence resigned so that he could put his abuse in some context and 'so that he could make sure it did not happen again'.³⁹⁷ AOB reported that Mr Dean told him that he did not know anything about why Mr Lawrence resigned and that he should report these matters to the police.³⁹⁸

Mr Dean could not recall much of the conversation but accepted in evidence AOB's account of the meeting on 15 May 2009.³⁹⁹

On 20 May 2009, Mr Dean reported to the board that he had met with AOB regarding 'events that occurred when Mr [AOB] was a student at the School'.⁴⁰⁰ The board resolved that a written response was appropriate and that Mr Dean should contact the school's solicitors to frame a response to AOB.⁴⁰¹ Mr Dean then sought advice from the school's solicitors.⁴⁰²

On 25 May 2009, Mr Dean received a letter from the school's solicitors that included a proposed draft response.⁴⁰³ Mr Dean then wrote to AOB in the terms proposed by the school's solicitors.⁴⁰⁴

Mr Dean wrote to AOB:

Because of their nature these matters should be raised with the Tasmania Police which does have the capability, facilities and resources as well as the experience to deal with them. The Hutchins School will co-operate fully with any requests from the Tasmania Police.⁴⁰⁵

Mr Dean gave evidence that the letter was intended in the first instance to encourage AOB to go to the police and to inform him that the school was happy to support any investigation that the police conducted.⁴⁰⁶

AOB gave evidence that he thought that this was a strange response. He thought he had made it clear that all he was seeking was further information about Mr Lawrence's resignation from the school to provide him with context about his own abuse.⁴⁰⁷ AOB said that he did not know why the school could not assist him when the school's historian was preparing a history about the school that included the time when Mr Lawrence was headmaster.⁴⁰⁸ AOB said that he thought the school could help him to obtain this information through its historian.⁴⁰⁹

AOB did not report his abuse to the Tasmania Police until May 2010. AOB said that he told the police that he did not want them to take any action and that he did not want to disclose the identity of the offender to the school.⁴¹⁰ AOB also gave evidence that he told the Tasmania Police that the purpose of reporting to the police was to help him to arrange another meeting with the school.⁴¹¹

We are satisfied that Mr Dean's response in his letter of 25 May 2009 to concerns that AOB raised in a meeting with Mr Dean on 15 May 2009 did not address AOB's primary request for information about the circumstances surrounding Mr Lawrence's departure from the school. The response was unhelpful to AOB in that it did not help him to understand the circumstances surrounding his abuse.

4.5 AOB seeks further information about Mr Lawrence's departure from the school

AOB writes to the school

On 4 October 2011, AOB wrote to the school stating that he had reported his matter to the police. AOB said that he wanted a resolution with the school without police involvement. AOB again asked for an explanation for or reason that Mr Lawrence had left the school.⁴¹² After Mr Dean received this letter, he sought legal advice.⁴¹³

On 6 October 2011, Mr Dean received advice from the school's solicitors that included an explanation of the reasons Mr Lawrence had left the school. This explanation was based on the solicitor's review of the files and, in particular, Dr Bednall's report to the board on Mr Lawrence's departure from the school.⁴¹⁴

On 11 October 2011, Mr Dean wrote to AOB and arranged a time to meet with him to ‘pursue his requests’.⁴¹⁵ At the meeting, Mr Dean did not give AOB the explanation that was set out in the solicitors’ letter of advice.

On 19 October 2011, the board met and Mr Dean advised that he had received a letter from AOB and had subsequently sought legal advice from the school’s solicitors.⁴¹⁶

The minutes of the board record:

It was agreed that Mr Dean was to meet with Mr [AOB] to discuss any issues he may wish to raise. Mr Dean advised the board as to how he would deal with any issues raised which was ratified by the board.⁴¹⁷

Mr Dean gave evidence that his intention was to meet with AOB to provide him with any information that he had, to listen to what he had to say and then to take instructions from the board on a report of that meeting.⁴¹⁸ Mr Dean also gave evidence that the board approved that he communicate to AOB the explanation for Mr Lawrence’s departure that was contained in the solicitor’s letter of advice dated 6 October 2011.⁴¹⁹

Mr Dean meets with AOB

On 26 October 2011, AOB met with Mr Dean in Mr Dean’s office. Mr Dean opened that meeting by offering an apology for the abuse AOB experienced at the school.⁴²⁰ We heard evidence from Mr Dean that he did not have authorisation from the board to apologise but that it was something that he had taken on himself.⁴²¹ Mr Dean also apologised for the school’s response to AOB’s request for information about Mr Lawrence’s departure and he offered AOB compensation for counselling expenses.⁴²²

It was compassionate of Mr Dean to offer that apology.

Mr Dean and AOB then discussed the circumstances surrounding Mr Lawrence’s resignation from the school.⁴²³

AOB gave evidence that Mr Dean told him that Mr Lawrence had left the school because Mr Lawrence’s secretary had intercepted a letter that indicated that Mr Lawrence was having a sexual relationship with a student.⁴²⁴ AOB said that he felt that, while the information surrounding Mr Lawrence’s departure was scant, it was a ‘breakthrough which could be built on and progressed’.⁴²⁵

AOB gave evidence that he asked if the letter still existed and Mr Dean said that it did not.⁴²⁶ AOB said that Mr Dean asked him if he was aware of allegations about a paedophile ring operating in Hobart at about that time. AOB said that he was not.⁴²⁷

In his statement provided to the Royal Commission, Mr Dean said that at the meeting on 26 October 2011 he ‘outlined the history of events leading to Lawrence resigning as outlined in A Walker’s letter to W Dean of 6 October 2011’.⁴²⁸

Mr Dean said he thought he told AOB that ‘there was a controversy around a note that had been addressed to the headmaster that led to his resignation and departure from the School’.⁴²⁹

The following exchange then took place between Senior Counsel Assisting and Mr Dean:

Senior Counsel Assisting: Might it be that at that time you didn’t give more information than what you just outlined now?

Mr Dean: I don’t accurately recall all of the conversation, but I was trying to put out to Mr AOB that the headmaster had left the school by resignation; the basis of that was apparently his secretary had opened a letter and that that letter had created controversy that led to his departure. I just can’t recall all of the detail.⁴³⁰

AOB gave evidence that after this meeting he wondered why he was not given the information about Mr Lawrence’s departure when he first contacted the school and whether there was any other information about Mr Lawrence that was being withheld.⁴³¹

The letter from Mr Walker, the school’s solicitor, to Mr Dean dated 6 October 2011 contains a significant amount of detail about the circumstances surrounding Mr Lawrence’s departure from the school. It is not clear on the evidence just how much detail from that letter Mr Dean gave AOB at the meeting on 26 October 2011. AOB says that he was only told about the interception of the letter to Mr Lawrence from a former student.⁴³² In his oral evidence, Mr Dean made it clear that he could not remember what he had told AOB other than that it was something about the intercepted letter and Mr Lawrence’s resignation.⁴³³

The steps that AOB took after that meeting to try to get more information, including arranging a meeting with the Diocese, suggest that AOB was given limited information about Mr Lawrence’s departure at the meeting with Mr Dean.

We are satisfied that Mr Dean acted compassionately and consistently with the school’s values when apologising to AOB for his abuse.

4.6 AOB contacts the Anglican Diocese of Tasmania

By 2013, AOB believed that the school was trying to ‘whitewash’ what happened during the time that Mr Lawrence was headmaster. AOB still wanted more information about the reason Mr Lawrence had left the school.⁴³⁴

AOB did not trust the information that Mr Dean had given him. He thought that the Anglican Church might be able to help him to get further information from the school because he understood the school was an Anglican school.⁴³⁵ AOB said that he thought that the Anglican Church might be able to help to hold the school accountable for what had happened.⁴³⁶

On 10 May 2013, AOB met with Ms Annette Sims, the Professional Standards Director of the Diocese. AOB disclosed to Ms Sims that he had been abused while he was a student at the school. He said he was seeking an acknowledgement from the school about what happened to him and he wanted to ensure 'that it did not happen again'.⁴³⁷

At the end of the meeting it was agreed that Ms Sims would speak with Bishop Harrower and his Chancellor about these matters.⁴³⁸ AOB said that he told Ms Sims not to raise the issues with Mr Dean.⁴³⁹

AOB writes to Bishop Harrower

By the end of May 2013, AOB had not been contacted by Bishop Harrower.⁴⁴⁰

On 4 June 2013, AOB wrote to Bishop Harrower setting out his personal history, including his claim that he was sexually abused while he was a student at the school during the 1960s, and what he was seeking from the Diocese and the school. AOB wrote that he had two objectives:

- a. Contextualisation – was [AOB's] abuse in isolation or were there other victims;
- b. Prevention – if there was a widespread pattern of abuse this needs to be recognised to ensure that there are current measures in place to avoid history repeating itself.⁴⁴¹

In that letter, AOB said that it had not been easy for him to write the letter and it had been another exhausting and emotionally draining experience in this ongoing matter, which seemed to find no justice or closure.⁴⁴²

After Bishop Harrower received this letter, he sought advice from his Chancellor, Ms Audrey Mills.⁴⁴³ Ms Mills assisted Bishop Harrower to draft a response to AOB.⁴⁴⁴

On 14 June 2013, Bishop Harrower responded to AOB. In his letter Bishop Harrower asked whether AOB would be willing for him to raise these matters with the school. He noted that he had no power to compel the school to respond but he could, as Visitor, request that the information be provided.⁴⁴⁵ He asked whether AOB would advise whether he was willing for him to proceed as set out in the letter.⁴⁴⁶

After further correspondence with AOB, AOB gave his unconditional permission for Bishop Harrower to meet with the headmaster or any other persons associated with the school to discuss the matters AOB raised.⁴⁴⁷

Bishop Harrower meets with Mr Dean and Chancellor Mills

In August 2013, a meeting was arranged between Bishop Harrower, Chancellor Mills and Mr Dean.

Bishop Harrower gave evidence that he arranged this meeting because this was the second complaint of child sexual abuse that the school had received, AOB was seeking information about some of the systemic issues and Bishop Harrower wanted to know how the school was responding.⁴⁴⁸

Bishop Harrower said that he was again using his Visitor role to meet with the headmaster and the Bishop's Chancellor to 'think through' AOB's complaint. He said that AOB's complaint was very different from the complaints that he was familiar with because AOB did not refer to his abuse and the complaint was more 'generalised'.⁴⁴⁹ The Bishop said that he was 'quite puzzled' trying to work out how to progress it.

