



Board of Inquiry into historical child
sexual abuse in Beaumaris Primary School
and certain other government schools

TRANSCRIPT OF PROCEEDINGS

**BOARD OF INQUIRY INTO HISTORICAL CHILD SEXUAL ABUSE AT
BEAUMARIS PRIMARY AND CERTAIN OTHER GOVERNMENT
SCHOOLS**

**PUBLIC HEARING
MELBOURNE**

**MONDAY, 23 OCTOBER 2023
AT 10AM**

HEARING DAY 1

APPEARANCES

**MS F. RYAN SC – COUNSEL ASSISTING
MS K. STOWELL – COUNSEL ASSISTING**

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<THE HEARING COMMENCED AT 10.00 AM

CHAIRPERSON: Good morning, everyone. I would like to begin by acknowledging the traditional owners of the lands on which these hearings are held, the Wurundjeri people of the Kulin Nation. I would also like to pay my respects to their Elders past and present and to the Elders of other communities who may be here today or joining us remotely.

Thank you to those who are here with us today as we commence our public hearings for the Board of Inquiry into historical child sexual abuse at Beaumaris Primary School and certain other government schools. Thank you also to those who are joining us online. I am Kathleen Foley, the Chair of the inquiry. I am joined here today by Counsel Assisting, Fiona Ryan SC and Kate Stowell. I note that the State of Victoria is also represented here today.

We would like to begin these hearings with a moment of silent reflection for the victim-survivors of child sexual abuse. We acknowledge all victim-survivors, including those who have not yet disclosed the abuse they experienced and those who are no longer with us. We acknowledge the significant harm that is caused by child sexual abuse and recognise that child sexual abuse can have substantial lifelong impacts on victim-survivors, their family, supporters and community.

We will now have a moment of silence.

We would also like to acknowledge the advocacy, the strength and the resilience of victim-survivors of historical child sexual abuse in government schools, their families, supporters and communities, including those who have come forward to speak with the inquiry about their own experiences. We recognise that it is not easy to speak about these experiences, and we acknowledge the trust that they have placed in us. You are the reason that we are here today.

We also acknowledge the Beaumaris community and all communities where a school has been identified as being relevant to the scope of this inquiry. We appreciate that this might be a difficult and unsettling time for many.

We would also like to thank the Yoorrook Justice Commission for allowing our Board of Inquiry to use this special space to conduct our hearing. The Yoorrook Justice Commission is doing work of great significance, leading a truth-telling process into historical and ongoing injustices experienced by Aboriginal Victorians.

This inquiry is also based on truth-telling. We are here to establish an official public record of the experiences of victims-survivors of child sexual abuse in a number of government schools. We have been tasked with investigating historical child sexual abuse at Beaumaris Primary School and certain other government schools. There have been inquiries before us that have examined child sexual

abuse in institutions. We acknowledge the importance of those inquiries and we build upon their work.

5 This inquiry's work is governed by the terms of reference that have been set for us by government. At a high level, our work will involve the following matters: first, the inquiry will look at child sexual abuse at Beaumaris Primary School and at other Victorian government schools where relevant staff from Beaumaris Primary School also worked and allegedly perpetrated abuse. The period of time that is relevant to our work spans from the 1960s until the end of 1999. Secondly, the
10 inquiry will inquire into the response from the Department of Education in relation to that sexual abuse, including what was known and any actions that the department took or failed to take at or around the time of the abuse.

15 Thirdly, the inquiry will consider support services currently offered to victim-survivors of historical child sexual abuse in government schools and the effectiveness of those services. Finally, the inquiry will consider appropriate ways to support healing for affected victim-survivors, their families and friends and affected communities.

20 It is not before time that we shine a light on the abuse that has occurred and acknowledge the trauma that was caused and continues today. Child sexual abuse is an abhorrent crime. The impact of this abuse can last a lifetime. Victim-survivors can live with enduring health challenges and complex trauma. The effects of child sexual abuse can impact the victim-survivors' relationships,
25 social networks, and employment outcomes. Partners, children, parents, friends and other supporters and communities can also be deeply affected. Tragically, we also know that child sexual abuse can cost lives.

30 Despite these negative impacts, victim-survivors can also display incredible strength and resilience. We have seen those qualities in the victim-survivors who have come forward to share their experiences with us.

35 Child sexual abuse in institutional settings such as a school is distinguished from other types of child sexual abuse. It is distinguished by the context and the situations in which perpetrators come into contact with their victims.

40 There are other characteristics of institutional child sexual abuse that are also important to understanding impacts for victim-survivors. Child sexual abuse in institutional settings involves an exploitation of the power imbalance between children and the institutions they depend on. It also involves the exploitation of trust that children, families and communities place in the institutions and the people that work in them.

45 The dynamics of child sexual abuse in institutions may entrap victim-survivors, limit opportunities for disclosure and reduce the likelihood of an appropriate response to disclosures when they are made. We also know that the effects of

institutional child sexual abuse do not stop with the victim-survivor. Partners, children, parents, friends, other supporters and communities can also be affected.

5 This inquiry is here to acknowledge that child sexual abuse occurred at Beaumaris Primary School and certain other government schools during the relevant period. We are here to bear witness to the experiences of victim-survivors. We know that, for some victim-survivors, speaking to us has been the very first time that they have felt heard and that their pain has been acknowledged.

10 We will examine the Department of Education's response at the time to the abuse that occurred. As part of that work, we will seek to understand what happened and why. We will endeavour to raise community understanding of child sexual abuse and contribute to a society where children are afforded the respect and the protection they need and deserve. We will also make policy recommendations in
15 regards to effective support services for victim-survivors and appropriate ways to support healing.

We do not take our role lightly. We understand that this may be the first time
20 people are disclosing their abuse. And it may be the first time that loved ones and communities are hearing about their experiences. This inquiry has a role to play in assisting victim-survivors to share their experiences, if they wish to take that step, and contributing to a healing process for victim-survivors, their loved ones and their communities.

25 We believe we can only do this by operating in a trauma-informed way, and this means engaging with people in a way that suits their needs and their preferences. From the moment our work on this inquiry began, we had a very clear objective that we wanted to ensure that our work was going to provide victim-survivors with ways to engage with us that could respond to their individual needs. We also
30 wanted to provide a supportive environment to victim-survivors, knowing that, very often, engagement with the legal system can add to a person's trauma.

These objectives have informed many of our decisions, from the avenues that
35 we've created for people to engage with us, to the support that we have provided in various ways for people who make contact with us, and even in the way that this hearing room has been set up today. I wish to thank each and every person contributing to this inquiry for the dedication that they have shown in ensuring that our work is trauma-informed and is responsive to the needs of those who choose to engage with us.
40

It can take an enormous amount of courage for people to recognise and understand
45 their experience of abuse and to share this with their family or friends, to stand before the public and disclose such traumatic and deeply personal experiences. We are also aware that the journey of every victim-survivor is unique. The public hearings that we begin today are just one way in which we are engaging with people. We know that not all victim-survivors and their supporters can or would like to participate in public hearings.

We know that coming forward, particularly for people from areas where community support networks may not be available, will be challenging. And as I've said, for some victim-survivors, coming forward will be the first time that they
5 have disclosed their experience of abuse. We are very grateful for the trust that everyone who is participating in our processes has placed in us.

