



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

**WEDNESDAY, 15 NOVEMBER 2023
AT 10AM**

HEARING DAY 3 (PUBLIC VERSION)

APPEARANCES

**MS F. RYAN SC – COUNSEL ASSISTING
MS K. STOWELL – COUNSEL ASSISTING
MS JENNY FIRKIN KC – STATE OF VICTORIA
MS CATHY DOWSETT – STATE OF VICTORIA**

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<THE HEARING RESUMED AT 10.05 AM

CHAIRPERSON: Good morning, everyone. I'll take appearances.

5 **<APPEARANCE BY JENNY FIRKIN KC AND CATHY DOWSETT FOR
THE STATE OF VICTORIA >**

**<APPEARANCE BY FIONA RYAN SC AND KATE STOWELL OF
COUNSEL ASSISTING>**

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CHAIRPERSON: During our previous hearings I explained that it will sometimes be necessary for the Board of Inquiry to make an order which restricts the publication of certain information. The Board of Inquiry is committed to being open and transparent, respecting the preferences of victim-survivors and considering the impact evidence from these hearings may have on other investigations, legal proceedings and the wider community.

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Today's hearings will involve Counsel Assisting sharing the experience of the victim-survivors who have engaged with the Board of Inquiry. Counsel Assisting will also share summaries in relation to relevant employees, including information in relation to one individual who cannot be identified. To protect the identity of certain people, including victim-survivors, the Board of Inquiry has decided to make a restricted publication order. In the context of the scope of the 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 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.

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I will now briefly explain how the order will work. The order requires the use of pseudonyms in relation to a number of people who will be referred to during these hearings. The order requires that any information in relation to the identity of these people be kept confidential. This means that anyone who watches or reads the information presented by Counsel Assisting must not share any information which may identify the people who will be referred to by the following pseudonyms: 'Avery', 'Hank', 'Lachlan', 'Noah', 'Samuel', 'Stan' and 'Tony'.

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The information which must not be shared is not limited to their real names and may include other information which may identify them, such as where they live or work. 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 on the Board of Inquiry's website.

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I also remind everyone that the restricted publication orders made by the Board of Inquiry during our previous hearings will continue to apply. 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.

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Yes, Ms Stowell.

5 **MS STOWELL:** In our public hearings this week we turn to consider the responses of the Department of Education for the child sexual abuse which is the subject of this inquiry. As we do this, we wish to ensure that the experiences of victim-survivors and their families, whom our Term of Reference referred to as secondary victims, remain at the centre of our inquiry.

10 During the first phase of our public hearings, it was my privilege to share the experiences of some victim-survivors and secondary victims. These were the experiences of people we referred to as 'Paula', 'Casey' and 'Dennis'. We now want to share the experiences of some other victim-survivors who have shared their stories with us in private sessions. We do so because it assists all of us to understand the nature and impact of the child sexual abuse they experienced, as well as being relevant to many of the issues and questions we wish to explore with the Department of Education in these hearings.

20 Before we share these experiences, we want to explain that some of these stories may be relevant to criminal or civil proceedings. As a result, we will not name or identify two of the people who participated in the private sessions or others to whom they refer. Accordingly, as the Chair has explained, a restricted publication order will apply in relation to the experiences we will share.

25 We are also conscious that sharing some of the information provided may be distressing for people who watch or read about these public hearings. Therefore, both because of the relevance to a criminal and civil proceeding and because of the potential impact on people, we will not be sharing all of the information and details that have been provided to us, but all participants in private sessions can be assured that any information they provide in a private session will be carefully considered by the Board of Inquiry.

30 Today, we will share the stories of a person we will refer to as 'Hank' and a person we will refer to as 'Samuel'. We will also share Grant's story. Later in the week, we will share another story.

35 We acknowledge Hank, Samuel and Grant for all of their assistance to the Board of Inquiry. We thank them for not only giving their generous permission to share their experiences in these hearings, but also for all the other information and assistance that they have provided to us.