At 2 pm on 29 August 2013, Bishop Harrower met with Mr Dean and the Bishop's Chancellor. The purpose of the meeting was to obtain information from the school about AOB's enquiries and complaint.⁴⁵⁰ At that meeting, Mr Dean outlined the history of the school's contact with AOB and explained that he had provided an unconditional apology to AOB.⁴⁵¹

Bishop Harrower gave evidence that at the end of the meeting it was resolved to offer AOB a meeting with Bishop Harrower and Mr Dean. Bishop Harrower said that he thought 'it was a positive outcome if he could help, walk with AOB in that way, and facilitate a meeting'.⁴⁵²

On 11 September 2013, Bishop Harrower arranged for a letter to be sent to AOB inviting him to meet with him and Mr Dean at his office on 16 October 2013.⁴⁵³

AOB receives a further letter from Mr Dean

On 27 September 2013, AOB received a letter from Mr Dean stating that he was 'motivated to again give [my] best support to [you] and your questions related to a period of history of the Hutchins School that covers the headmastership of Mr D R Lawrence'. Mr Dean said that he was able to assure AOB that a thorough and extensive search by the school's archivist had not revealed any material evidence about the matters that led to the resignation of Mr Lawrence.⁴⁵⁴

Mr Dean told AOB that the history of the school entitled *Character Unbound* was now published and available to be released for public sale. He said that the author had completed a detailed and most diligent process and in writing the text he had asked her to be full in her writing.⁴⁵⁵

Mr Dean stated that he was able to disclose that one other person had come forward to the school. He again apologised, without equivocation, to AOB for any harm and hurt that he may have experienced. He indicated that a process remained in place for pastoral support and counselling. Mr Dean extended an 'invitation to meet with him and the Bishop'.⁴⁵⁶

4.7 Meeting between AOB, Bishop Harrower and Mr Dean

On 16 October 2013, Bishop Harrower met with Mr Dean and AOB.⁴⁵⁷ AOB gave evidence that the meeting started at 11.10 am or 11.15 am.⁴⁵⁸

At the start of the meeting, AOB said that wanted to discuss the circumstances in which Mr Lawrence left the school.⁴⁵⁹ AOB did not give any details about the abuse that he had suffered at the school and did not name the perpetrator of the abuse.⁴⁶⁰

Mr Dean gave evidence that AOB asked about the intercepted letter and who may have had knowledge about the letter.⁴⁶¹ AOB gave evidence that Mr Dean repeated what he had told AOB at the October 2011 meeting about Mr Lawrence's departure from the school.⁴⁶²

AOB says that Mr Dean's evidence is incomplete as to what happened at the meeting on 26 October 2011.⁴⁶³

Bishop Harrower gave evidence that he did not know, as at the date of the meeting, that in 1994 Dr Bednall had conducted an investigation of the circumstances surrounding Mr Lawrence's departure from the school.⁴⁶⁴ Bishop Harrower said that Mr Dean did not refer to Dr Bednall's report during the meeting on 16 October 2013.⁴⁶⁵

We also heard that at that meeting Mr Dean apologised to AOB for whatever harm or hurt AOB had experienced in the past and that this apology was without any exception. Mr Dean said that he repeated his offer of ongoing support and counselling.⁴⁶⁶

At the end of the meeting, Mr Dean presented AOB with a copy of the school's history entitled *Character Unbound*.

After Mr Dean left the meeting, AOB stayed and spoke with Bishop Harrower about his frustration with the school.⁴⁶⁷ Bishop Harrower gave evidence that AOB declined to speak about his abuse or give the name of the perpetrator. Bishop Harrower said it was obvious that AOB was deeply hurt and that he was frustrated that the school was 'covering up' and would not provide him with 'information'.⁴⁶⁸ Bishop Harrower said that AOB kept referring to Mr Lawrence and what happened to cause him to leave. AOB suggested that there had been a cover-up.⁴⁶⁹

4.8 Contents of the book *Character Unbound*

Following this meeting AOB read the book *Character Unbound* because Mr Dean had previously assured him that the book would be a transparent and honest account of the school's history.⁴⁷⁰

The book describes Mr Lawrence's departure. The author writes:

Lawrence's sudden resignation caused shock waves in the community. He arrived at Board Chairman Arnold Wertheimer's house on the morning of Sunday, 13 September with his letter of resignation already written. His abrupt departure coincided with the discovery of a letter *detailing the nature of his relationship with a former student*. With his participation in social activities outside the School already under external investigation, Lawrence had no other option in the face of looming scandal.⁴⁷¹ [Emphasis added.]

The author also wrote:

If his hasty exit had not provoked more questions than it answered – and left unanswered for over thirty years – he might today be accorded due recognition for his significant educational achievements, instead of being the Headmaster talked about in *hushed tones of embarrassment*, if discussed at all.

...

Bemused Hutchins boys later wondered why their Headmaster had departed so suddenly. Many felt a strong sense of betrayal by their hitherto revered and all-powerful leader when stories of his extra-curricular activities filtered through the bureaucratic haze. Some of these have maintained their distance from the School to this day, say that they will renew their connection with the Old Boys' Association only when the matter has been dealt with openly and honestly. At the time, though, appearances were maintained – as was the official silence.

A sense of death overshadows Lawrence's departure from Hutchins. Tributes poured in from many sources in appreciation of his work; since the demise of J. R. Buckland nearly 100 years earlier, no other Headmaster has inspired such a concentrated expression of feeling from all quarters, at least in the published record of the School. *Genuine regret for the fate of both Lawrence and his young charges – perhaps in some cases mixed with a hint of guilt and in others complete ignorance of the facts – combined with an absolute determination to obliterate any whisper of wrongdoing*. The result reads as well as an obituary.⁴⁷² [Emphasis added.]

In the epilogue the author writes:

After a memorable start to his captaincy David Lawrence had begun to lose steerage of the good ship Hutchins; he was forced to relinquish command when it began to appear that *he was growing careless about the wellbeing of his most vulnerable sailors.*⁴⁷³
[Emphasis added.]

AOB gave evidence that after he read those sections of the book that dealt with Mr Lawrence and his departure, he was very angry and believed that all hopes of accountability and transparency were gone.⁴⁷⁴ AOB feels that the book downplays the seriousness of what happened at the school in Mr Lawrence's time as headmaster and was another failure by the school to respond to allegations of sexual abuse and the circumstances surrounding Mr Lawrence's resignation.⁴⁷⁵

AOB gave evidence that he did not understand why the school alleged it was unable to investigate these matters and that he should report these matters to the Tasmania Police given that the school's historian was in fact examining and receiving information about the very circumstances surrounding Mr Lawrence's resignation.⁴⁷⁶

Mr Dean accepted in evidence that the book *Character Unbound* was not a full account of everything known, as at the time of publishing, about Mr Lawrence's departure from the school.⁴⁷⁷ The school says that the book is a history of the school written in a scholarly but 'reader friendly' style. The school says that the book does not purport to comprehensively cover every event that occurred at the school, including Mr Lawrence's departure.⁴⁷⁸

The school submits that, properly understood, the publication of the relevant content in *Character Unbound* is very much to the school's credit. The school says 'it should be regarded as a laudable attempt by the School board to publically acknowledge these issues as they were known at the time. No doubt there were those in the School community who would have preferred to consign those matters to history, unacknowledged'.⁴⁷⁹

The book does not include all of the information that was available to the school about Mr Lawrence's departure as set out in unverified drafts prepared by the school historian⁴⁸⁰ and Dr Bednall's investigation report.⁴⁸¹

In particular, the book *Character Unbound* does not state that:

- the relationship with the former student was a sexual relationship
- the intercepted letter that revealed the relationship came to the attention of the deputy headmaster, secretary and the school chaplain
- the 'social activities' that were under investigation were Mr Lawrence's involvement with a group of homosexuals at a time when homosexuality was criminalised and prosecuted in Tasmania.

The book simply touches upon Mr Lawrence's resignation without going to the heart of the matter: that Mr Lawrence sexually abused children when he was the headmaster of the school.

Speaking of the circumstances surrounding Mr Lawrence's departure and his offending in euphemistic words such as 'nature of the relationship', 'social activities' and 'hushed tones of embarrassment' cannot be said to 'publically acknowledge the issues as they were known at the time'. Further, the epilogue of the book describes Mr Lawrence as 'growing careless about the wellbeing of his most vulnerable sailors'. On any reading, this cannot be described as a public acknowledgement of the issues or an honest and transparent account of the events surrounding Mr Lawrence's departure from the school. Intentional sexual abuse cannot fairly be described as carelessness.

We are satisfied that in the book *Character Unbound* the school failed to provide an honest and transparent account of the events surrounding Mr Lawrence's departure from the school. It did not include a detailed summary of Mr Lawrence's conduct as known to the school at the time of publication and it clouded the facts by using euphemisms and innuendo.

4.9 Mr Dean gives AOB information about Mr Lawrence's departure

On about 7 July 2014, AOB wrote to the school to seek clarification and further information about *Character Unbound* – in particular, the sections of the book that relate to Mr Lawrence and the circumstances surrounding his departure from the school.⁴⁸²

On 7 August 2014, after Mr Dean returned from sabbatical leave, he responded to that letter. He provided detailed information about the circumstances surrounding Mr Lawrence's resignation.⁴⁸³ Mr Dean gave evidence that the school's solicitors assisted in the preparation of this letter.⁴⁸⁴ Much of the information in the letter of 7 August 2014 was known to the school from 1994 and appears to have been derived from Dr Bednall's report of 17 March 1994.

Mr Dean gave evidence that this letter summarised everything that he knew on that date about the circumstances of Mr Lawrence's resignation from the school. Mr Dean gave evidence that he thought that this information had been previously provided to AOB, but to the extent that it contained any additional information it was because the school continued to look for further information.⁴⁸⁵

Bishop Harrower gave evidence that if this information was available to Mr Dean at an earlier time it should have been given to AOB.⁴⁸⁶ Bishop Harrower also gave evidence that, in his experience, this type of information was very helpful to a survivor of child sexual abuse.⁴⁸⁷

AOB gave evidence that the information that Mr Dean gave him made the statement in *Character Unbound* a little less ambiguous but still raised many questions.⁴⁸⁸

If this information had already been given to AOB at an earlier time, it is difficult to understand why AOB would write to the school trying to understand the circumstances surrounding Mr Lawrence's departure from the school.