Now, it has been our experience so far that most victim-survivors who choose to engage with us prefer to do so privately. And, for that reason, we have been
10 conducting private sessions with people who wish to come forward and share their experiences in that way. Those private sessions commenced in September and are an ongoing component of the inquiry's work.

I have had the honour of meeting with many victim-survivors through this private session process and have heard experiences directly. Each and every person who has come forward to speak with us contributes to the work of this inquiry in an important way. It is important for the Board of Inquiry to acknowledge that fact publicly, because often when we think of a Royal Commission or a Board of Inquiry, it is the public hearing that comes to mind, but for this inquiry, a
15 significant body of work is occurring behind the scenes in private so that victim-survivors can share their deeply personal experiences with us in the way that best suits them and in the way that they choose to share it.
20

These private sessions have also made clear to us that the tangible outcomes of the inquiry are not limited to the report that we will produce at the end of this process. Every time a person picks up the phone to speak with us and every time someone sits down with us for a private session, an important step along a personal journey is being taken. We have been told more than once, "This process is itself a part of my healing." So we see it as a significant part of our work. It is just as important
25 as the report that we will prepare and the recommendations that we will make.
30

In addition to engaging with us in a private session, any member of the public can provide us with a written submission. We have already received many submissions as part of the work that we are doing. The closing date for our
35 submissions process has been extended to 31 October, the end of this month, to give people more time to share their experiences and also their ideas in relation to support services and healing.

Regardless of the method of participation, people can choose to engage with us confidentially or anonymously. If people wish to provide information to the inquiry on a confidential basis, the inquiry will not publish that information or disclose their identity. We will only use the information to inform our work. If people wish to provide information to us on an anonymous basis, the inquiry will refer to them using the name other than their real name and will not publish
40 information which may identify them without their agreement.
45

In understanding the way that the inquiry is working, it is important to know that some people who come to speak with us may be involved in criminal or civil proceedings. We do not want our public hearings or indeed any of our work to compromise these processes. As a result, we will ensure that we conduct ourselves
5 in a way that does not prejudice any criminal proceedings or investigations or any civil proceedings. For that reason, it will sometimes be necessary for us to make an order which restricts the publication of certain information.

10 It is important to the Board of Inquiry that we conduct our public hearings in a way that support equity of assets and participation. If anyone participating in the public hearings, including any member of the public observing in person, has any specific needs such as those relating to hearing or mobility, please contact the inquiry and we will do our best to assist you.

15 In the same way, if any member of the public needs to step out of the hearing room for any reason at any time, please just do that. If any person who is working here needs assistance or support, again, please let us know and we will accommodate you.

20 We also understand that the content across these hearings may be distressing or raise concerns for some people. Please be mindful of this in your engagement with this content and seek support if required. We have counsellors who are available here onsite who can assist you if you would find that helpful.

25 Before I hand over to Counsel Assisting, Ms Ryan, I would like to conclude by reiterating my acknowledgement of the experiences of child sexual abuse and my acknowledgement of those experiences are difficult to hear about. It can be uncomfortable and it can be confronting for the community to be exposed to this kind of trauma, but it is even more difficult to live through. We believe that we
30 cannot contribute to the process of healing without commencing an open conversation. We cannot contribute to the process without asking the difficult question: why did this happen and why did it continue for so long?

35 Thank you once again to everyone who has contributed and who has come forward to share their experiences so far with the inquiry. Thank you also to all of those who are providing support to victim-survivors who are engaging with us, and also to those who are following along with our work but may choose not to engage directly with us. We know that our work is relevant and affects so many people across different communities.

40 I now invite Ms Ryan to commence her opening remarks.

45 **MS RYAN:** Thank you, Chair. I have been appointed as Senior Counsel Assisting and Kate Stowell as Junior Counsel Assisting this Board of Inquiry. Schools are a place that should be safe. The Victorian Charter of Human Rights and Responsibilities Act 2006 recognises that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them

by reason of being a child. All forms of child abuse are a gross violation of a child's right to this protection and are crimes under the laws of the State of Victoria.

- 5 Child sexual abuse has devastating and far-reaching consequences. For the victim-survivors, it can effectively destroy their childhood and profoundly alter the rest of their lives. The Order in Council establishing the Board of Inquiry sets out the Terms of Reference which guide our work.
- 10 In accordance with these Terms of Reference we will inquire into, report on and make recommendations considered appropriate about the experience of victim-survivors of historical child sexual abuse who were abused by a relevant employee at Beaumaris Primary School during the 1960s and/or 1970s - a
- 15 "relevant employee" means a teacher or other government school employee or contractor who sexually abused a student at Beaumaris Primary School during the 1960s or 1970s; the experiences of victim-survivors of historical child sexual abuse who were abused by a relevant employee in any other government school; the response of the Department of Education in relation to the historical child sexual abuse committed by a relevant employee, including the Department of
- 20 Education and its officer's state of knowledge and any actions it took or failed to take at or around the time of abuse; appropriate ways to support healing for affected victim-survivors, secondary victims and affected community; and, having regard to other inquiries and reforms that have taken place since the historical child sexual abuse occurred, whether there are effective support services for
- 25 victim-survivors of historical sexual abuse in government schools.

The Board of Inquiry has already identified several alleged perpetrators of abuse at Beaumaris Primary School and certain other government schools. The board has publicly identified three alleged perpetrators to assist victim-survivors'

30 participation in this inquiry. These are Gary Arthur Mitchell, Grahame Harold Steele and David Ernest Keith MacGregor. There are other alleged perpetrators who have been identified who cannot be publicly named at this time as a result of legal and other considerations. When circumstances allow us to publicly identify other alleged perpetrators, we will do so. This group of people is referred to as

35 "relevant employees" for the purposes of the Board of Inquiry's work.

To date, in addition to Beaumaris Primary School the Board of Inquiry has identified 23 schools which are within the scope of our Terms of Reference. These

40 23 schools have been identified as other schools where the relevant employees worked before and after they taught at Beaumaris Primary School. The 23 government schools, in addition to Beaumaris Primary are Aspendale Primary School; Beaconsfield Upper Primary School; Belvedere Park Primary School; Bundalong South Primary School, which is now closed; Bunyip Primary School; Chelsea Heights Primary School; Cowes Primary School; Cranbourne Primary

45 School; Dandenong North Primary School; Dandenong West Primary School; Drouin South Primary School; Emerald Primary School; Hampton Primary School; Kunyung Primary School, Mirboo Primary School, now Mirboo North

Primary School; Moorabbin (Tucker Road) Primary School, now Tucker Road
 Bentleigh Primary School; Moorabbin West Primary School, which is now closed;
 Mount View Primary School, Ormond East Primary School, now McKinnon
 Primary School; Tarraville Primary School, which is now closed; Tarwin Lower
 5 Primary School; Warragul Primary School; and Warragul Technical School, now
 Warragul Regional College.

Some of the relevant employees went on to teach at private schools which are
 outside the scope of our Terms of Reference. The Terms of Reference identify the
 10 need to ensure that evidence that may be received by the Board of Inquiry which
 identifies particular individuals as having been involved in child sexual abuse is
 dealt with in a way that does not prejudice current or future or - sorry, current or
 future criminal or civil proceedings or other contemporaneous inquiries.