40 I now turn to their stories.

Hank's story:

45 "I had what I think was a normal early childhood. My family was pretty normal and I played quite a bit of sport, cricket, football and lifesaving for the local clubs in Beaumaris.

5 During my time at Beaumaris Primary School I was abused by a teacher who I will refer to as 'Tony', and everything changed forever for me. In the mid-1970s, I was in grade 4. I was nine years old. At a Beaumaris Primary School photo day, Tony abused me. This wasn't the first time Tony abused me, but it was the first time it was in a public setting. I was in the cricket, football and swimming teams so I had quite a few photos I had to be in that day.

10 After the cricket team photo was taken, I was getting changed into my uniform for the football team photo. When I was getting changed, Tony came up behind me and sexually abused me. After that, I didn't want to go in the football team photo. I felt sick.

15 Being abused by Tony had a huge impact on my life. During primary school, I began to despise teachers and other authority figures like him. From when I was really young, I knew that I was a gifted athlete and was told I would have a real future at the highest level of elite sport if I wanted it. Tony's involvement in sport, both at the school and in the community, really ruined my experience of childhood. I went from being a happy-go-lucky kid to a kid and an adult who was angry, anxious and socially withdrawn.

25 Tony abusing me became linked to the very things that I loved. I loved playing football but my memories of that time now are dominated by avoiding Tony and the threat of being sexually abused.

30 So many kids over the years have been abused by teachers at Beaumaris Primary School, including Tony. I know now that he and others were moved to different schools. I think a lot of people in the community knew.

35 I remember a teacher who I will refer to as 'Avery' being around when Tony abused me on that photo day. Avery didn't ask me what had happened. In hindsight, I think Avery knew what had happened. Avery just told me to get my pants back on, shut up and get in the photos. I didn't tell anyone at the time except my mother about the abuse that I suffered. She told me not to be silly, and ignored it. We weren't allowed to talk about that sort of thing. There was a culture of keeping quiet.

40 Later, my dad found out about the allegations against Tony, and I remember my dad going to confront him. I remember another parent telling Tony not to touch their kids as well.

45 As a result of the abuse I suffered at Beaumaris Primary School and other organisations, I've had a difficult life, struggling with addiction and mental ill-health. I know people who were abused that have died by suicide. I know other victim-survivors who just use drugs or alcohol and wait to die.

I've practised transcendental meditation which has been incredibly useful for helping me to understand and live with my trauma. It goes deeper than just mindfulness. It's a specific practice that I have studied and aim to implement in my life every day. My ice bath therapy has also helped me with anxiety, depression and post-traumatic stress disorder. I would really like the Inquiry to look into these types of healing methods, because I believe they could help others.

I've also had a very positive experience with a 12-step program. I really think meditation and that 12-step program have saved my life, in a way. They have been tools for me to turn to when I have been in my darkest times. I really think more should be done to help survivors access these types of supports. I had to go on a long and hard road before I found meditation and that 12-step program, and I think the reason it took so long was because there's not a good understanding of trauma in government, in the legal profession and in the community. It felt like lots of places that I went to for help couldn't properly understand the impacts of trauma.

Over the years, I've thought that I want to set up my own trauma healing centre for survivors of child sexual abuse. I think there needs to be a type of specific service available for people with just this kind of trauma, as well as for addiction. The conventional approaches don't work with this type of trauma. We need dedicated services.

When I think about the response from the government and the Department of Education, I look at it like this: If nothing changes, then nothing changes. I don't want an empty apology. The damage has been done. It needs to be followed by change. I think Victoria should introduce tougher sentencing for perpetrators of child sexual abuse. They're the ones who allowed this to happen and turned a blind eye to what was going on.

I reckon teachers knew what was going on. My mind can't take me back to exactly what life was like back then, but you weren't allowed a voice. It was just do as you're told, or if you were out of line you'd get belted or caned or the strap or detention.