On the evidence, the position appears to be that in the October 2011 meeting the information that was given to AOB was limited to the mention of an intercepted letter to Mr Lawrence from a former student, which revealed that Mr Lawrence was having or had had a sexual relationship with that student; and that the interception of the letter led to Mr Lawrence's resignation. In the October 2013 meeting that included Bishop Harrower, very little, if any, additional information was given to AOB save that a copy of *Character Unbound* was presented to AOB. As indicated, while the account in the book gave more detail of the circumstances surrounding Mr Lawrence's resignation, it was far from fulsome. It was only in the letter of 7 August 2014 that a fulsome account of the circumstances of Mr Lawrence's departure was given to AOB.

The result is that the school failed to take AOB into its confidence and to reveal to him at the earliest opportunity all the relevant information that it had at its disposal about the circumstances of Mr Lawrence's departure from the school and the historical context of AOB's own traumatic experience at the school. Eventually, a fulsome account was given to AOB. That is commendable, but in the meantime AOB's anxiety and trauma were unnecessarily prolonged.

5 AOD

5.1 AOD's abuse by Mr Ronald Thomas and Mr Ken Dexter

AOD attended The Hutchins School from grade 1, in 1963, to the end of grade 10, in 1973. AOD left the school in year 10 because he no longer wished to attend.⁴⁸⁹ He completed his secondary education at a government college.⁴⁹⁰

AOD gave evidence that when he was around eight years old he started taking guitar lessons with Mr Thomas, one of the music teachers at the school. He said that he would be taken out of class to learn guitar one-on-one with Mr Thomas.

During these lessons he would sit on a piano stool next to Mr Thomas. AOD gave evidence that, over a period of 10 to 12 weeks, Mr Thomas gradually started touching his right leg. As time progressed, Mr Thomas would move his hands up AOD's thigh until his hands were inside his shorts and eventually touching his genitals.⁴⁹¹

AOD said that Mr Thomas took a nurturing approach during the lessons. When AOD made a mistake during the lessons he would put his hands on AOD and say something like 'men need to look after each other'. AOD recalled Mr Thomas saying something about keeping secrets, but he could not recall the exact conversation, 'just secrets'.⁴⁹²

We heard evidence that AOD did not realise at the time that he was being sexually abused. He said that he felt very uncomfortable and became quite nervous and scared.⁴⁹³ After that term ended, AOD did not go back for more guitar lessons at the school.⁴⁹⁴

We also heard evidence from AOD about the physical education teacher at the school – Mr Dexter. AOD said that Mr Dexter made all of the students stand naked in front of their lockers, facing each other and standing up straight with their hands by their sides. AOD said that it was a parade that the students would have to do while Mr Dexter conducted what he described as a 'posture inspection'.⁴⁹⁵

AOD gave evidence that on one occasion Mr Dexter walked over to him, brushed his hands across his lower stomach near his penis and said words to the effect of 'you need to pull your stomach in AOD'.⁴⁹⁶ AOD said that it was incredibly embarrassing for him and that this incident had always been particularly traumatising for him. As a result of the abuse, he has trouble trusting men in certain situations. This has carried through to AOD's adult life.⁴⁹⁷

5.2 AOD discloses his abuse

AOD did not report his abuse to anyone until October 2014. He said that he did not report or disclose his abuse to his parents because he felt that he could not speak to them about it. He felt that there was no-one he could talk to about it and he could not even tell his friends.⁴⁹⁸

AOD said that not reporting his story until now has meant that he has had to live with his sexual abuse for his entire adult life. AOD gave evidence that reporting his abuse was the first step that he had taken to move forward.⁴⁹⁹

We also heard from AOD about the long-term effects that his sexual abuse had on his music and academic achievement.⁵⁰⁰ We also heard from AOD about his view that the school history *Character Unbound* was not an accurate history of the school and that it was a 'bit of a cover up'.⁵⁰¹

6 AOE

6.1 AOE's abuse by Mr Ronald Thomas, Mr Ken Dexter and Mr David Lawrence

Between 1964 and 1972, AOE was a student at the school. AOE gave evidence that during that time he was groomed and sexually abused by Mr Thomas and Mr Dexter. Mr AOE also gave evidence that he was abused by Mr Lawrence.⁵⁰²

AOE said that either toward the end of grade 6 or during grade 7, his music teacher, Mr Thomas, started sexually abusing him. Mr Thomas was the same music teacher that abused AOD. AOE said that during private lessons, while he was playing the piano, Mr Thomas would grab his penis and rub himself against AOE.⁵⁰³ He said that he would try to get up and run away, but Mr Thomas would grab him and hold him on the floor face down.

AOE also gave evidence about an occasion in either grade 8 or grade 9 when the physical education teacher, Mr Dexter, made the boys stand naked along gym benches in front of their lockers. Mr Dexter then went around and weighed their testicles in his hands.⁵⁰⁴

AOE stated that he was sexually abused by Mr Lawrence when he was in grade 6. AOE had been sent to Mr Lawrence's office to be punished by caning. When he got to Mr Lawrence's office, Mr Lawrence told him to take his pants off and bend over the desk. Mr Lawrence did not cane AOE but instead started playing with his penis while looking at AOE's bottom. After about five minutes Mr Lawrence tapped AOE lightly on the bottom with the cane and let him leave his office.⁵⁰⁵

6.2 AOE discloses his abuse

We heard evidence that at the time that Mr Thomas started to abuse AOE, AOE started to have trouble sleeping, so he reported the abuse to his parents one night. However, they did not believe him.⁵⁰⁶

AOE also gave evidence that he reported his abuse by Mr Thomas to Mr Lawrence. Mr Lawrence assured him that he would do something about it, but nothing happened and Mr Thomas continued to abuse AOE in his music lessons.⁵⁰⁷

After that time, AOE did not report his abuse to anyone until 2014, when he learned the Royal Commission was intending to hold a public hearing in Tasmania.⁵⁰⁸

In October 2014, AOE reported his abuse to the school and the Diocese. He gave evidence that after he reported his abuse to the school he was given copies of the school's Policy for Dealing with Complaints Received by Adults of Sexual Abuse whilst Attending the School,⁵⁰⁹ a document entitled Procedures to Investigate a Complaint Regarding a Former Employee of the School or a Deceased Employee of the School⁵¹⁰ and the Guidelines for Application for Pastoral Support and Assistance Scheme.⁵¹¹

7 Mr Timothy Rowland

7.1 Mr Rowland's abuse by Mr Lyndon Hickman

Mr Timothy Rowland attended the school from kindergarten in 1953. He left the school in 1964.⁵¹²

In late 1963 or early 1964, Mr Rowland stated that Mr Hickman sexually abused him in French lessons on two occasions.⁵¹³ On the first occasion, Mr Hickman asked him to stay back after class. Mr Hickman took him into his office and told him he was a 'dummy' and that he had to be taught a lesson. Mr Hickman then pulled down his pants and anally raped him with his penis.⁵¹⁴

On the second occasion, Mr Hickman summoned Mr Rowland to his office. He stated that Mr Hickman again raped him with his penis.⁵¹⁵ After this occasion, Mr Rowland never went back to French lessons with Mr Hickman.⁵¹⁶

7.2 Mr Rowland discloses his abuse

We heard evidence that, at the time of the abuse, Mr Rowland reported his abuse to Mr Ayling.⁵¹⁷ Mr Rowland gave evidence that he told Mr Ayling, when he was standing near the sports oval, that he had been abused by Mr Hickman.⁵¹⁸ Mr Rowland gave evidence that Mr Ayling said 'leave it to me'.⁵¹⁹ He said that he did not know whether Mr Ayling ever did anything about the sexual abuse he had told him about. Approximately five to six months later, Mr Rowland left the school.⁵²⁰

Mr Ayling gave evidence that he remembered Mr Rowland 'quite well'⁵²¹ but had no memory of Mr Rowland reporting his abuse by Mr Hickman to him.⁵²² Mr Ayling said that it was not to say that it did not happen⁵²³ and that Mr Rowland reporting his abuse to him 'could well have happened'.⁵²⁴

Mr Ayling said that if Mr Rowland had reported his abuse he would have either told Mr Hodgman, who was a lawyer and Old Boy and whom he knew he could discuss things with confidentially; or Reverend Eagle, the school chaplain.⁵²⁵ Mr Ayling gave evidence that he could not remember discussing Mr Rowland's abuse with either of them.⁵²⁶ We have referred to Mr Ayling's evidence about Mr Hodgman earlier in this report.

Mr Rowland did not tell his parents about his sexual abuse at the time because he was ashamed.⁵²⁷

Mr Rowland reported his abuse to the school three weeks before he gave his statement to the Royal Commission.⁵²⁸ He said that, after he reported his abuse by Mr Hickman to the school, a counsellor from the school contacted him.⁵²⁹ However, he did not receive any other information about how to make a formal complaint.⁵³⁰

Mr Rowland also gave evidence about the effects of child sexual abuse on him.⁵³¹ He said that, although he had some personal health issues, his sexual abuse had not affected him throughout his life and he had been able to function normally day to day and he was very good at his job.⁵³²

8 The Hutchins School's apology

On the first day of the public hearing, Senior Counsel for the school indicated at the outset that the school accepted that AOA, AOB, AOD and AOE were abused by members of the staff in the 1960s.⁵³³ At that point in time, Mr Rowland had not come forward and provided a statement to the Royal Commission.

Senior Counsel indicated that he was instructed that the current board wished to apologise for the hurt and distress caused to each of them.⁵³⁴

The school has confirmed that since the announcement of the Royal Commission public hearing it has had contact from nine other individuals who reported that they had been abused while they were students at the school. They have all been offered independent counselling. All complaints that the school has received relate to the time before and during the period when Mr Lawrence was headmaster at the school.⁵³⁵

This case study has revealed that there was a widespread problem of child sexual abuse at the school during the headmastership of Mr Lawrence. As recorded by Dr Bednall in his report considered at the board meeting on 17 March 1994, 'the whole matter should not be assessed only within the context of Mr Lawrence's headmastership'.⁵³⁶ He also stated that 'successive Boards of Management appear to have been quite unaware of the seriousness of risk to which boys had been exposed'.⁵³⁷

Given the number of men who have complained of having been sexually abused when they were students at the school and the number of teachers who are implicated in that abuse, the nature of the school environment clearly placed children at risk. That is something that the board and the school community should have been aware of.