15 According to the Terms of Reference, the Board of Inquiry should not inquire into
 the response of the State, including the Department of Education and its staff, to
 any complaints, legal proceedings or legal claims in relation to incidents of child
 sexual abuse in a government school except insofar as the inquiry may establish a
 20 factual record of the state of knowledge of the Department of Education and its
 staff and the actions taken or not taken by the department at or around the time of
 the abuse.

The Board of Inquiry is also not permitted to inquire into compensation or redress
 arrangements. In order to make contact with affected communities, the Board of
 25 Inquiry has engaged with national, state and local media outlets, as well as
 conducting community engagement sessions in the Beaumaris and Sandringham
 areas, as well as the City of Casey and Cardinia Shire.

Under the Victorian Inquiries Act of 2014, the Board of Inquiry has issued five
 30 notices to produce to the Victorian Department of Education, the Department of
 Justice and Community Safety and Victoria Police, requiring the production of
 relevant documents and information. We anticipate issuing further notices to
 produce over the next few months. The Board of Inquiry has also sought to engage
 with the Victorian courts and other relevant agencies to seek relevant documents
 35 and information. Beyond the Victorian Government, the Board of Inquiry has
 consulted with academic practitioners and other experts on child sexual abuse and
 child-safe practices in Victoria in relation to the relevant timeframe of this Board
 of Inquiry.

40 We are aware that many of the victim-survivors from Beaumaris Primary School
 and other relevant government schools have already engaged with both criminal
 and civil legal proceedings. We acknowledge that being a complainant or a
 plaintiff in such legal proceedings is often harrowing. The Board of Inquiry is
 committed to engaging with victim-survivors, their families - whom the Terms of
 45 Reference also refer to as secondary victims - friends, supporters and affected
 communities in a trauma-informed way.

We hope that this Board of Inquiry provides a different and meaningful opportunity for truth-telling and a unique way of contributing to ongoing processes of healing.

5 I now turn to the proposed approach to the hearing. The Board of Inquiry currently plans to conduct three public hearing phases. This first hearing phase will focus on Beaumaris Primary School. The board will hear from victim-survivors in relation to people's lived experience of child sexual abuse, understanding how and where child sexual abuse took place and understanding the ongoing impacts of child
10 sexual abuse, which will all contribute to an awareness of a person's experience of child sexual abuse at the time and over time.

The board will also hear from two expert witnesses about the context in which child sexual abuse occurred, including the sociocultural factors that existed in the
15 1960s and 1970s and changes in belief regarding child sexual abuse, for example, the evolution of the understanding of grooming. This evidence will assist in understanding how child sexual abuse was able to happen in government - in a government school context and go undetected for so long.

20 Later hearing phases to be held from November will consider other aspects of the Terms of Reference, including the second hearing phase will explore the knowledge of the Department of Education and its officers about the child sexual abuse, its action or inaction, its policies and practices. And the third hearing phase will consider the support services available to victim-survivors and ways to
25 support healing.

The Board of Inquiry has identified witnesses to give evidence in the public hearings through submissions received from victim-survivors, as well as private sessions held in recent weeks with victim-survivors, their families and friends, and
30 members of affected communities and research conducted by Counsel Assisting and the Board of Inquiry's Policy and Research and Legal teams. The witnesses identified were contacted to determine whether they wished to share their experiences confidentially, anonymously or publicly. They were then supported in giving their evidence through a trauma-informed process.

35 I will now give a summary of information received so far by the Board of Inquiry from victim-survivors. The board has received submissions from and conducted a number of private sessions with victim-survivors, their families and friends. We have also heard from members of affected communities who have told the board about their experience of child sexual abuse and its impacts. We have heard from
40 male and female victim-survivors. Many of the people who attended those sessions or made those submissions wished to do so anonymously or confidentially so that their identity was not revealed publicly.

45 The following summary describes what they told us. If someone has asked for confidentiality, we have not referred to what they told us. We have been told about the profoundly damaging impacts child sexual abuse has on a child. This is an

impact that can last a lifetime. It is important to understand these various impacts. At the same time, we also acknowledge the tremendous strength and resilience of victim-survivors and their loved ones. This is a strength and resilience we have seen from those who have come forward to share their experience with us.

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Immediate impacts. In their accounts to the Board of Inquiry, many victim-survivors described the fear, powerlessness, shame and anger they felt following the abuse. Victim-survivors described feeling voiceless, powerless or helpless to stop, report or seek justice for the abuse. Some told us how their experiences had been dismissed or ignored by family or members of the community. We were told about a culture of not speaking up about abuse and a culture in which young people were not educated to understand what inappropriate sexual contact was.

10

Victim-survivors described how they were scared they would not be believed if they reported the abuse. Some feared embarrassing their families if they did report it and so chose to stay silent instead. We heard that victim-survivors felt ashamed that they had not tried to stop the abuse when it occurred. Shame and self-loathing sometimes continued well into adulthood. We also heard about the guilt felt by parents when they learned of the abuse many years later.

20

Others described dealing with feelings of rage or developing aggressive behaviours that they had not experienced before the abuse. Some victim-survivors described their experience of abuse as entirely unforgettable. Others recalled how, for many years, they suppressed memory of their school days and of the abuse, often well into adulthood. Some recalled periods of what they now understand to be disassociation as a direct result of the child sexual abuse. Others described feeling blank or numb when they think about the abuse they experienced.

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For many, it was a number of years before they were able to process or understand what had happened to them. We were told by one person:

30

"I cannot recall my feeling at the time. Only in my adult life had I understood this inappropriate behaviour."

35

We were also told:

"I've spent over 50 years burying this in my subconscious. The times it does surface, I do not cope well. I end up in a very dark place, and sometimes it takes me a week or more to pull myself together again."

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We also received reports from friends and family who witnessed loved ones begin to display troubling harmful behaviours after they were abused.

Mental ill health. The long-term effects of child sexual abuse on the health and wellbeing of victim-survivors was a common theme in the accounts the Board of Inquiry received through public submissions and private sessions. We were told of

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the physically traumatic effects of child sexual abuse on the bodies of victim-survivors.

5 We were also told of the impact of child sexual abuse on the mental health of victim-survivors. Many people who have come forward to the Board of Inquiry have reported how the child sexual abuse they or their loved ones experienced contributed to anxiety, depression, obsessive behaviours and other mental illness which were often chronic and severe. Many victim-survivors reported feelings of isolation and loneliness as a result of the child sexual abuse they experienced.

10 We heard of suffocating depression, with victim-survivors telling us how they developed addictive behaviours as a result. We were also told that just sharing their experiences with the Board of Inquiry gave rise to panic and anxiety. Many continue to struggle with mental ill health today. We were told by one person:

15 "I've been surviving since I was 15. Sometimes well. Other times not so well."

20 Sorry. That should have been 14:

"I've been surviving since I was 14. Sometimes well. Other times not so well."

25 Victim-survivors, their families and friends describe how victim-survivors of abuse have suffered through self-harm, suicidal thoughts and suicide attempts. For some victim-survivors, these remain a part of their everyday lives, many years after they were sexually abused. Others told us about losing friends and fellow victims-survivors of child sexual abuse to suicide. One person said:

30 "The abuse has defined my life and nearly ended it. I have been on the brink of suicide due to the abuse on more than one occasion. To watch my friends raise their young families and get so much joy, pleasure and pride as they watch their kids become young adults destroys me. I was happy for my friends but knew I'd never know such happiness. My sense of self-worth was and still is non-existent. I am literally unable to see what I contribute to the world."