My trauma is why I needed to tell my story. For so long, I hid behind a mask of fear. Drugs and alcohol allowed me to hide. There isn't a day since my recovery started that I can forget what took place, let alone forgive perpetrators. Thanks to the 12-step program, I am now five years clean. I don't do self-pity anymore. I just want this inquiry to understand that if nothing changes, nothing changes. We need action to improve the understanding of trauma now. The truth needs to come out, and there needs to be better support to help people who have suffered this type of horrendous abuse."

Samuel's story:

"I moved to Beaumaris in the early 1970s. I started at Beaumaris Primary School halfway through primary school and stayed there until I graduated. Because I had moved schools, I had to find my feet and establish a new network of friends, but soon enough, I just fitted in.

When I was in grade 5, we could apply to go on a school camp. It was my first camp with the school. The convener of the camp was a teacher who I will refer to as 'Lachlan'. I hadn't had much to do with him up to that point. We were asked to submit a written application to Lachlan about why we should be chosen to go on the camp. My attitude was, 'If there's a camp going on, I'll put my name in and see what happens.'

I somehow had a go and got selected. In the end, there were six to eight kids from Beaumaris Primary School who went on the camp, along with lots of other kids from other schools all around Melbourne.

The camp was in south-eastern Victoria and went for just over a week. We slept on bunk beds in a series of cabins. Staff stayed in the cabins intermingled between the kids' cabins and there was a mess hall in the middle of the camp. The camp staff ran activities like kayaking and orienteering.

Lachlan was the only teacher from Beaumaris Primary School who was at the camp. There was a parent visit halfway through the camp. My parents came down and stayed for the whole day. That afternoon, after my parents left, Lachlan came up to me and said that he needed to do a welfare check and make sure that I was going okay. He asked if I could come with him and answer some questions. Naively, I did.

Lachlan took me to his cabin. He had a sheet of questions. I sat down on a bed in the middle of the room, which was pretty much the only place to sit. He came and sat next to me. Before long, he started stroking my arm. I froze on the spot and wondered what was going on. I didn't quite know how to react or what to do. Eventually, he put his hand down my pants. This went on for some time. The memories of the abuse are really, really vivid for me.

I remember entering Lachlan's room in the afternoon and getting away from that situation when the bell rang for dinner time. I also remember my internal dialogue at the time. I couldn't tell anyone because I'd be embarrassed and humiliated. I thought they would laugh at me and ask why I didn't fight back. Why I just sat there. Why I didn't do anything.

From that day on, I avoided Lachlan at all costs. I remember begging another staff member at Beaumaris Primary School, who I'll refer to as 'Noah', not to put me in the sports team that Lachlan coached. It wasn't until recently that I learned Noah was also abusing kids.

For years, I preferred to keep my memories of the abuse locked up. The feelings of embarrassment and humiliation lingered. But I figured as long as I didn't say anything and no-one found out, I was safe. I was easily embarrassed as a kid, and I've struggled with judgment all my life.

5

I didn't disclose my abuse to anyone until five decades later. A few years ago, I read an article about a kid I knew who went to Beaumaris Primary School around the same time as I did. The article was his own story of abuse, not by Lachlan, but by Noah. I got emotional reading that article. My partner asked me what was wrong. I said that something similar had happened to me and I told her everything. It was a pretty raw day.

10

I emailed the journalist who had written the article and told him that I had a similar experience at Beaumaris Primary School with Lachlan. He replied saying he had received lots of information about Lachlan. I was shocked. For 50 years, I thought I was the only one who Lachlan had abused.

15

The impacts of the abuse have affected both the personal and professional parts of my life. My family and friends have been a great support to me since I disclosed my abuse to them. The people I told were prepared to help me carry the burden, but I was worried that my experience of abuse might make me more predisposed to harming kids. I didn't have my own children for that reason. I couldn't bear the thought of it.

20

But over time, I realised that wasn't who I was. Circumstances eventually led me to teach, and I've been a teacher now for over 30 years.