Indeed, as AOE submitted, an assessment of the veracity of historical reports of sexual abuse is often made in increments. For this reason, every piece of information reported or gathered is important and the whole record, if accurately kept, may help others to assess whether later complaints have credibility.⁵³⁸

The board has not been shown to have had the same failing in recent times. However, over a long period of time the board failed to come to a proper understanding of child sexual abuse and a way to respond to complaints of abuse. We agree with Senior Counsel Assisting's submissions that recent indications are that that is changing.

On 1 December 2014, the chair of the board wrote to the parents and students of the school informing them about the public hearing and apologising to any former students who were sexually abused.

The school submits that this remains the heartfelt position of the chair and the board.

We are satisfied that the school's acceptance that AOA, AOB, AOD, AOE and Mr Rowland had been abused by members of staff of the school and its apology to them are commendable and assist the process of healing.

9 The Hutchins School's policies and procedures for child sexual abuse

For a number of years, the school has had in place general policies and procedures for the safety of students,⁵³⁹ including:

- general policies and procedures for the resolution of grievances
- child protection policies
- mandatory notification guidelines
- harassment and bullying guidelines.⁵⁴⁰

In March 2013, in conjunction with Bishop Harrower and two other Anglican schools in Tasmania, the school resolved to develop a policy on how to respond to adult survivors of child sexual abuse.⁵⁴¹ As a part of that process, the school sought advice from its solicitors.⁵⁴²

In July or August 2014, the board approved the Policy for Dealing with Complaints Received by Adults of Sexual Abuse whilst Attending the School.⁵⁴³ As a part of the policy, the school has also adopted the Anglican Diocese of Tasmania's Pastoral Support and Assistance Scheme.⁵⁴⁴

Under the policy, any complainant has the right to take up the support offered through the scheme or to take legal proceedings directly against the school.⁵⁴⁵ The settlement of any claim is not subject to any confidentiality clause.⁵⁴⁶

The scheme places a cap of \$60,000 on pastoral support and assistance. This amount is paid to the survivor of child sexual abuse in exchange for a deed of release.⁵⁴⁷ Bishop Harrower gave evidence that the Anglican Church would review the scheme in light of any comments, findings or recommendations that the Royal Commission may make on capped assistance schemes and deeds of release.⁵⁴⁸

Mr Dean gave evidence that since the implementation of this policy, and specifically since the announcement that a public hearing would be held on the school's response to allegations of child sexual abuse, the school has received nine complaints of sexual abuse. All of these complaints relate to abuse that occurred during the second half of the 1960s. None of these complaints has reached finalisation under the policy.⁵⁴⁹

We heard evidence from AOE, who reported his sexual abuse to the school in October 2014.⁵⁵⁰ AOE gave evidence that when he contacted the school he was given a copy of the policy and the Diocese guidelines for the application of the scheme.⁵⁵¹ AOE said that he did not feel that the documents were fully explained to him and that he decided not to sign the relevant documents.⁵⁵² AOE said that the school should review all information that is given to potential applicants to the scheme to ensure they are aware that it has 'significant ramifications for the applicant's legal rights'. Also, he said that every potential applicant should be told that they ought to obtain legal advice before lodging an application.⁵⁵³ That submission has obvious merit and should be accepted by the school.

In August 2014, the suite of policies and protocols was extended to include a policy entitled 'Grooming Behaviour'.⁵⁵⁴

10 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.

In particular, the systemic issues that were considered by the Royal Commission arising from this case study were:

- Understanding the scope and impact of child sexual abuse:
- What institutions are particularly vulnerable to offending and why?
- What environments encourage or facilitate offending?
- Responding to concerns, allegations and incidents of child sexual abuse to external agencies including police:
- What arrangements are in place to facilitate and receive reports or disclosures of child sexual abuse or concerning conduct; and to apply the outcomes of investigations to systems improvement?
- What arrangements are in place to report allegations of child sexual abuse to external agencies, including police?
- What arrangements are in place to respond to victims and to the relevant community?
- What arrangements are in place to respond to historical claims of child sexual abuse?
- Improving responses to child sexual abuse.
- The role and responsibility of the Anglican Diocese of Tasmania in the school's response to historical claims of child sexual abuse at the school.

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 Andrew Murray
Date of hearing	17–24 November and 18 December 2014
Legislation	<i>Royal Commissions Act 1902 (Cth)</i> <i>Commissions of Inquiry Act 1995 (Tas)</i>
Leave to appear	AOA The Hutchins School Anglican Diocese of Tasmania AOC AOE AOB Geoffrey Ayling Timothy Rowland Ronald Thomas Sallie Dexter The State of Tasmania
Legal representation	AM Stewart SC, Counsel Assisting the Royal Commission Dr M Marich, Dr Martine Marich & Associates, appearing for AOA N Clelland QC and A Mills, M+K Dobson Mitchell Allport, appearing for The Hutchins School and the Anglican Diocese of Tasmania C Randazzo SC, Doogue O’Brien George Solicitors, appearing for AOC

Legal representation	<p>S Hinchey, Galbally & O'Bryan, appearing for AOE</p> <p>A Harris, Andrew Harris & Associates Lawyers, appearing for AOB for the purposes of submissions only</p> <p>S Goodwin, appearing for Geoffrey Ayling</p> <p>P O'Brien, O'Brien Solicitors, appearing for Timothy Rowland</p> <p>A Mignot, Office of the Solicitor-General, appearing for the State of Tasmania</p>
Pages of transcript	579 pages
Notice to Produce issued under Royal Commissions Act 1902 (Cth) and documents produced:	25 notices to produce, producing approximately 998 documents
Notice to Produce issued under Commissions of Inquiry Act 1995 (Tas) and documents produced:	5 notices to produce, producing approximately 7 documents
Summons to attend under Royal Commissions Act 1923 (NSW) and documents produced:	1 summons to attend, producing approximately 20 documents
Number of exhibits	22 exhibits consisting of a total of 257 documents tendered at the hearing
Witnesses	<p>AOA Former student at The Hutchins School</p> <p>AOB Former student at The Hutchins School</p> <p>AOD Former student at The Hutchins School</p> <p>AOE Former student at The Hutchins School</p> <p>Timothy Rowland Former student at The Hutchins School</p> <p>Geoffrey Mervyn Ayling Former teacher at The Hutchins School</p>

Witnesses**John McDonnell Blore Bednall**

Former headmaster of The Hutchins School

William Toppin

Former headmaster of The Hutchins School

Warwick Peter Dean

Current headmaster of The Hutchins School

Bishop Ronald Francis Stone

Former Assistant Bishop of the Anglican
Diocese of Tasmania

Bishop John Douglas Harrower

Bishop of the Anglican Diocese of Tasmania

Richard McCreadie

Former Commissioner of Tasmania Police

Endnotes

- 1 The Hutchins School, <http://www.hutchins.tas.edu.au/about/> (viewed 28 May 2015).
- 2 The Hutchins School, <http://www.hutchins.tas.edu.au/about/> (viewed 28 May 2015).
- 3 *Christ College Act 1926* (Tas) s 6.
- 4 *Christ College Act 1926* (Tas) s 29.
- 5 Exhibit 20-017, Statement of WP Dean, STAT.0392.001.0001_R at [87].
- 6 Transcript of JMB Bednall, C5631:39–42 (Day 55).
- 7 Transcript of JMB Bednall, C5632:14–23 (Day 55).
- 8 Transcript of JMB Bednall, C5632:25–29 (Day 55).
- 9 Transcript of JMB Bednall, C5634:33–45 (Day 55).
- 10 Transcript of JMB Bednall, C5634:47–C5635:3 (Day 55).
- 11 Transcript of W Toppin, C5770:16–19 (Day 57).
- 12 Transcript of W Toppin, C5770:21–23 (Day 57).
- 13 Transcript of W Toppin, C5781:31–33 (Day 57).
- 14 Transcript of W Toppin, C5783:39–45 (Day 57).
- 15 Transcript of W Toppin, C5770:45–C5771:2 (Day 57)
- 16 Transcript of WP Dean, C5884:29–30 (Day 58).
- 17 Exhibit 20-0017, Statement of WP Dean, STAT.0392.001.0001_R at [87].
- 18 Exhibit 20-0017, Statement of WP Dean, STAT.0392.001.0001_R at [93].
- 19 Exhibit 20-0014, ANG.0065.001.0001_R.
- 20 *Christ College Act 1926* (Tas) ss 8, 27, 28, 39(1); see also *Christ College Act 1926* (Tas) s 43.
- 21 Transcript of JD Harrower, C5812:19–22 (Day 57).
- 22 Exhibit 20-0013, Statement of JD Harrower, STAT.0390.001.0001_R at [22].
- 23 Exhibit 20-0013, Statement of JD Harrower, STAT.0390.001.0001_R at [25].
- 24 Exhibit 20-0013, Statement of JD Harrower, STAT.0390.001.0001_R at [25].
- 25 Anglican Diocese of Tasmania, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 9.
- 26 Transcript of JD Harrower, C5814:11–14 (Day 57).
- 27 Transcript of JD Harrower, C5814:25–27 (Day 57).
- 28 Transcript of JD Harrower, C5815:9–22 (Day 57).
- 29 Transcript of JD Harrower, C5814:44–47 (Day 57).
- 30 Anglican Diocese of Tasmania, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 7.
- 31 Anglican Diocese of Tasmania, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 8.
- 32 Exhibit 20-0013, Statement of JD Harrower, STAT.0390.001.0001_R at [25].
- 33 Exhibit 20-0002, HUT.0001.001.0171_R (Tab 79).
- 34 Transcript of JD Harrower, C5823:31–32 (Day 57).
- 35 Exhibit 20-0002, HUT.0001.001.0170 (Tab 71).