40 We have heard how the effects of the abuse can be all-consuming. We were told by another person:

"I've sat on this dark mass for 50-odd years. I try like hell to push it down and not let it tear me apart. I've had weeks and months go by where this is all I'm thinking about. This is why I decided I wanted to come here to the inquiry and on my own."

45 I now turn to the effects on everyday lives of victim-survivors. They have also shared with the board the many ways in which their experiences of abuse continue

to shape their daily lives and the lives of those around them. The Board of Inquiry received accounts of the way in which experiences of abuse contributed to self-destructive behaviours amongst victim-survivors. Many of them described ongoing battles with substance abuse, using drugs and alcohol to forget the abuse, to hide from or escape their trauma.

For some, we were told that this involved substance abuse from a very young age, around the time of the abuse. Gambling was sometimes used as another means of escape. We heard that many other victim-survivors feel they are not able to share their experiences at this time because of the stigma surrounding their ongoing behaviours. The ongoing trauma of child sexual abuse hindered many victim-survivors from engaging in community life.

We heard that the education of victim-survivors was significantly impacted by the abuse, and they described to us the relief they felt when they left school. They told us of their difficulty holding down jobs and finding sustained full-time employment. Others found themselves engaging in criminal activity. Many victim-survivors reported how their experiences of abuse inhibited their ability to pursue or maintain friendships, close relationships and intimacy with others.

Victim-survivors described to us how their experience of abuse impacted on their ability to care for their own children. Others described difficulty watching their own young children being touched or picked up, calling that experience confronting.

I will now turn to what the Board of Inquiry should achieve, as we were told by victim-survivors. Many people who have come forward to the Board of Inquiry expressed hope in the possibilities that the establishment of this inquiry represents. The Board of Inquiry has been described as:

"Incredibly progressive and healing."

We were told that:

"Seeing the announcement committing to an inquiry with public findings, I thought, 'This is the time.'"

The importance of public recognition of the extent of the abuse was a common theme amongst victim-survivors. The Board of Inquiry has heard of feelings of shock and anger when, in adulthood, victim-survivors began to understand that the abuse they and others suffered was both common and well-known in the community. We also heard of a perception that there is a reluctance of schools and the Department of Education to speak openly and honestly about abuse of a historical nature.

Victim-survivors expressed their desire that the work of the Board of Inquiry contribute to a recognition of the degree of abuse experienced in the community. We were told:

5 "The piece about education and recognition is important. Broadly speaking, there needs to be something about recognition of the magnitude of the impact."

10 The Board of Inquiry is grateful for the many victim-survivors and members of the communities around them who have shared their experiences and contributed to the public record of experiences of child sexual abuse. We acknowledge that victim-survivors expressed that there are many more in the community who are not ready to share their stories. We were told:

15 "I feel there's more to this. Others... [from the time] would be reading this and going through what I'm going through. I didn't know what to do, how to manage the dark thoughts that I've been having."

Others encouraged other victim-survivors to share their experiences, saying:

20 "Don't hide. Don't be ashamed of what happened. We were kids."

Victim-survivors expressed a desire to ensure that what happened to them does not happen to anyone else. They said that:

25 "This can't happen to another child."

30 Some hoped that if it does happen again, they wanted to ensure that it is dealt with in a more appropriate way. Many spoke of the need to provide greater support and specialised services for victim-survivors to help them deal with their trauma. As we were told:

35 "We've lost so many people. I don't want to lose another friend. There's no support for them."

40 To conclude, the work of the Board of Inquiry is ongoing. We invite victim-survivors to come forward. If you experienced child sexual abuse by staff or contractors at Beaumaris Primary School during the 1960s and 1970s and at any other government school where these relevant employees worked up until 1999, please consider coming forward to share your experiences with the Board of Inquiry.

45 We would also like to hear from families, friends, loved ones and supporters of those who experienced abuse. Victim-survivors and their families, friends and supporters can share their experiences with the Board of Inquiry by (1) registering to attend a private session, which is a face-to-face or online meeting where you

can share your experience in a private and safe environment, or (2) by making a written submission to the Board of Inquiry.

5 Private sessions will be held until December 2023. You can register for a private session online at www.beaumarisinquiry.vic.gov.au or by calling (03) 8301 0102.

10 If you are interstate or overseas, we can conduct an online session for you. Organisations and groups are also encouraged to make a written submission to inform the board's work and recommendations about best-practice approaches to providing support for adults who have experienced child sexual abuse at government schools.

15 The Board of Inquiry is accepting written submissions until 31 October 2023. You can make a written submission through the Board of Inquiry's website, again, www.beaumarisinquiry.vic.gov.au, or in writing to Beaumaris Board of Inquiry, PO box 18092, Collins Street East, Victoria, 8003.

20 Finally, and to conclude, if you have any questions about how to share your experiences or if you are uncertain even about whether to share your experiences with the Board of Inquiry, please contact the Board of Inquiry. Thank you, Chair.

CHAIRPERSON: Thank you very much, Ms Ryan. We're now going to take a 15 minute break for morning tea before we hear from our first witness.

25 **<THE HEARING ADJOURNED AT 10.48 AM**

<THE HEARING RESUMED AT 11.08 AM

30 **CHAIRPERSON:** This witness who will give evidence has agreed to be identified. However, the Board of Inquiry has decided to make a restricted publication order in relation to a particular person, including in relation to the schools at which they worked other than Beaumaris Primary School. In the context of the scope of this inquiry, the Board of Inquiry has made this order because it is satisfied that prejudice or hardship may otherwise be caused to a person, the
35 nature and subject matter of the information is sensitive, there is a possibility of prejudice to legal proceedings and the prohibition or restriction is appropriate.

40 I will now briefly explain how the order works. The order requires that anyone who watches or reads the evidence given by our witness to the Board of Inquiry must not share any information which may identify the person who will be referred to as Wayne, as well as any information in relation to Wayne, including any schools at which they worked other than Beaumaris Primary School.

45 This information is not limited to Wayne's real name and may include other information which may identify them. A copy of the order has been placed outside the hearing room and is available to anyone who needs a copy. A copy will also be made available to the Board of Inquiry's website. I encourage any journalists

wishing to report on this evidence to discuss the scope of the order with the Board of Inquiry's Communications and Engagement Manager.

Ms Stowell, are we ready for Mr Courtney?

5

MS STOWELL: Yes. Thank you. Chair, I introduce to the inquiry Timothy John Courtney. Thank you.

<WITNESS TIMOTHY JOHN COURTNEY, AFFIRMED

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<EXAMINATION-IN-CHIEF BY MS STOWELL:

MS STOWELL: Mr Courtney, thank you for your attendance at this inquiry. Firstly, can you confirm that you prepared a statement to assist the Board of Inquiry?

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MR COURTNEY: Yes, I have.

MS STOWELL: And do you have a copy of that statement in front of you?

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MR COURTNEY: I have.

MS STOWELL: And are you satisfied that that statement is true and correct?

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MR COURTNEY: I am satisfied it is true and correct.

MS STOWELL: Can you please tell the inquiry about where you were born and your early years with your family?

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MR COURTNEY: I was born in the suburb of Beaumaris in 1964 and I was - I grew up with a twin sister and older brother and a mother and father in the same home in - in the '60s in Beaumaris.

MS STOWELL: What years did you attend Beaumaris Primary School?