25

It has been difficult to work in the school system while continuing to learn about the abuse and issues at Beaumaris Primary School from the media and other victim-survivors. When I go to work, my number one priority is to protect the children in my care, but there was no-one there to protect us.

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Even though it is not the same people running the Education Department now, in my mind, they are still protecting and hiding information about the abuse that occurred in the 1970s. They are failing to meet the very values and standards they put out and expect teachers like me to meet.

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I have heard that alleged perpetrators used to be moved to different places in the school system, including regional offices. I didn't feel comfortable talking to anybody in the regional offices about it because I didn't know who I could trust. I've made many attempts to communicate with the Education Minister and the Education Department's head office.

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The guilt I have about not disclosing my abuse earlier is overwhelming. I can't get past the fact that if one person spoke up about a lot of this, it could have been avoided. And that one person might have been me. Speaking about and fighting child sexual abuse in schools is the least I can do now.

45

I had attempted to contact the government and the Education Department several times. I naively thought we could sit down and have an adult conversation about what was known and try to get an outcome. Almost every
5 time, they would refuse to talk to me or not reply at all. I felt completely shut down.

On a couple of occasions, however, I was able to meet with politicians and with a senior representative of the Education Department, who did listen to
10 me attentively and with compassion. Eventually, there was a response from the Education Department in relation to a question about an apology, which described what happened to me as an isolated incident. I'm sure what I went through wasn't isolated. I believe at least 50 kids, maybe 100, were sexually
15 abused during the 1960s and '70s at Beaumaris Primary School.

I ultimately got an apology from the Secretary of the Education Department, albeit one that was addressed to my lawyer. However, I don't think an apology for what happened at Beaumaris Primary School is enough. The
20 Education Department should apologise to all victim-survivors of child sexual abuse in Victorian schools. The Education Department needs to clear the decks and put everything on the table. The apology needs to be based in remorse, not just because they've been caught out. For some, I know an apology won't change anything, but I'm hopeful that it gives us somewhere to
25 hang our burden.

For me at least, I think an apology would provide a sense of finality. I also like the idea of the Education Department putting up a memorial to
30 victim-survivors of child sexual abuse. I would like to see a garden or a reflective place at Beaumaris Primary School and a broader memorial for victim-survivors of child sexual abuse in Victorian schools somewhere else, perhaps something similar to the Police Memorial at Kings Domain. I think that would be really powerful."

Chair, I might seek a break at this time.
35

CHAIRPERSON: Please take a five-minute break.

<THE HEARING ADJOURNED AT 10.29 AM

40 **<THE HEARING RESUMED AT 11.29 AM.**

CHAIRPERSON: Thank you, everyone, for your patience while we dealt with some issues that arose this morning. Ms Stowell.

45 **MS STOWELL:** Chair, prior to the break, I outlined that there was three stories we were sharing this morning from victim-survivors. We have one final story to share for this morning and this is Grant's story:

"I grew up in East Bentley and went to school at Ormond East Primary School. These days, it's called McKinnon Primary School. For most of my time there, I was a bright and very happy kid. I was in grade 5 in 1973. There was an imposing sports master at the school named Grahame Steele. He had an authoritarian voice and manner. He wore a brown leather jacket and drove a brown Valiant Charger. He was a charismatic, suave-looking, sophisticated bloke. Boys were completely obedient around him. Whatever he said, you did.

Mr Steele didn't abuse me in grade 5, but he did do some unusual things. When he took us for cricket, he would adjust my protective gear for me. I thought that was weird because I could have done it myself. Sometimes Mr Steele would take some of the kids out of class to an oval off the school grounds to set up some sports equipment. We felt a bit special when he picked us up. Often, the sporting events didn't even take place and there was no equipment to set up.

In 1974, I was in grade 6 and Mr Steele became my teacher. At some point during the year, Mr Steele took me and three of my school friends to his holiday house in Inverloch in south-eastern Victoria. I don't remember exactly how long we were there, but it was no more than a week. Me and the other boys stayed in the lower floor of the holiday house. An older woman was staying on the top floor. I recall Mr Steele saying that it was his mother. Mr Steele introduced her to us, but we never saw much of her after that. No other adults were present.