- 36 Exhibit 20-0002, HUT.0001.001.0220_R (Tab 83).
- 37 Exhibit 20-0002, HUT.0010.001.0001_R (Tab 90).
- 38 Exhibit 20-0002, HUT.0004.001.0208 (Tab 95).
- 39 Exhibit 20-0017, Statement of WP Dean, STAT.0392.001.0001_R at [67]–[69].
- 40 Anglican Diocese of Tasmania, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015 paras 3–5.
- 41 Exhibit 20-0002, HUT.0002.001.0130_R (Tab 1).
- 42 Exhibit 20-0002, PUB.0009.001.0001_E (Tab 162).
- 43 Exhibit 20-0022, HUT.0013.001.0009_R (Tab 1).
- 44 Transcript of GM Ayling, C5601:8–12 (Day 55).
- 45 The pseudonym was given for legal reasons.
- 46 Transcript of JMB Bednall, C5765:21–24 (Day 55).
- 47 Transcript of JMB Bednall, C5765:31–33 (Day 55).
- 48 Transcript of JMB Bednall, C5766:22–24 (Day 55).
- 49 Exhibit 20-0007, Statement of G Ayling, STAT.0371.0002.0001_R at [14].
- 50 Exhibit 20-0008, PUB.0009.001.0001_E.
- 51 Exhibit 20-0008, PUB.0009.001.0001_E.
- 52 Exhibit 20-0002, HUT.0002.001.0144_R at 0145_R (Tab 2). See also exhibit 20-0002, PUB.0009.001.0001_E at .0021_E (Tab 162).
- 53 Exhibit 20-0022, HUT.0013.001.0052 (Tab 4).
- 54 Exhibit 20-0007, Statement of G Ayling, STAT.0371.0002.0001_R at [7] and [38].
- 55 Transcript of GM Ayling, C5601:24–34 (Day 55).
- 56 Transcript of GM Ayling, C5601:24–34 (Day 55).
- 57 Transcript of GM Ayling, C5601:36–47 (Day 55).
- 58 Ibid.
- 59 Transcript of GM Ayling, C5602:2–7 (Day 55).
- 60 Transcript of GM Ayling, C5602:25–28 (Day 55).
- 61 Transcript of GM Ayling, C5602:25–34 (Day 55).
- 62 Transcript of GM Ayling, C5602:36–38 (Day 55).
- 63 Transcript of GM Ayling, C5602:36–41 (Day 55).
- 64 Transcript of GM Ayling, C5603:27–34 (Day 55).
- 65 Exhibit 20-0007, Statement of G Ayling, STAT.0371.002.0001_R at [27]; Transcript of GM Ayling, C5603:34–40 (Day C55).
- 66 Transcript of GM Ayling, C5604:6–9 (Day 55).
- 67 Transcript of GM Ayling, C5603:42–C5604:4 (Day 55).
- 68 Transcript of GM Ayling, C5614:39–C5615:15 (Day 55).
- 69 Transcript of GM Ayling, C5615:4–7 (Day 55).

- 70 Transcript of GM Ayling, C5603:47–C5604:1 (Day 55).
- 71 Transcript of GM Ayling, C5604:11–13 (Day 55).
- 72 Mr Hodgman was deceased at the time of the public hearing and could not be called to give evidence.
- 73 Transcript of GM Ayling, C5604:15–18 (Day 55).
- 74 Transcript of GM Ayling, C5604:20–26 (Day 55).
- 75 Transcript of GM Ayling, C5604:39–44 (Day 55).
- 76 Transcript of GM Ayling, C5605:7–13 (Day 55).
- 77 Transcript of GM Ayling, C5604:46–47 (Day 55).
- 78 Transcript of GM Ayling, C5605:7–13 (Day 55).
- 79 Transcript of GM Ayling, C5620:26–37 (Day 55).
- 80 Exhibit 20-0002, TAS.0002.001.0003_R (Tab 145).
- 81 Summons Number S-TAS-10.
- 82 Letter from the Solicitor-General of Tasmania to the Royal Commission into Institutional Responses to Child Sexual Abuse, dated 18 July 2014.
- 83 Letter from the Solicitor-General of Tasmania to the Royal Commission into Institutional Responses to Child Sexual Abuse, dated 18 July 2014 and S-TAS-10.
- 84 Ibid.
- 85 Transcript of R McCreddie, C5861:11–13 (Day 58).
- 86 Transcript of R McCreddie, C5861:15–18 (Day 58).
- 87 Transcript of R McCreddie, C5862:5–8 (Day 58).
- 88 Transcript of R McCreddie, C5861:44–45 (Day 58).
- 89 Transcript of R McCreddie, C5862:10–13 (Day 58).
- 90 Transcript of R McCreddie, C5862:34–35 (Day 58).
- 91 Transcript of R McCreddie, C5864:12–16 (Day 58).
- 92 Transcript of R McCreddie, C5862:34–43 (Day 58).
- 93 Ibid.
- 94 Transcript of R McCreddie, C5862:40–41 (Day 58).
- 95 Transcript of R McCreddie, C5862:45–C5863:3 (Day 58).
- 96 Transcript of R McCreddie, C5863:1–3 (Day 58).
- 97 Transcript of R McCreddie, C5863:5–7 (Day 58).
- 98 Transcript of R McCreddie, C5863:9–12 (Day 58).
- 99 Transcript of R McCreddie, C5879:22–36 (Day 58).
- 100 Transcript of R McCreddie, C5863:46–C5864:3 (Day 58).
- 101 Transcript of R McCreddie, C5867:35–41 (Day 58).
- 102 Transcript of R McCreddie, C5864:12–16 (Day 58).
- 103 Transcript of R McCreddie, C5864:19–21 (Day 58).
- 104 Transcript of R McCreddie, C5870:47–C5871:29 (Day 58).

- 105 Transcript of R McCreadie, C5870:40–47 (Day 58).
- 106 Transcript of R McCreadie, C5870:40–41 (Day 58).
- 107 Transcript of R McCreadie, C5870:40–5871:4 (Day 58).
- 108 Transcript of AOA, C5529:7–9 (Day 54).
- 109 Transcript of AOA, C5529:13–16 (Day 54).
- 110 Transcript of AOA, C5529:18–22 (Day 54).
- 111 Transcript of AOA, C5529:39 (Day 54).
- 112 Transcript of AOA, C5529:39–45 (Day 54).
- 113 Transcript of AOA, C5529:43–46 (Day 54).
- 114 Transcript of AOA, C5530:45–46 (Day 54).
- 115 Transcript of AOA, C5530:46–47 (Day 54).
- 116 Transcript of AOA, C5531:2–7 (Day 54).
- 117 Transcript of AOA, C5546:41–C5547:3 (Day 54).
- 118 Transcript of AOA, C5546:41–C5547:3 (Day 54).
- 119 Transcript of AOA, C5531:37–40 (Day 54).
- 120 Transcript of AOA, C5531:33–35 (Day 54).
- 121 Transcript of AOA, C5532:10–17 (Day 54).
- 122 Transcript of AOA, C5532:19–21 (Day 54).
- 123 Transcript of AOA, C5532:30–32 (Day 54).
- 124 Transcript of AOA, C5532:36–41 (Day 54).
- 125 Transcript of AOA, C5533:39–44 (Day 54).
- 126 Exhibit 20-0002, HUT.0004.001.0158_R (Tab 5); HUT.0004.001.0397_R (Tab 4).
- 127 Exhibit 20-0002, HUT.0004.001.0158_R (Tab 5).
- 128 Exhibit 20-0009, Statement of JMB Bednall, STAT.0379.001.0001_R at [26].
- 129 Exhibit 20-0009, Statement of JMB Bednall, STAT.0379.001.0001_R at [27]–[28].
- 130 Transcript of JMB Bednall, C5644:24–29 (Day 55).
- 131 Transcript of JMB Bednall, C5644:24–29 (Day 55).
- 132 Exhibit 20-0002, HUT.0004.001.0391_R (Tab 6).
- 133 Exhibit 20-0002, HUT.0002.001.0002_R (Tab 7).
- 134 Exhibit 20-0002, HUT.0002.001.0002_R (Tab 7).
- 135 Exhibit 20-0002, HUT.0004.001.0390_R (Tab 8).
- 136 Exhibit 20-0009, Statement of JMB Bednall, STAT.0379.001.0001_R at [38].
- 137 Transcript of JMB Bednall, C5645:41–44 (Day 55).
- 138 Transcript of JMB Bednall, C5652:5–22 (Day 55).
- 139 Transcript of JMB Bednall, C5650:3–8 (Day 55).
- 140 Transcript of JMB Bednall, C5649:33–36 (Day 55).
- 141 Exhibit 20-0002, HUT.0004.001.0388_R (Tab 11B).
- 142 Exhibit 20-0002, HUT.0004.001.0388_R (Tab 11B).

- 143 Exhibit 20-0009, Statement of JMB Bednall, STAT.0379.001.0001_R at [43].
- 144 Exhibit 20-0009, Statement of JMB Bednall, STAT.0379.001.0001_R at [48].
- 145 Exhibit 20-0009, Statement of JMB Bednall, STAT.0379.001.0001_R at [48].
- 146 Exhibit 20-0009, Statement of JMB Bednall, STAT.0379.001.0001_R at [49].
- 147 Exhibit 20-0009, Statement of JMB Bednall, STAT.0379.001.0001_R at [50].
- 148 Exhibit 20-0002, HUT.0004.001.0172_R (Tab 11A).
- 149 Exhibit 20-0002, HUT.0004.001.0172_R (Tab 11A).
- 150 That is because homosexual activity was a crime at the time: see the *Criminal Code 1924* (Tas) ss 122 and 123.
- 151 Exhibit 20-0002, HUT.0004.001.0172_R (Tab 11A).
- 152 Exhibit 20-019, Statement of EM Bingham, STAT.0443.001.0002.
- 153 Exhibit 20-019, Statement of EM Bingham, STAT.0443.001.0002_R at [15].
- 154 Exhibit 20-019, Statement of EM Bingham, STAT.0443.001.0002_R at [16].
- 155 Exhibit 20-019, Statement of EM Bingham, STAT.0443.001.0002_R at [17].
- 156 Exhibit 20-019, Statement of EM Bingham, STAT.0443.001.0002_R at [18].
- 157 Exhibit 20-0009, Statement of JMB Bednall, STAT.0379.001.0001_R at [53].
- 158 Exhibit 20-0009, Statement of JMB Bednall, STAT.0379.001.0001_R at [55].
- 159 Exhibit 20-0009, Statement of JMB Bednall, STAT.0379.001.0001_R at [56].
- 160 Exhibit 20-0009, Statement of JMB Bednall, STAT.0397.001.0001_R at [57].
- 161 Exhibit 20-0002, HUT.0004.001.0172_R (Tab 11A).
- 162 Exhibit 20-0002, HUT.0004.001.0172_R (Tab 11A).
- 163 Exhibit 20-0002, HUT.0004.001.0172_R (Tab 11A).
- 164 Exhibit 20-0002, HUT.0004.001.0172_R (Tab 11A).
- 165 Exhibit 20-0002, HUT.0004.001.0172_R (Tab 11A).
- 166 Transcript of JMB Bednall, C5671:15–44 (Day 55).
- 167 Transcript of JMB Bednall, C5653:4–21 (Day 55).
- 168 Exhibit 20-0002, HUT.0004.001.0388_R (Tab 11B).
- 169 Exhibit 20-0002, HUT.0004.001.0172_R (Tab 11A).
- 170 Exhibit 20-0002, HUT.0004.001.0172_R (Tab 11A).
- 171 Exhibit 20-0002, HUT.0004.001.0172_R (Tab 11A).
- 172 Exhibit 20-0002, HUT.0004.001.0172_R (Tab 11A).
- 173 Exhibit 20-0002, HUT.0004.001.0172_R (Tab 11A).
- 174 Transcript of JMB Bednall, C5712:46–47 (Day 55).
- 175 Transcript of JMB Bednall, C5724:37–40 (Day 55).
- 176 Transcript of JMB Bednall, C5687:3–4 (Day 55).
- 177 Transcript of JMB Bednall, C5722:9–C5724:35 (Day 55).
- 178 Transcript of JMB Bednall, C5640:11–20 (Day 55).
- 179 Transcript of JMB Bednall, C5639:23–25 (Day 55).