35

MR COURTNEY: I started at Beaumaris Primary School in 1969 and finished in 1976.

MS STOWELL: And what do you remember about that time, starting school?

40

MR COURTNEY: I was looking forward to it. You know, I was excited. I had a - the twin sibling who was starting with me. We lived round the corner from the school. It was a great environment and, yes, it was something that I was certainly looking forward to at the time.

45

MS STOWELL: When did you first experience abuse at Beaumaris Primary School?

5 **MR COURTNEY:** It was in or around 1972 but - or, in fact, 1971, 1972 when the abuse started at Beaumaris Primary School. And I was first abused by a teacher by the name of Wayne, call him Wayne, a pseudonym, and he abused me many times at the school.

MS STOWELL: In your statement, and referring to about paragraph 8, you talk about 1972.

10 **MR COURTNEY:** Mmm.

MS STOWELL: Can you tell the inquiry what happened around that time?

15 **MR COURTNEY:** I was in grade 3 and my grade 3 teacher at Beaumaris Primary School was Gary Mitchell. That year, Wayne abused me in front of Gary Mitchell, and it was this - Wayne was showing Mitchell how he would - showed me how he would abuse me. I remember this happening on several occasions and - and then it then developed into a pattern where Mitchell abused me in front of Wayne, and then it went on to Mitchell abusing me on his own.

20

MS STOWELL: What else can you tell the inquiry about the nature of that abuse?

25 **MR COURTNEY:** Yes, it was - I mean, it was obviously complex from, you know, a seven or eight-year-old child that was firstly confronted with the teacher, Wayne, abusing, which caused a number of things to happen: Behaviour change. You know, I was pretty happy child prior to that and describe myself as fairly well behaved. I think it's fair to say my behaviour changed almost overnight, and that caused a number of things to precipitate at home. The family became disrupted by
30 my behaviour and obviously caused a fair amount of consternation for parents in terms of what was the cause of the change in my mood and behaviour.

35 So I would then go on to experiences periods of disassociation in the course of attending school and sitting in the class in particular, in the classroom. There was a fear of going to school, obviously, caused by the initial abuse and the ongoing abuse that occurred by that perpetrator, and also the combination of the abuse that started, you know, a year or so later by both Mitchell and Wayne. So what was a very friendly, pleasant environment became an environment of great concern and anxiety for me.

40

It's fair to say it was something that I did what I could do to attempt to minimise what was going on at home, in terms of how I was, how I was feeling, and I think it's fair to say I did what I could to - certain times, that there was clearly stress in my life without actually telling my parents what was going on.

45

MS STOWELL: You described abuse by Wayne and then Mitchell.

MR COURTNEY: Yes.

MS STOWELL: How long did the abuse by Mitchell go on?

5 **MR COURTNEY:** In terms of the period of the abuse?

MS STOWELL: Period of time?

10 **MR COURTNEY:** Yes, look, it would probably - it probably only went on for the period of 1972, from memory. The main perpetrator in my case was Wayne, and that abuse went on for a number of years, for as long as I can remember that I was at the school. I think it started to fall away towards the latter years of my time in primary school. But the abuse by Mitchell probably only went on for a year.

15 **CHAIRPERSON:** Ms Stowell, could I ask a question, if I may.

Mr Courtney, do you recall whether there was a particular time of day or places at the school where the abuse would occur?

20 **MR COURTNEY:** Yes. [redacted] it also happened in the classroom of - Gary Mitchell's classroom. [redacted]. But after a period of time, it went on to be - it would be, you know, perhaps during a, you know, a lunchbreak or, you know, during a break in - you know, a recess, that I would walk past his - his classroom and be summoned in.

25 **MS STOWELL:** Mr Courtney, you talked about immediate changes to your behaviour at home, and not being able to say what was happening at school.

MR COURTNEY: Yes.

30

MS STOWELL: Can you elaborate a bit more on why you felt like you couldn't report the abuse?

35 **MR COURTNEY:** I was - I was threatened by - by Mitchell [redacted] if I told anyone such as my parents, that I would be harmed, that they would get to me. [redacted] It's interesting, around that time, I developed a speech impediment which I think was curious, but I - I was unable to pronounce certain words. Now, that obviously led my parents to a bit of concern around what's caused this. They were fortunate enough that they intervened and sent me to a speech pathologist
40 around that time, and that issue was remedied by the speech pathologist. But I think it's fair to say there were a number of sort of factors that I was displaying that were problematic and concerning.

45 **MS STOWELL:** Do you remember what, in addition to the speech pathologist, if your parents took any action in relation to the school?

MR COURTNEY: I only found out in sort of later life that my mother attended the school. She was concerned about what was going on with my behaviour and my mood. So she took it upon herself to go down and see someone within the school environment, either the teaching staff or perhaps the principal and raised the concerns around my behaviour.

MS STOWELL: Can you tell the inquiry about what you recall about the impact on your school performance, your academic work?

MR COURTNEY: Yes, I think it's fair to say it fell off a cliff. I found it - I found it very hard to - to, I guess, digest the syllabus. I to this day, for example, don't know what a verb or a noun is or an adjective or a - and there were things like that that I would have learnt in primary school that I can't retain and still to this day I can't retain. I can read a dictionary and it will describe what a noun is, but I can't retain the description.

So I think it's fair to say it was around the time that the abuse started, my learning stopped or it was - was retarded by, you know, how I was and how I am today, to a certain degree, but I think that was, you know - and that was evident, I think, in some of the reports - the school reports that I received and some of the concerns that my mother and, you know, to a lesser degree, my father addressed with the school.

MS STOWELL: How did you make it through to grade 6, do you think, when you look back now?

MR COURTNEY: I'm not sure. I think - I think I - one of - probably one of the strategies that I adopted was trying to make myself a little invisible, and what I mean by that is to just blend in. I was obviously concerned about attention and the attention of both Wayne and Mitchell, but I was also concerned by the prevalence of other students observing the abuse. So I probably became quite introverted and very aware of what was going on. I had a fairly clear idea in my mind that others knew about what was taking place at school.

But I'm not sure how I managed to get through. I think it's fair to say I probably survived the experience at primary school. I stopped enjoying what should have been a - I guess the foundation for my education. And I had my trust in authority absolutely destroyed by what took place at that primary school. And I think the anger that I described is probably the way in which it projected in terms of a fairly single-minded focus to get through teens, not to experience what they were all about, but to get through them.

So I think mine was - I just needed to survive each day, each year, and the experience at school was almost over me and I didn't absorb a lot of it, and I just survived.

MS STOWELL: This next question might be a broad one. You've talked about your experiences as a young person surviving at school. In your adult life how has the experience of the abuse impacted you?

5 **MR COURTNEY:** Obviously been - it's been an experience where there's been some milestones. I was a very reluctant with my - with my wife to have children. That was probably something that I put off for quite some time, and I was a fairly - describe it as a late bloomer when my first child was born. I was almost 40. And the experience has been - I have a daughter and a son. Seeing them go to
10 primary school was certainly a concern for me.

I - I remember quite vividly when my son finished primary school, I - you know, I'd make a point of spending as much time as I could dropping him off and getting involved, ensure that I got to know the teachers and the environment at his
15 primary school to ensure that all was safe and as safe as it could be, but I didn't relish the experience, and I made a point of seeing the head of my son's primary school at the end of that period and thanking him for creating an environment where he could learn.