During that trip, Mr Steele took the four of us down to an abattoir. I had no experience with death at that age. Mr Steele lined us up at a railing which had a big drain in front of it where the blood from the slaughtered animals flowed past. Mr Steele seemed like he knew some of the workers and spoke to them, while other workers killed animals in front of us. We stood in silence while we watched cows getting slaughtered with a bolt gun and lambs and sheep being slaughtered with knives in front of us and then put on to big hooks. The visions were awful. I thought it was worse than cruel.

The implied threat that I understood from Mr Steele taking us to that abattoir was that if we disobeyed him, this would happen to us. It was terrifying and traumatic. I still think about it now. We were all very quiet in the car on the drive back.

The abuse happened at his holiday house, not at the school. Mr Steele made us take lots of showers, about three a day. We had to shower after everything we did. Mr Steele would make a point to stand behind me and dry me after I showered. He would then touch and fondle me, also crouching down in front of me. He would stand closely behind me for extended periods, and I could

not understand what he was doing. This happened every shower time during that trip.

5 As a child, I had no idea what he was doing because I wasn't sexually aware, but I knew this stuff was wrong. I talked to the other boys about the showers. We asked each other why we were showering so often and whether we dried ourselves at home. We were 11 or 12 years old, old enough to shower and dry ourselves. We also talked about being touched in similar ways by Mr Steele. We couldn't verbalise what he was doing to us, and we weren't emotionally
10 mature enough to talk about it. I didn't realise that it was abuse until I got older.

I'm sure other teachers at the school knew about, or suspected, Mr Steele's abuse. I recall a particular teacher who seemed to hate Mr Steele, but I didn't
15 understand the dynamics or nuance of that relationship as a kid. When Mr Steele took us out of the class, that teacher would ask where he was taking us and when we would be back, quite assertively. I don't know if that teacher knew that Mr Steele was abusing kids, but I think maybe they had a sense and they were trying to be protective.

20 The abuse was traumatic and affected my life. In high school, I went a bit off the rails. I struggled academically, and I couldn't settle or study. I left school in year 11 to become a motor mechanic. But I left that and returned to school.

25 Later, I started working at the Children's Court as a clerk. There, I heard stories about child abuse which really opened up a world for me. I started to understand that I was not alone and that other people had also gone through similar things that affected them.

30 In the mid-1980s, I gathered the courage to report the abuse to police and gave a statement. Weeks and months went by, and I heard nothing. Eventually, I followed up and I was told that police couldn't find my statement. This made me very distressed. I had tried to disclose and wanted
35 people to listen, but nothing had been done. I wanted to make sure that he wasn't doing this to other children. I only found out recently that Mr Steele remained a primary school principal for almost a decade after that first disclosure.

40 In the late 1980s, I again went into a police station to report my abuse. Nothing came of this either. No-one followed me up, and I gave up a bit more easily than the first time. I just pushed it down and tried to get on with life.

45 Then, in the early 2000s, I got a call from a police detective out of the blue, asking me about teachers who taught at Ormond East Primary School, including Mr Steele. I went down to the police station and gave another statement. The police asked me whether I could wear a covert recording device and get Mr Steele to admit that he had abused me. I said yes in the

hope of protecting other kids, as I was sure he would still be abusing kids wherever he was.

5 At that time, Mr Steele was living in Inverloch at the same house I visited when I was a boy. So I had to go back there to meet him. I had to drive from Melbourne to Inverloch Police Station, and the police fitted a recording device on to me. They didn't prepare me well at all.