- 180 Transcript of JMB Bednall, C5640:41 (Day 55).
- 181 Transcript of JMB Bednall, C5639:27–32 (Day 55).
- 182 Transcript of JMB Bednall, C5641:42–47 (Day 55).
- 183 Transcript of JMB Bednall, C5642:36–39 (Day 55).
- 184 Exhibit 20-0002, HUT.0002.001.0005_R (Tab 11).
- 185 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 57.
- 186 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 57.
- 187 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 59.
- 188 Transcript of AOA, C5536:20–28 (Day 54); Transcript of JMB Bednall C5732:15–20 (Day 56).
- 189 Transcript of JMB Bednall, C5726:24–29 (Day 56).
- 190 Transcript of AOA, C5536:20–28 (Day 54).
- 191 Transcript of AOA, C5536:30–31 (Day 54).
- 192 Exhibit 20-0002, HUT.0004.001.0184_R (Tab 14).
- 193 Transcript of JMB Bednall, C5733:10–13 (Day 56).
- 194 Transcript of AOA, C5536:32–36 (Day 54).
- 195 Transcript of AOA, C5536:33–35 (Day 54).
- 196 Transcript of AOA, C5536:35–36 (Day 54).
- 197 Transcript of AOA, C5552:33–44 (Day 54).
- 198 Transcript of JMB Bednall, C5737:24–28 (Day 56).
- 199 Transcript of JMB Bednall, C5735:18–22 (Day 56).
- 200 Transcript of JMB Bednall, C5736:30–45 (Day 56).
- 201 Transcript of JMB Bednall, C5737:12–17 (Day 56).
- 202 Transcript of JMB Bednall, C5739:14–37 (Day 56).
- 203 Transcript of JMB Bednall, C5740:1–6 (Day 56).
- 204 Exhibit 20-0002, HUT.0002.001.0008_R (Tab 12).
- 205 Exhibit 20-0009, Statement of JMB Bednall, STAT.0379.001.0001 at [75].
- 206 Exhibit 20-0002, HUT.0004.001.0181_R (Tab 13).
- 207 Exhibit 20-0002, HUT.0004.001.0184_R (Tab 14).
- 208 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 61.
- 209 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 60.
- 210 Exhibit 20-0002, HUT.0004.001.0388_R (Tab 11B).
- 211 Exhibit 20-0002, HUT.0004.001.0190_R (Tab 16).
- 212 Transcript of JMB Bednall, C5749:34–37 (Day 56).
- 213 Exhibit 20-0002, HUT.0004.001.0191_R (Tab 17).

- 214 Exhibit 20-0002, HUT.0004.001.0191_R (Tab 17).
- 215 Exhibit 20-0002, HUT.0002.001.0012_R (Tab 18).
- 216 Exhibit 20-0002, HUT.0001.001.0204_R (Tab 19).
- 217 Transcript of AOA, C5539:42–C5540:3 (Day 54).
- 218 Exhibit 20-0002, HUT.0004.001.0201_R (Tab 23).
- 219 Exhibit 20-0002, HUT.0001.001.0212_R (Tab 26).
- 220 Exhibit 20-0002, HUT.0001.001.0203_R (Tab 25).
- 221 Exhibit 20-0002, HUT.0001.001.0212_R (Tab 26).
- 222 Exhibit 20-0002, HUT.0001.001.0212_R (Tab 26).
- 223 Exhibit 20-0002, HUT.0002.001.0019_R (Tab 27).
- 224 Exhibit 20-0002, HUT.0002.001.0019_R (Tab 27).
- 225 Exhibit 20-0002, HUT.0002.001.0023_R (Tab 28).
- 226 Exhibit 20-0002, HUT.0004.001.0191_R (Tab 17).
- 227 Exhibit 20-0002, HUT.0004.001.0191_R (Tab 17).
- 228 Transcript of AOA, C5540:22–29 (Day 54).
- 229 Transcript of AOA, C5540:26–29 (Day 54).
- 230 Transcript of RF Stone, C5693:15–17 (Day 56).
- 231 Transcript of RF Stone, C5693:15–22 (Day 56).
- 232 Exhibit 20-0010, Statement of RF Stone, STAT.0385.001.0001 at [6]–[7].
- 233 Transcript of RF Stone, C5694:31–33 (Day 56).
- 234 Transcript of RF Stone, C5694:36–38 (Day 56).
- 235 Transcript of RF Stone, C5694:40–41 (Day 56).
- 236 Transcript of RF Stone, C5695:28 (Day 56).
- 237 Transcript of RF Stone, C5695:5–9 (Day 56).
- 238 Exhibit 20-0010, Statement of RF Stone, STAT.0385.001.0001 at [6]–[7].
- 239 Transcript of RF Stone, C5695:21–23 (Day 56).
- 240 Exhibit 20-0002, HUT.0003.001.0005_R (Tab 29B).
- 241 Exhibit 20-0010, Statement of RF Stone, STAT.0385.001.0001 at [8].
- 242 Transcript of RF Stone, C5695:37–39 (Day 56).
- 243 Transcript of RF Stone, C5701:25–27 (Day 56).
- 244 Transcript of RF Stone, C5695:4–10 (Day 56).
- 245 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 67.
- 246 Exhibit 20-0002, HUT.0001.001.0091_R (Tab 22).
- 247 Transcript of JMB Bednall, C5736:41–45 (Day 56).
- 248 Transcript of AOA, C5540:39–44 (Day 54).
- 249 Exhibit 20-0002, HUT.0001.001.0108_R (Tab 30).
- 250 Exhibit 20-0002, HUT.0001.001.0108_R (Tab 30).

- 251 Exhibit 20-0002, HUT.0002.001.0032_R (Tab 32).
- 252 Exhibit 20-0002, HUT.0002.001.0032_R (Tab 32).
- 253 Exhibit 20-0002, HUT.0001.001.0118_R (Tab 34).
- 254 Exhibit 20-0002, HUT.0001.001.0118_R (Tab 34).
- 255 Transcript of JMB Bednall, C5759:25–32 (Day 56).
- 256 Exhibit 20-0002, HUT.0002.001.0037_R (Tab 33).
- 257 Exhibit 20-0002, HUT.0001.001.0109 (Tab 37).
- 258 Exhibit 20-0002, HUT.0001.001.0109 (Tab 37).
- 259 Exhibit 20-0002, HUT.0001.001.0042_R (Tab 38A).
- 260 Exhibit 20-0002, HUT.0001.001.0042_R (Tab 38A).
- 261 Exhibit 20-0002, HUT.0002.001.0041_R (Tab 38).
- 262 Exhibit 20-0002, HUT.0002.001.0041_R (Tab 38).
- 263 Transcript of JMB Bednall, C5760:43–C5761:21 (Day 56).
- 264 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 69.
- 265 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 69.
- 266 Exhibit 20-0002, HUT.0001.001.0126_R (Tab 42).
- 267 Exhibit 20-0002, HUT.0001.001.0126_R (Tab 42); HUT.0004.001.0491_R (Tab 46).
- 268 Exhibit 20-0002, HUT.0002.001.0068_R (Tab 55), referring to Exhibit 20-0002, HUT.0001.001.0132_R (Tab 54).
- 269 Transcript of AOA, C5542:35–39 (Day 54).
- 270 Exhibit 20-0002, HUT.0001.001.0092_R (Tab 57).
- 271 Transcript of W Toppin, C5787:35–37 (Day 57).
- 272 Exhibit 20-0002, HUT.0001.001.0202_R (Tab 58).
- 273 Exhibit 20-0002, HUT.0002.001.0078_R (Tab 59).
- 274 Exhibit 20-0002, HUT.0001.001.0134_R (Tab 61B).
- 275 Exhibit 20-0002, HUT.0002.001.0084_R (Tab 61).
- 276 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 70.
- 277 Transcript of AOA, C5543:8–23 (Day 54).
- 278 Transcript of AOA, C5543:31–35 (Day 54); Exhibit 20-0002, HUT.0004.001.0329 (Tab 68).
- 279 Transcript of AOA, C5543:43–C5544:5 (Day 54).
- 280 Exhibit 20-0002, HUT.0001.001.0170 (Tab 71).
- 281 Transcript of JD Harrower, C5817:33–44 (Day 57).
- 282 Exhibit 20-0002, HUT.0001.001.0171_R (Tab 79)
- 283 Exhibit 20-0013, Statement of JD Harrower, STAT.0390.001.0001 at [38]; Exhibit 20-0002, HUT.0001.001.0171_R (Tab 79).
- 284 Transcript of JD Harrower, C5821:37–43 (Day 57).