20 And there are other - there are other times, I think, you know - and it's probably a reminder when I had children, the fact that I found it difficult to pick them up and probably be the parent that I should have been, but I - I made a commitment to myself that I would - I would ensure that what happened to me didn't happen to them and they would have the best experience they could have as children
25 and - and through their education.

But there was always concerns about, you know, meeting the - meeting the teachers, wondering, you know, what they're like, what's going on, you know, probably being - I wouldn't describe myself as a helicopter parent, but I would
30 describe myself as one that was a little anxious about what could go wrong. So, you know, I wanted to ensure that they had the best experience they could have, but it was a constant reminder of the experience that I had, being a negative one, so there was this sense of loss. And I think - I think that is - that is a reminder every day, you know, when I see them.

35 **MS STOWELL:** This inquiry is referring to families as secondary victims of child abuse, and at paragraph 19 of your statement, you've talked a bit about what you've perceived as the impact on your family. Are you able to tell the inquiry about what you understand the impact of - on secondary victims can be?
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MR COURTNEY: Yes, well, I can only really speak for myself, obviously, but I think it's fair to say it would be - it would be disingenuous of anyone to suggest that secondary abuse doesn't exist, because it must. The abuse that I experienced in primary school profoundly changed who I am, and changed my trajectory on life.
45 And - and I think it's fair to say those that are close to you experience that on a daily basis, how you are, being anxious or angry, or quick to judge or quick to - quick to do - to respond to external stimulus.

They experience that on a daily basis. And, in my case, I think it's been quite substantial. I see that with my - with my wife and the effect it's probably had on her. And I think it's fair to say my children have probably also, you know,
5 experienced that secondary trauma relating to how I am and how I behave and how - you know, the residual effects of this complex abuse.

And the abuse that was perpetrated at Beaumaris Primary was - it - it was - it wasn't like it was a single incident. It was one that occurred over a protracted
10 period of time and in a way which was [redacted], which I think you - you know, it definitely has an effect on, you know, how I am publicly. And it's interesting, I think, you know, one can form an assessment of an individual and say, "Oh, that person looks like they've done well in life", but I think what I've managed to do is probably have a facade, in some ways, that, you know - to the public that - and
15 people I've worked with that, you know, can't always be maintained when you're at home.

So I think they definitely see and would experience secondary trauma from - from that. I - I've never shared with my - with anyone, apart from when I've given
20 evidence, around the nature of the abuse in terms of the specifics of the abuse, because I've always felt that that is - that is something quite personal to me, but, equally, I've never wanted to burden anyone else with the details of the nature of the sexual abuse, and it was profound and aggressive and intrusive. So - yes.

25 **MS STOWELL:** This inquiry is also looking at support services for victim-survivors. What's been your experience with seeking support related to your abuse?

MR COURTNEY: I think it's fair to say - when I first came forward and decided
30 to make a statement to police, it was quite some time ago - it was 20-odd years ago now - and I did it for a number of reasons, but I felt compelled in my circumstances that I had to do something. At that time, I was - I was very conscious of the magnitude of the allegations because the seriousness of what had taken place in my case. So I attempted to seek some assistance from - at the time, I
35 rang the Law Council to try and find a solicitor to advise me on, you know, what I was doing.

But, you know, that was - that was by the by, but at that time, I had gone to the police and made a statement, and it's fair to say once that was made and given, you
40 were sort of left to your own devices. I was probably fortunate that I sought some intervention and some assistance of some external, you know, therapists and psychiatrists to give me some counselling in terms of some of the issues that I was displaying symptomatically.

45 I think - I think a lot of what I did and what I've found was a direct relationship of my resourcefulness, and I think it's fair to say - and even to this day fair to say that there's no one-stop shop. What do you do? I've gone - I went to the Royal

Commission and gave evidence and finished there, and even after that, I guess I felt that - what do I do now? And then it caused me to think, well, what do other victim-survivors do?

5 And even to this day, there is a sense of - of a single place to go to that you can, you know, seek some advice on your rights and - and also on, you know, someone that can triage you, for want of a better word, in respect to where you can go and people you can talk to and seek some help. It's probably fair to say, given, you know, the magnitude of the abuse occurring at a young age would have a profound
10 effect on an individual and, therefore, their needs would be slightly different from, you know, that of someone that may - that may be abused or, you know, be sexually assaulted at a later age.

15 But there's still - to my knowledge, there's nowhere you can go. And the court system, you know, and the - you know, my experience with it has changed slightly, but I still feel that, you know, if I was to come forward today and start this process again, I'd struggle to find a starting point.

20 **MS STOWELL:** You mentioned that you feel fortunate in that you have a degree of resourcefulness about yourself. Can you just elaborate on what you mean by that?

25 **MR COURTNEY:** I - yes, look, I guess what I was able to do was to tap into a network of friends that, you know - friends that, you know, could assist me in respect to providing some guidance to where I could go from a legal perspective and also, you know, probably people that - within a close circle of friends that I could trust. And given what I alluded to before, I think I had an overwhelming distrust of authority and, therefore, was very concerned when I was coming forward about the - you know, the nature of allegation, and I was coming forward
30 to a - you know, the police or people in a position of authority.

35 And so there was - there was already a distrust of that in the first place. So I think I relied on some close friends that I could trust with an element of what had happened to me. And I've never elaborated, as I said before, on the magnitude of the abuse, but the fact that it - it had happened. And I still think, to this day, when you mention child abuse or abuse to, you know, to anyone, it's a subject matter that people turn away from.

40 You know, there's obviously a trauma related to it and people naturally find it difficult to look at and think about and talk about. There's still a stigmatism in the community about child abuse. And I'd love a dollar for every time someone said to me, you know - that may have gone to a primary school, that, you know, wondering why they weren't targeted, what was wrong with them, which is kind of disingenuous but I think it sums up the way in which people deal with this subject
45 matter. Because it's very difficult to address.

So I think having, you know, having tapped into some resources that I found privately and through, you know, VOCAT, for example. They're all things that, you know - there are some resources in the community but, you know, firstly and foremostly, the - you know, the individual - and in the case of myself, it's
5 probably - you know, the capacity to go and find these is diminished by the effect of the abuse. So I guess I was lucky, in some ways, but I managed to do that and I think probably benefit from that over the period of my life.

CHAIRPERSON: Mr Courtney, if I can ask a question related to that. You've
10 spoken about tapping into resources, and you've also spoken about the impact on family and the ripple effect. What's your sense of whether there are resources available for family members of someone who has suffered abuse or is that really a hidden or an area where you sense we need more assistance?

MR COURTNEY: Yes. Look, I guess - I mean, it's an interesting question because - I guess what I've alluded to, there's not sufficient resources for the person that's been initially abused. That doesn't exist, in my opinion, today. So, therefore, by nature of that - and it certainly doesn't exist in people that have experienced secondary trauma. So I think there's a gulf, and, you know, part of the
20 problem is coming forward, and when you do that, you're pretty well left to your own devices.

With all due respect to the services that, you know, are in existence to this day, but you're left to your own devices. You go home and you are in your own home - or
25 you may not be in your own home, but you're left to your own devices. So I think that - that's the net effect to the primary person. The secondary - I don't think there's ever been a consideration about how they may or may not be affected about this, and I think it's - it's quite unique.