10 I then had to follow the police in my own car to Mr Steele's house, the house that I was abused in. I saw Mr Steele mowing the lawns. I got out and asked Mr Steele if he remembered me and I said, 'I want to talk to you about what you did.' He told me to come inside. I felt like I was 11 or 12 again. I was shaking, afraid he was going to hurt me. Inside, after sitting at a table and after some initial discussions, he pulled out a photo album from a bookcase
15 lined with many photo albums and pointed at a photo of a student and said nothing. It wasn't me, but it was a boy I recognised from Ormond East Primary School. I knew his name. I believe that the photos in the album were trophies of students he had abused. I told him the photo was not me but a boy who looked similar.

20 When I asked him about the showers, the drying, touching and fondling, he quickly explained it away, saying that he was checking if a skin condition I had at the time was okay. The police never told me how to get Mr Steele to admit that he abused me. I told him how much the abuse had impacted my life and then I left. I was psychologically stuffed after that meeting.
25

I have been on an individual healing journey since then. In my 20s, I suffered from poor mental health and had suicidal thoughts. But when I got married and had kids, my family became a source of strength and a focus for me. That
30 came with its own difficulties. My experience of abuse made me a paranoid and hypervigilant parent. My children are now getting older and have partners, and they will symbolically move away. It worries me how I will handle that. I know that what will ultimately release me is forgiveness. I have been trying so hard to find how to find forgiveness. I want to be able to
35 forgive, but I am still finding the tools to do that.

At this Board of Inquiry, I was asked if an apology from the Education Department and the police would help my healing process. At the time of this
40 question, I had never reflected on this as a matter that could help my healing. Subsequently after this process, and some media about my matter, I have had time to reflect upon this. I am fully aware why agencies such as these cannot say sorry due to the legal implications of doing so.

45 However, after my disclosures became public, I actually wanted someone from the Education Department and the police to contact me and say, 'This must have been a terrible time for you. We are sorry, and we have improved in many areas to make sure this never happens again to little kids.' Of course,

they have not done this, and I am left with the feeling that they did not listen or care then, and that they are not listening and they do not care now. No-one called.

5 The processes, people and sensitivity of this inquiry have been exceptionally well planned and executed, and I am very grateful for the opportunity to be finally heard. It has helped me head towards a path of more peace with myself and those around me."

10 Thank you, Chair.

CHAIRPERSON: I would like to express my thanks to Hank, Samuel, and Grant for sharing their experiences with our inquiry and for all of the contributions that each have made to the Board of Inquiry's work.

15 Ms Ryan.

MS RYAN: Thank you, Chair. Chair, as you observed after the break, an issue did arise this morning that we were required to deal with, and we were advised at
20 10.41 am this morning by lawyers for the State representing Victoria Police that Victoria Police now requests a restricted publication order be made in relation to one of the relevant employees. This is the first time Victoria Police has raised this as an issue, and it will have an impact on the way proceedings will operate today. It has already occasioned delay, but we seek that the order be made.

25 **CHAIRPERSON:** Thank you, Ms Ryan. Ms Firkin, I would like to raise an issue with you about this, please. As you know, there's been careful dialogue between Solicitors Assisting the inquiry and lawyers for the State in relation to these kinds of matters. It's most unsatisfactory that this issue has been raised at this very late
30 stage while we are in the running of this hearing day, and, as Ms Ryan has said, it has created an impact for the way that we propose to conduct proceedings today.

We will make the restricted publication order because we don't want to put any future legal proceedings at risk, and we do that out of respect to victim-survivors,
35 but I do wish to emphasise that these kinds of issues need to be raised in a timely way so that they can be properly considered and dealt with and not interrupt the flow of the proceedings.

40 **MS FIRKIN:** Appreciate that (indistinct)

CHAIRPERSON: Thank you. As I explained this morning, it will sometimes be necessary for the Board to make an order which restricts the publication of certain information. To protect the identity of certain people, the Board of Inquiry has decided to make a further restricted publication order.

45 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 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. I will now briefly explain how the order will work.

5 The order requires the use of a pseudonym in relation to a person who will be referred to during these hearings by the pseudonym 'Wyatt'. The order requires that any information in relation to the identity of this person be kept confidential. This means that anyone who watches or reads the information presented by
10 Counsel Assisting must not share any information which may identify the person referred to as Wyatt. The information which must not be shared is not limited to their real names and may include other information which may identify them, such as where they live or work. 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 on the Board of Inquiry's website.