285 Transcript of JD Harrower, C5832:3–9 (Day 57).
286 Exhibit 20-0012, Statement of W Toppin, STAT.0389.001.0001_R at [66].
287 Exhibit 20-0012, Statement of W Toppin, STAT.0390.001.0001_R at [68].
288 Exhibit 20-0012, Statement of W Toppin, STAT.0390.001.0001_R at [69].
289 Transcript of W Toppin, C5798:6–10 (Day 57).
290 Exhibit 20-0002, HUT.0001.001.0166_R (Tab 87C).
291 Exhibit 20-0002, HUT.0001.001.0166_R (Tab 87C).
292 Exhibit 20-0002, HUT.0001.001.0166_R (Tab 87C).
293 Transcript of JD Harrower, C5823:16–37 (Day 57).
294 Transcript of JD Harrower, C5823:24–37 (Day 57).
295 Transcript of JD Harrower, C5823:34–37 (Day 57).
296 Transcript of JD Harrower, C5824:8–13 (Day 57).
297 Transcript of JD Harrower, C5824:35–37 (Day 57).
298 Transcript of JD Harrower, C5825:46–C5826:5 (Day 57).
299 Exhibit 20-0012, Statement of W Toppin, STAT.0390.001.0001_R at [71].
300 Exhibit 20-0013 Statement of JD Harrower, STAT.0390.001.0001_R_M at [42]; Exhibit 20-0002, ANG.0047.001.0024_R (Tab 87A); Exhibit 20-0002, ANG.0047.001.0025_R (Tab 87B); Exhibit 20-0002, HUT.0001.001.0166_R (Tab 87C).
301 Transcript of JD Harrower, C5827:10–11 (Day 57).
302 Exhibit 20-0002, ANG.0047.001.0021_R (Tab 94A).
303 Transcript of AOA, C5544:13–17 (Day 54).
304 Transcript of JD Harrower, C5826:11–12 (Day 57).
305 Transcript of JD Harrower, C5826:38–41 (Day 57).
306 Exhibit 20-0002, HUT.0001.001.0190_R (Tab 85).
307 Exhibit 20-0002, HUT.0003.001.0011_R (Tab 87).
308 Exhibit 20-0002, HUT.0004.001.0215_R (Tab 88).
309 Exhibit 20-0002, HUT.0004.001.0216_R (Tab 89).
310 Transcript of JD Harrower, C5830:22–28 (Day 57).
311 Exhibit 20-0002, HUT.0010.001.0001_R (Tab 90).
312 Exhibit 20-0002, HUT.0010.001.0001_T (Tab 90).
313 Transcript of JD Harrower, C5827:37–41 (Day 57).
314 Transcript of JD Harrower, C5828:3–8 (Day 57).
315 Exhibit 20-0002, HUT.0004.001.0219_R (Tab 93).
316 Exhibit 20-0002, HUT.0004.001.0208 (Tab 95).
317 Transcript of AOA, C5544:19–27 (Day 54).
318 Transcript of AOA, C5544:26–27 (Day 54).
319 Transcript of JD Harrower, C5831:23–26 (Day 57).
320 Exhibit 20-0002, ANG.0047.001.0006_R (Tab 97).

- 321 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 73.
- 322 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 73.
- 323 Exhibit 20-0002, HUT.0001.001.0166_R (Tab 87C).
- 324 Ex 20.0002, ANG.0047.00.0021_R (Tab 94A).
- 325 Transcript of AOA, C5544:40–45 (Day 54).
- 326 Exhibit 20-0002, HUT.0001.001.0169_R (Tab 99).
- 327 Exhibit 20-0002, HUT.0004.001.0271 (Tab 100).
- 328 Exhibit 20-0002, HUT.0001.001.0096_R (Tab 103).
- 329 Exhibit 20-0002, HUT.0001.001.0142_R (Tab 106).
- 330 Exhibit 20-0002, HUT.0001.001.0142_R (Tab 106).
- 331 Exhibit 20-0002, HUT.0002.001.0104_R (Tab 107).
- 332 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 70.
- 333 Transcript of AOA, C5545:17–19 (Day 54).
- 334 Exhibit 20-0002, HUT.0001.001.0106_R (Tab 125).
- 335 Transcript of W P Dean: 5885:35–37 (Day 58).
- 336 Exhibit 20-0002, HUT.0001.001.0208_R (Tab 128).
- 337 Exhibit 20-0002, HUT. 0001.001.0151_R (Tab 129).
- 338 Exhibit 20-0002, HUT.0001.001.0154_R (Tab 129A); Exhibit 20-0002, HUT.0001.001.0155_R (Tab 129B); Exhibit 20-0002, HUT.0001.001.0156_R (Tab 129C).
- 339 Exhibit 20-0002, HUT.0001.001.0151_R (Tab 129).
- 340 Exhibit 20-0002, HUT.0001.001.0151_R (Tab 129).
- 341 Transcript of WP Dean, C5891:22–33 (Day 58).
- 342 Transcript of WP Dean, C5927:18–25 (Day 58).
- 343 Transcript of WP Dean, C5893:6–8 (Day 58).
- 344 Transcript of WP Dean, C5894:2 (Day 58).
- 345 Exhibit 20-0020, Statement of S Harvey, STAT.0446.001.0001_R.
- 346 Exhibit 20-0020, Statement of S Harvey, STAT.0446.001.0001_R at [7]–[8].
- 347 Exhibit 20-0020, Statement of S Harvey, STAT.0446.001.0001_R at [8].
- 348 Exhibit 20-0021, Statement of L Balcombe, STAT.0445.001.0001_R.
- 349 Exhibit 20-0021, Statement of L Balcombe, STAT.0445.001.0001_R at [7].
- 350 Exhibit 20-0021, Statement of L Balcombe, STAT.0445.001.0001_R at [10].
- 351 Exhibit 20-0021, Statement of L Balcombe, STAT.0445.001.0001_R at [8].
- 352 Exhibit 20-0021, Statement of L Balcombe, STAT.0445.001.0001_R at [8].
- 353 Exhibit 20-0002, HUT.0001.001.0209_R (Tab 133).
- 354 Exhibit 20-0002, HUT.0002.001.0113_R (Tab 132).

- 355 Exhibit 20-0002, HUT.0001.001.0209_R (Tab 133).
- 356 Transcript of AOA, C5545:31–44 (Day 54).
- 357 Transcript of AOA, C5545:41–44 (Day 54).
- 358 Transcript of AOA, C5546:5–16 (Day 54).
- 359 Transcript of AOA, C5546:18–22 (Day 54).
- 360 Transcript of AOA, C5546:32–37 (Day 54).
- 361 Exhibit 20-0002, HUT.0011.001.0001_R (Tab 161).
- 362 Exhibit 20-0022, HUT.0014.001.0007_R (Tab 7).
- 363 Transcript C5525:13–14 (Day 54).
- 364 Transcript C5525:16–18 (Day 54).
- 365 Transcript of WP Dean, C5896:37–C5897:11 (Day 58).
- 366 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 38.
- 367 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 86.
- 368 AOA, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 20 March 2015, para 27.
- 369 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 25.
- 370 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 26.
- 371 Transcript of AOB, C5556:15–17 (Day 54).
- 372 Transcript of AOB, C5556:19–20 (Day 54).
- 373 Transcript of AOB, C5556:28–29 (Day 54).
- 374 Transcript of AOB, C5556:31–34 (Day 54).
- 375 Transcript of AOB, C5556:36–41 (Day 54).
- 376 Transcript of AOB, C5557:1–5 (Day 54).
- 377 Transcript of AOB, C5557:9–18 (Day 54).
- 378 Transcript of AOB, C5557:24–35 (Day 54).
- 379 Transcript of AOB, C5557:33–37 (Day 54).
- 380 Transcript of AOB, C5557:42–45 (Day 54).
- 381 Transcript of AOB, C5558:5–11 (Day 54).
- 382 Transcript of AOB, C5558:7–19 (Day 54).
- 383 Transcript of AOB, C5558:26–30 (Day 54).
- 384 Transcript of AOB, C5558:26–43 (Day 54); Exhibit 20-0002, HUT.0001.001.0110 (Tab 109).
- 385 Exhibit 20-0002, HUT.0001.001.0192 (Tab 110).
- 386 Exhibit 20-0002, HUT.0001.001.0192 (Tab 110).
- 387 Exhibit 20-0002, HUT.0001.001.0192 (Tab 110).
- 388 Exhibit 20-0002, HUT.0001.001.0146_R (Tab 111A).

389 Exhibit 20-0012, Statement of W Toppin, STAT.0389.001.0001_R_M at [113].
390 Exhibit 29-0002, HUT.0004.001.0014_R (Tab 114).
391 Exhibit 20-0002, HUT.0001.001.0194_R (Tab 113).
392 Transcript of W Toppin, C5807:44–C5808:1 (Day 57).
393 Transcript of W Toppin, C5810:13–14 (Day 57).
394 Transcript of W Toppin, C5809:4–5 (Day 57).
395 Transcript of AOB, C5560:1–10 (Day 54); Exhibit 20-0002 HUT.0001.001.0112_R (Tab 117).
396 Transcript of AOB, C5560:35–40 (Day 54).
397 Transcript of AOB, C5560:42–45 (Day 54).
398 Transcript of AOB, C5561:6–20 (Day 54).
399 Transcript of WP Dean, C5898:11–24 (Day 58).
400 Exhibit 20-0002, HUT.0002.001.0109_R (Tab 121).
401 Exhibit 20-0017, Statement of WP Dean, STAT.0392.001.0001_R at [27]; Exhibit 20-0002,
HUT.0002.001.0109_R (Tab 121).
402 Exhibit 20-0017, Statement of WP Dean, STAT.0392.001.0001_R at [28].
403 Exhibit 20-0017, Statement of WP Dean, STAT.0392.001.0001_R at [28]; Exhibit 20-0002,
HUT.0001.001.0148_R (Tab 122).
404 Exhibit 20-0002, HUT.0001.001.0196_R (Tab 123).
405 Exhibit 20-0002, HUT.0001.001.0196_R (Tab 123).
406 Transcript of WP Dean, C5899:30–33 (Day 58).
407 Transcript of AOB, C5561:34–44 (Day 54).
408 Transcript of AOB, C5561:39–42 (Day 54).
409 Transcript of AOB, C5561:42–43 (Day 54).
410 Transcript of AOB, C5562:12–16 (Day 54).
411 Transcript of AOB, C5562:14–16 (Day 54).
412 Exhibit 20-0002, HUT.0001.001.0114 (Tab 136).
413 Transcript of WP Dean, C5900:46–C5901:1 (Day 58).
414 Exhibit 20-0002, HUT.0001.001.0157_R (Tab 137).
415 Exhibit 20-0002, HUT.0001.001.0197_R (Tab 138).
416 Exhibit 20-0002, HUT.0002.001.0116_R (Tab 139).
417 Exhibit 20-0002, HUT.0002.001.0116_R (Tab 139).
418 Transcript of WP Dean, C5903:1–4 (Day 58).
419 Transcript of WP Dean, C5903:17–20 (Day 58).
420 Transcript of AOB, C5564:1–8 (Day 54).
421 Transcript of WP Dean, C5903:43–46 (Day 58).
422 Transcript of AOB, C5564:5–8 (Day 58).
423 Transcript of WP Dean, C5903:33–36 (Day 58).
424 Transcript of AOB, C5564:15–21 (Day 54).