It's a complex - a complex situation because no one person, I would imagine, that's
30 been abused, you know, is - has exactly the same sort of side effects of the abuse. So it's very complex. And it also depends on the willingness of the people, your support group around you, to stick around. So I think they are very much a - and I will use the analogy. You drop the, you know, the stone in a pond and it's the
35 ripple effect. So there - they - I don't know where they go.

CHAIRPERSON: Okay.

MR COURTNEY: And, in fact, I will say I'm not sure if they actually know
40 themselves.

CHAIRPERSON: Thank you. That's really useful.

MS STOWELL: Mr Courtney, in your statement at paragraph 25 you've talked
45 about services that you've accessed, and you outline the difference between a psychiatrist and a trauma psychologist. Can you tell us a bit about that?

MR COURTNEY: Yes. Well, I think I was fortunate enough, and I have been fortunate enough to tap into the services of both a treating psychiatrist and also a trauma psychologist. Now, it was fortuitous that I stumbled across both, and I think that's problematic within itself. You know, cost of seeing a private
5 psychiatrist and the availability of a private psychiatrist in Victoria problematic, and if - it's fair to say if the consequences of the abuse - and I've heard in the opening remarks the discussions around the ongoing - the influence of the trauma on people. They may not be (indistinct). They - so, therefore they may not have, you know, the sufficient finance, financial support, to go and see a private
10 psychiatrist.

The benefit, I think, is material, but it's also fair to say it's a very complex and - and not lifelong but prolonged sort of period of addressing trauma. And, you know, I think you need to have a pretty open willingness to go and seek help and
15 also to - and they're quite different, a trauma psychologist and a standard psychiatrist, in terms of treatment. And I think they're both beneficial but equally, you know, there is a stigma attached to, you know - still to this day, you know, talking about seeing a psychiatrist.

20 Everyone will - and I don't make a - you know, I don't make a habit of disclosing that to people I don't know, and I am today, but I think it's a very important thing that you have that intervention so there's a good assessment of how you are or how the individual is and what their needs are.

25 **MS STOWELL:** I think you touched on this earlier. You talked about a one-stop shop. What do you think is needed to assist survivors on that issue of accessing supports?

MR COURTNEY: Somewhere to go. Just simply - and I understand there's a lot
30 of organisations that are probably around today and weren't around 20 years ago, but I think, you know, the individual needs are obviously quite complex, so I think there needs - there would be the benefit of establishing an entity that is, you know, "Right, once I've gone to the police or I'm prepared to talk about my experience", you can go somewhere, and they can assist you in, you know, finding some - some
35 psychological treatment, if that's the case, or, you know, financial support that you may or may not need, or giving you some options around some legal redress that you may wish to tap into.

40 But at the moment, you know, once you've come forward or, you know, you may be in a period of flux about what you do, if that was well-known, I think that would be a step that someone could quite easily take. Because at the moment, it requires the resources of others to assist you in doing that.

45 **MS STOWELL:** Do you mean - when you say "somewhere to go", do you mean survivors of child sexual abuse in schools as opposed to other types of abuse?

MR COURTNEY: Yes. Yes.

MS STOWELL: I just want to take you back to reporting the abuse. And you've said in your statement that victim-survivors can take years, sometimes decades, to report the abuse. You said that you changed behaviours as a young boy.

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MR COURTNEY: Yes.

MS STOWELL: Your mother noticed that, and she attended the school to talk about your behaviour. Do you know of the outcome of that conversation between your mother and the school?

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MR COURTNEY: Nothing changed. The outcome was that the abuse continued. I - I only became aware of the fact that my mother had done that after I - I made the comment to her, and I simply said, "Look, I don't blame you for the abuse that occurred at that primary school, but I hold you responsible in some way for not stopping it." And I was very conscious of the burden of a comment like that on someone, and it was during the course of that conversation she disclosed to me that she had attended the primary school. Yes.

15

MS STOWELL: Just return to this issue of support services. Again, looking at that delay, at paragraph 32 of your statement, you talk about other ideas that you have for support and reform. Can you tell the inquiry what you've been reflecting on in the time that - since you have disclosed, about what supports and reforms would be helpful?

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MR COURTNEY: I think, firstly, there needs to be some social reform, and what I mean by that is, you know, de-stigmatisation of sexual abuse. And I think there certainly needs to be a change in a willingness to talk publicly about sexual abuse, and certainly in the education system, you know, when abuse occurs, that it's discussed more transparently, giving a consideration to any legal issues around any discussion of abuse.

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But I think if children in particular see change in a social norm, being a more transparent discussion around abuse and their rights and what isn't - you know, what is overtly grooming behaviour, then I think that will go a long way towards addressing for the intervention of - in the event that abuse takes place. And I'm - I - you know, of the opinion that that will always happen. You know, maybe what we're talking about now is, you know, a bell curve at the moment with the quantum of people coming forward to discuss their abuses that have taken place historically.

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I'm aware that there's, you know, within some schools, education around abuse and children sort of - children's rights and what they need to look out for, and - but, more generally, I don't think parents are particularly well informed when they, you know, go on that journey of parenthood about what to look out for.

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It's almost left, in my opinion, to the role of the school to inform the child as part of their education process, and perhaps the enlightenment of the parents to have a discussion with the children about what's right and what's wrong and what to look out for and to perhaps pick up on signs of - early signs of abuse - and I think that it would probably be fair to say they are fairly obvious, in some cases. But, you know, at the moment, in my opinion, the parents, who are the ones that probably, you know, have an equal responsibility to intervene don't really get a great deal of education about what to look out for and what are the signs because they're - you know, it's still not talked about profoundly in the community.

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MS STOWELL: You mentioned there the importance of social change and educating parents in the community. This inquiry is also looking at healing and memorialisation. Do you have particular views or desires about what you'd like to see to memorialise or help educate the community about what happened at Beaumaris Primary School?

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MR COURTNEY: Yes. I think - I think, from the outset, we must sort of form an optimistic view on our society. So, therefore, what I mean is if something like Beaumaris Primary or other schools are memorialised, it's about what's changed. And there certainly has to be, in my opinion, a recognition of failing because unless, you do that, it's disingenuous to apologise, because you haven't accepted what's failed in the first place.

20

And that - that's probably the most (indistinct) thing and my opinion is that you accept that there's been a failure, and what I mean by that is, in my experience, the Education Department being one - one of the sort of - one of the groups that needs to accept that there's been a failing, but then when you're memorialising it, you need to recognise the things that have changed, recognise the impact of the failing and - not necessarily how it went on, but the fact that it did, and then talk about the future.

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And I think - I think it's fair to say I've seen evidence in the community of some schools that have done that in certain ways. I still think it's fair to say, in my opinion, there would be a reluctance of a lot of schools to adopt a transparent approach to historical abuse because - for the reasons that I've probably outlined is that, you know, there's almost like you want to look away from it. And I think if you are serious about changing the future, you've got to recognise the past and the impact on the past. And a memorial of some description is one way to do that.

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In respect to apology, I think, in all cases, the individual must be apologised individually and in person. It can't be through a solicitor or through someone acting as a mediator for an individual. It's got to be done - at a certain point in time, it's got to be done in person. For each individual that comes forward that goes through a process of seeking - seeking redress should, and should have the right to an apology in person.