15 As I said earlier this morning, I remind everyone that other restricted publication orders already made continue to apply. I encourage any journalist wishing to report on this evidence to discuss the scope of the order with the Board of Inquiry's Communications and Engagement Manager.

20 Yes, Ms Ryan.

MS RYAN: Thank you, Chair. I will now move to Counsel Assisting's opening for hearing phase 2.

25 But first, we wish to acknowledge that yesterday, the 14th of November 2023, was National Survivors Day in this country, and that day recognises and commemorates the courage and journeys of survivors of sexual assault and abuse in institutional settings, their supporters and whistleblowers across Australia.

30 Chair, since our previous public hearing, the Board of Inquiry has continued to conduct private sessions with victim-survivors and received submissions. We, again, thank all those who shared their experiences with the Board, and we also recognise that some victim-survivors are not ready or able to share their
35 experience.

So we now turn the focus of the public hearing to accountability, and we will hear from David Howes, Deputy Secretary, Schools and Regional Services of the
40 Department of Education, as well as Jenny Atta, the Secretary of the Department of Education. We will inquire into the Department of Education's responses to allegations or incidents of child sexual abuse by a relevant employee at Beaumaris Primary School and at other government schools and what action the department took or failed to take at or around the time of the abuse. We will inquire into the legislative framework and policies that were in place regarding child safety in
45 Victorian government schools and policies and frameworks that were in place regarding the handling of allegations of child sexual abuse by employees of the Department of Education from 1 January 1960 to 31 December 1999.

We will examine whether the department adhered to that legislative framework and any policies that existed. We will also hear about what steps have been taken in more recent times to manage and respond to the risk of child sexual abuse occurring in the government school context. This public hearing will also continue our inquiry into the latest research and hear expert evidence about research on perpetrator behaviours, including grooming. We will hear that this expert research is still continuing and how it is contributing to keeping children safe today.

Review and receipt of material by the Board of Inquiry. In examining the Department of Education's responses to child sexual abuse, which is the subject of this inquiry, the Board has gathered information from a range of sources, including from victim-survivors, secondary victims and organisations, as well as material produced to the Board of Inquiry by the State of Victoria. The purpose of the Board's inquiry's public hearings is to explore some, but not all of the issues we may inquire into under our Term of Reference.

The Board is committed to ensuring that our inquiry does not prejudice current or future criminal or civil proceedings and, as a result, the Board's public hearings will not be able to explore all of the information we have gathered so far, because exploring some of this information may, indeed, prejudice criminal or civil proceedings.

The Board of Inquiry was established on the 27th of June 2023. We expect that the State of Victoria was preparing to provide relevant information to the Board from at least that time. In conducting our inquiry, the Board of Inquiry has sought information from the State over the past nine weeks. The Board of Inquiry has issued 11 notices to produce and four requests for information for the State and State agencies and entities.

In issuing these notices to produce, the Board of Inquiry has had to work with the State's capacity to produce information in the time required. The Board has always sought to engage with the State as to what deadlines for producing information might be achievable. The State has made several requests for extensions of time to produce information and has been late in producing information on several occasions.

We note that the Board of Inquiry was anticipating receiving an important tranche of information from the State for over a month which was finally produced on the 3rd of November 2023. This tranche of information included almost 100 documents and substantive new information. The Board of Inquiry continues to engage with the State in relation to the information which it requires to conduct its inquiry and the Board's expectations in relation to timely production.

The Board of Inquiry also notes that the State is entitled to make a range of legal claims and has, indeed, made many such claims in relation to information it has

produced to the Board of Inquiry. The Board will continue to liaise with the State in relation to the scope and reasonableness of these claims.