- 425 Transcript of AOB, C5564:26–28 (Day 54).
- 426 Transcript of AOB, C5564:23–24 (Day 54).
- 427 Transcript of AOB, C5564:30–32 (Day 54).
- 428 Exhibit 20-0017, Statement of WP Dean, STAT.0392.001.0001_R at [41].
- 429 Transcript of WP Dean, C5904:5–8 (Day 58).
- 430 Transcript of WP Dean, C5904:10–17 (Day 58).
- 431 Transcript of AOB, C5565:13–20 (Day 54).
- 432 Transcript of AOB, C5564:15–24 (Day 54).
- 433 Transcript of WP Dean, C5904:10–17 (Day 58).
- 434 Transcript of AOB, C5568:22–25 (Day 54).
- 435 Transcript of AOB, C5568:22–34 (Day 54).
- 436 Transcript of AOB, C5568:30–34 (Day 54).
- 437 Transcript of AOB, C5569:1–3 (Day 54).
- 438 Transcript of AOB, C5569:3–5 (Day 54).
- 439 Transcript of AOB, C5569:5–7 (Day 54).
- 440 Transcript of AOB, C5569:13–14 (Day 54).
- 441 Exhibit 20-0002, ANG.0047.001.0083_R (Tab 144).
- 442 Exhibit 20-0002, ANG.0047.001.0083_R (Tab 144).
- 443 Exhibit 20-0014, Statement of JD Harrower, STAT.0390.001.0001_R at [60].
- 444 Exhibit 20-0014, Statement of JD Harrower, STAT.0390.001.0001_R at [60].
- 445 Exhibit 20-0002, ANG.0047.001.0082_R (Tab 146).
- 446 Exhibit 20-0002, ANG.0047.001.0082_R (Tab 146).
- 447 Exhibit 20-0002, ANG.0047.001.0072_R (Tab 151).
- 448 Transcript of JD Harrower, C5835:26–42 (Day 57).
- 449 Transcript of JD Harrower, C5836:2–9 (Day 57).
- 450 Exhibit 20-0014, Statement of JD Harrower, STAT.0390.001.0001_R at [68].
- 451 Exhibit 20-0017, Statement of WP Dean, STAT.0392.001.0001_R at [49].
- 452 Transcript of JD Harrower, C5836:21–23 (Day 57).
- 453 Exhibit 20-0002, ANG.0047.001.0036 (Tab 154).
- 454 Exhibit 20-0002, HUT.0001.001.0198_R (Tab 155).
- 455 Exhibit 20-0002, HUT.0001.001.0198_R (Tab 155).
- 456 Exhibit 20-0002, HUT.0001.001.0198_R (Tab 155).
- 457 Transcript of AOB, C5571:37–44 (Day 54).
- 458 Transcript of AOB, C5571:37–44 (Day 54).
- 459 Transcript of AOB, C5572:28–30 (Day 54).
- 460 Exhibit 20-0017, Statement of WP Dean, STAT.0392.001.0001_R at [53]; Exhibit 20-0013, Statement of JD Harrower, STAT.0390.001.0001_R at [75].
- 461 Exhibit 20-0017, Statement of WP Dean, STAT.0392.001.0001_R at [56].

- 462 Transcript of AOB, C5572:32–33 (Day 54).
- 463 AOB, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 20 March 2015, para 6(h)–(i).
- 464 Transcript of JD Harrower, C5838:11–16 (Day 57).
- 465 Transcript of JD Harrower, C5838:19–20 (Day 57).
- 466 Exhibit 20-0014, Statement of WP Dean, STAT.0392.001.0001_R at [55].
- 467 Transcript of JD Harrower, C5837:11–15 (Day 57).
- 468 Transcript of JD Harrower, C5837:11–27 (Day 57).
- 469 Exhibit 20-0013, Statement of JD Harrower, STAT.0390.001.0001_R at [72].
- 470 Transcript of AOB, C5573:18–32 (Day 54).
- 471 Exhibit 20-0002, PUB.0009.001.0001_E (Tab 162).
- 472 Exhibit 20-0002, PUB.0009.001.0001_E (Tab 162).
- 473 Exhibit 20-0002, PUB.0009.001.0001_E (Tab 162).
- 474 Transcript of AOB, C5573:34–42 (Day 54).
- 475 Transcript of AOB, C5573:44–C5574:1 (Day 54).
- 476 Transcript of AOB, C5574:12–17 (Day 54).
- 477 Transcript of WP Dean, C5909:36–37 (Day 58).
- 478 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 97.
- 479 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 100.
- 480 Transcript of WP Toppin, C5909:28–41; Exhibit 20-0002, HUT.0004.001.0086_R (Tab 116).
- 481 Exhibit 20-0002, HUT.0004.001.0172_R (Tab 11A).
- 482 Exhibit 20-0002, HUT.0005.001.0001_R (Tab 158).
- 483 Exhibit 20-0002, HUT.0005.001.0004_R (Tab 159).
- 484 Transcript of WP Dean, C5912:10–11 (Day 58).
- 485 Transcript of WP Dean, C5913:37–40 (Day 58).
- 486 Transcript of JD Harrower, C5839:43–46 (Day 57).
- 487 Transcript of JD Harrower, C5840:4–7 (Day 57).
- 488 Transcript of AOB, C5575:1–4 (Day 54).
- 489 Transcript of AOD, C5577:3–7 (Day 54).
- 490 Transcript of AOD, C5577:3–7 (Day 54).
- 491 Transcript of AOD, C5578:25–35 (Day 54).
- 492 Transcript of AOD, C5579:5–10 (Day 54).
- 493 Transcript of AOD, C5579:17–19 (Day 54).
- 494 Transcript of AOD, C5579:24–28 (Day 54).
- 495 Transcript of AOD, C5580:11–18 (Day 54).
- 496 Transcript of AOD, C5580:27 (Day 54).

- 497 Transcript of AOD, C5580:29–33 (Day 54).
- 498 Transcript of AOD, C5580:37–41 (Day 54).
- 499 Transcript of AOD, C5581:33–41 (Day 54).
- 500 Transcript of AOD, C5582:15–25 (Day 54).
- 501 Transcript of AOD, C5582:42–47 (Day 54).
- 502 Transcript of AOE, C5587:28–29 (Day 54).
- 503 Transcript of AOE, C5586:32–44 (Day 54).
- 504 Transcript of AOE, C5587:11–15 (Day 54).
- 505 Transcript of AOE, C5587:37–42 (Day 54).
- 506 Transcript of AOE, C5587:44–46 (Day 54).
- 507 Transcript of AOE, C5588:3–5 (Day 54).
- 508 Transcript of AOE, C5588:7–9 (Day 54).
- 509 Exhibit 20-0011, IND.0205.001.0001.
- 510 Exhibit 20-0011, IND.0205.001.0006.
- 511 Exhibit 20-0011, IND.0205.001.0008.
- 512 Transcript of TE Rowland, C5934:40–42 (Day 59).
- 513 Transcript of TE Rowland, C5935:6–9 (Day 59).
- 514 Transcript of TE Rowland, C5935:11–22 (Day 59).
- 515 Transcript of TE Rowland, C5935:33–39 (Day 59).
- 516 Transcript of TE Rowland, C5935:45–46 (Day 59).
- 517 Transcript of TE Rowland, C5936:5–6 (Day 59).
- 518 Transcript of TE Rowland, C5936:12–16 (Day 59).
- 519 Transcript of TE Rowland, C5936:19 (Day 59).
- 520 Transcript of TE Rowland, C5936:22–26 (Day 59).
- 521 Transcript of GM Ayling, C5949:42 (Day 59).
- 522 Transcript of GM Ayling, C5950:13–14 (Day 59).
- 523 Transcript of GM Ayling, C5950:14 (Day 59).
- 524 Transcript of GM Ayling, C5951:4–5 (Day 59).
- 525 Transcript of GM Ayling, C5950:13–24 (Day 59).
- 526 Transcript of GM Ayling, C5950:21–22 (Day 59).
- 527 Transcript of TE Rowland, C5936:28–30 (Day 59).
- 528 Transcript of TE Rowland, C5936:32–46 (Day 59).
- 529 Transcript of TE Rowland, C5936:47 (Day 59).
- 530 Transcript of TE Rowland, C5937:5–9 (Day 59).
- 531 Transcript of TE Rowland, C5937:21–33 (Day 59).
- 532 Transcript of TE Rowland, C5937:35–39 (Day 59).
- 533 Transcript, C5525:8–11 (Day 54).
- 534 Transcript, C5525:13–14 (Day 54).

- 535 Exhibit 20-0022, HUT.0014.001.0004 (Tab 8).
- 536 Exhibit 20-0002, HUT.0004.001.0172_R (Tab 11A).
- 537 Exhibit 20-0002, HUT.0004.001.0172_R (Tab 11A).
- 538 AOE, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 23 March 2015, para 28.
- 539 The Hutchins School, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 27 March 2015, para 108.
- 540 Exhibit 20-0017, Statement of WP Dean, STAT.0392.001.0001_R at [63].
- 541 Exhibit 20-0017, Statement of WP Dean, STAT.0392.001.0001_R at [67]–[69].
- 542 Exhibit 20-0017, Statement of WP Dean, STAT.0392.001.0001_R at [67].
- 543 Exhibit 20-0011, IND.0205.001.0006; Exhibit 20-0017, Statement of WP Dean, STAT.0392.001.0001_R at [68].
- 544 Exhibit 20-0011, IND.0205.001.0008.
- 545 Exhibit 20-0017, Statement of WP Dean, STAT.0392.001.0001_R at [70].
- 546 Exhibit 20-0017, Statement of WP Dean, STAT.0392.001.0001_R at [71].
- 547 Transcript of WP Dean, C5914:26–36 (Day 58).
- 548 Transcript of JD Harrower, C5844:15–24 (Day 57).
- 549 Transcript of WP Dean, C5915:4–30 (Day 58).
- 550 Transcript of AOE, C5589:2–14 (Day 54).
- 551 Transcript of AOE, C5593:23–27 (Day 54).
- 552 Transcript of AOE, C5594:21–28 (Day 54).
- 553 AOE, Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse, *Case study 20: The Hutchins School*, 23 March 2015, para 23.
- 554 Exhibit 20-0022, HUT.0014.001.0019 (Tab 6B).



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