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And then I think there is a responsibility of the government also to apologise across the board for the failing. And I don't - I don't blame the government of today or yesterday or the last five years or whatever. It's - you know, but it's the responsibility now, I think, of the government to come out and apologise publicly
5 to those that were let down and through no fault of their own. A child is not responsible for childhood sexual abuse. It is solely at the hands of the perpetrator and those who allowed it to continue.

And I think that's an important message that needs to get across to the survivors, is that it's not their fault. And I think - I think perpetrators - their vulnerability to exercise guilt and - and by doing that, they probably silenced people for some time. It's fair to say, you know, you just can't blame them. There can never be a consideration for blame for the individual that's been abused. It's always at the hands of the perpetrator and those that were in a position to change what was
10 going on.
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MS STOWELL: Mr Courtney - - -

CHAIRPERSON: Sorry, Ms Stowell. One of the things that you spoke about is the need for a recognition of failing before an apology takes place, and you spoke about the need for the department to accept failing. Is it your position that, at the present point in time, as far as you perceive it, that there hasn't been an adequate acknowledgement of those past failings by that department?
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MR COURTNEY: I think there's - it's fair to say there still is and there continues to be a reluctance. And I think whilst you've got that situation still present, that, you know, it would be disingenuous to go to the next step of formally apologising. Now, it's my understanding that there's been some improvement in that area, but my experience has certainly been that there is still reluctance of, you know - of the department to accept, you know, any form of liability in these matters.
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And as I've said before, I don't blame anyone in that position of authority now, because they weren't there, presumably, when I was at primary school. But that institution was there, and it's a direct result of what happened to me, the failings that took place at my primary school - and presumably others - that someone in authority should have intervened and done something, and whatever that was done wasn't sufficient to stop it happening to others.
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CHAIRPERSON: Thank you.
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MS STOWELL: Can I just take you back to memorials and exploring that idea. Do you have a sense or a consideration about where a memorial should be located?

MR COURTNEY: Yes. I've given it a bit of thought over the years, and I think it's probably not up to me as an individual to, you know, say where and when. But I think there's probably two elements there. I think there needs to be public
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memorial in place in perpetuity in a public area - not on a school site, but a public memorial to historical childhood abuse. And that could be - that should be - who knows where it should be. It could be in the Flagstaff Gardens, for example, or in - somewhere else.

5

It needs to be prevalent, and it needs to be somewhere where people go to use it and pay respects. But it also needs to be affirming that things have changed. So I think you need something like that. I don't know what it looks like, but I think you need a central place where it's a memorial for all schools.

10

And then I think you can also address each individual school in a different way. But I think the importance of doing it in each school - it's part of the school history so you can't ignore it. But the best thing you can do is to avoid it happening in the future. So, therefore, if I was a parent today sending my child off to primary school and I walk into the primary school gates and saw a memorial about what had happened in the past, but equally about what's happening in the future, it would - it would cause me to think.

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But I think it would also cause a conversation to take place between the parents, the school and the child about what has happened in the past. And I think the more that happens, the more society will benefit from the experience of the past.

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MS STOWELL: Have you seen any good examples of these types of memorials?

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MR COURTNEY: I've seen an earlier (indistinct) example at a school in Kew, Trinity Grammar, and I had a conversation with a teacher there that I happen to know that I bumped into in the street, and I said - and it's on - the memorial is a small garden with a tree and a plaque (indistinct) and there's a quote from a past survivor who's not identified by name, by pseudonym, but it's a fairly - it's a public stark reminder, so anyone in the public can walk past and see this memorial and go - and question why and stop and read the plaque.

30

And - but I think it's - it's a fairly courageous way for the school to address something that's gone on in the past. So that, in my opinion, is the only thing that I've seen. Whilst I think, you know, it's fair to say that there would probably - would have been quite a lot of reluctance of the school to put in place what will be a permanent memorial, but I think it's an important start.

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And - because I think it's - it's only fair to say, you know, the reason we're sitting here today is perpetrators are attracted to opportunities, and the opportunity that existed at the time was certainly in education, you know, the access to children. So therefore, you know, I can't see why you wouldn't memorialise that at some time that's respectful.

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MS STOWELL: Mr Courtney, thank you for being this inquiry's first witness. Is there anything you'd like to say to other victim-survivors who are here today or who might be listening online?

45

MR COURTNEY: Yes. Look, I - I'm not quite sure. I think - I think, from my perspective, we all were on our own sort of - our own trajectory and our own experience, and it's quite unique. I think I - I said at the outset of this - the
5 announcement of this inquiry, I'd encourage anyone to come forward that can contribute to the inquiry, and to benefit from the contribution that they could make personally, and also to the inquiry itself and also, hopefully, to the findings in the inquiry.

10 I think, in my experience, silence is the enemy of the survivor. And I understand why there are people that would remain silent and deal with the impacts of abuse themselves and - and - but I would encourage people to come forward and to, I guess, start with talking about this and coming forward to the inquiry and giving their evidence in whatever shape or form that they can.

15 I did want to touch on one thing, and - and I've mentioned in my statement: The whistleblower. And I think it's probably been - and what I mean is if I had concerns as a parent today about child abuse, where do I go? Do I go to the school? And, in my experience, that's the wrong thing to do, because they're the
20 employer of the abusers. So I think there is a need, and it's, in fact, an ongoing need for centralisation of a whistleblower.

And, you know, I'm aware that, you know, that come from a teacher at the school that has some concerns but they're also concerned about their ongoing
25 employment prospects if they were to come forward and make allegations. So I think to remove that barrier, then there probably needs to be a need to look at something that's set up that is independent and people know about because, at the moment, I don't think it is obvious to parents and it's not obvious to children where to go. There's that - it's disjointed.

30 **CHAIRPERSON:** There's kind of two concepts there, isn't there? There's the whistleblower who maybe knows something and can blow the whistle on what they know.

35 **MR COURTNEY:** Yes.

CHAIRPERSON: But then there's the ability to go to an independent body, not have to go to the school, or not have to go to the Department of Education to raise a concern and know that it will be looked at independently?

40 **MR COURTNEY:** I understand there is, you know, protocols in place now about compulsory reporting, but that doesn't govern the parent but, you know - or someone that maybe had some suspicion that may not want to go to the parents directly, but knows something. So I think it's actually quite important because by
45 doing that and it's, you know, probably fair to say it exists within the corporate environment in most other environments today where you've got - you know, there's knowledge about a phone number or ways to raise concerns, but at the

moment around child abuse or abuse of any nature within that environment, it doesn't exist. You know, and I think it may speak to the missing part of the puzzle.

5 **MS STOWELL:** I have nothing further for Mr Courtney. If you have any questions or comments at this time?

10 **CHAIRPERSON:** Thank you. I don't have any more questions. Mr Courtney, I wanted to say thank you for coming and being our first witness in these public hearings. It takes an enormous amount of courage to do that, and everything that you've had to say will be relevant and important to our consideration of all of the issues.

15 But you also did speak about de-stigmatising sexual abuse and about creating that openness and that willingness to actually talk about these difficult subjects, and I think it's really important that you've done that today and that you're part of that de-stigmatising process and you're part of the way that our community can start to talk about these really significant things more openly which, as you say, is a really important step to addressing the issues themselves. So I thank you very much for attending and for giving your evidence.

20

MR COURTNEY: Thank you.

<THE WITNESS WAS RELEASED

25 **MS STOWELL:** Thank you, Chair.

CHAIRPERSON: Thank you.

<THE HEARING ADJOURNED AT 12.10 PM