5 In the time available, the Board of Inquiry has sought to examine the important
tranche of new information it received from the State on the 3rd of November
2023. Given the legal complexity of much of this material, it will only be explored
in limited ways during these public hearings. The Board of Inquiry will, of course,
continue to carefully consider all such material as it continues its inquiry and
prepares its report.

10

Chair, I'll now turn to the Victorian education system and as it was from 1960 into
the 1990s. We will be referring to the Department of Education this week, but it
has had various name changes since its inception. From 1873 to 1985, it was
called the Education Department. From 1985 to 1991, it was the Ministry of
15 Education. In 1991, it was the Ministry of Education and Training. Then in 1991,
it was the Department of School Education and, from 1992 to at least 1999, the
Department of Education.

20 Without exploring all the changes to Victoria's education system over the decades,
it's helpful to briefly outline the system's structure and its various roles and
responsibilities in the time period which is the subject of this inquiry. This will
assist to put into context the information explored during hearings this week.

25 So if we consider the 1960s and '70s, during that time, the Department of
Education, headed up by the Director-General who reported to the Minister, was
responsible for employing teachers and for oversight of operational administrative
functions. The department was also responsible for monitoring school compliance,
performance and addressing teacher misconduct where reports were made,
including child sexual abuse.

30

The most relevant roles within the department responsible for dealing with reports
of teacher misconduct were district inspectors. District inspectors were responsible
for, amongst other things, investigating claims of child sexual abuse and making
recommendations to the Director-General on courses of action or inaction. The
35 Director-General was responsible for making decisions or recommendations in
response to reported misconduct, including to other education bodies such as the
Teachers Tribunal.

40 The Council of Public Education, and later from 1972, the Teachers Registration
Council, held responsibility for teacher registration. All teachers were required to
be registered in Victoria based on their qualifications. The council was not
responsible for employment of teachers, only for registration.

45 The Teachers Tribunal sat alongside the department and was responsible for
determining teachers' salaries. It was also responsible for determining the number
of teaching positions and the appointment and promotion of permanent teachers.

The tribunal and Director-General also had responsibility for disciplining permanent teachers, including for acts of child sexual abuse.

5 Government schools were responsible for administering education to students, and the school principal or head teacher was responsible for individual school policies in relation to misconduct and for investigating and reporting misconduct to a district inspector or senior officer in the department.

10 There were also school committees, later known as school councils, for each school, who prepared school policies and practices, strategies and communications and managed finances at the school level. These committees were made up of the school principal, teachers and parents.

15 Then we turn to the 1980s and '90s. The 1980s brought with it significant structural changes to the education system in Victoria. Notably, in 1981 the Teachers Tribunal was abolished. The Secretary of the Department, previously called the Director-General, became responsible for investigating and responding to misconduct, and a new Education Services Appeal Board was introduced to hear appeals against disciplinary action. The department also took on functions
20 related to appointments, transfers and promotions. New Merit Protection Boards were introduced to oversee fairness and equity.

25 The department itself also underwent restructure in the early 1980s. A new regional model was introduced, with regional directors overseeing a cluster of schools and reporting to the secretary. In 1983, the Officer of the Inspector was abolished, and most of their functions shifted to regional directors. The Teachers Registration Council also underwent several changes, though its functions largely remained intact, and was essentially abolished in 1993. It was replaced by the Standards Council of the Teaching Profession. This council was later abolished in
30 2001 and replaced by the Victorian Institute of Teaching.

35 In the early 1990s, mandatory reporting was introduced, sparking a fundamental shift in the way schools and the department responded to suspected or reported child sexual abuse. The Board is aware of at least four alleged perpetrators relevant to this inquiry. Two of those can be publicly identified: 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. All of these alleged perpetrators are referred to as "relevant employees" for the purposes of the Board of Inquiry's work, and during
40 our hearings, we may refer to any of these alleged perpetrators using pseudonyms.

To date, in addition to Beaumaris Primary School, the Board of Inquiry has identified 23 schools which are within the scope of our Term of Reference. The witness statement of Deputy Secretary David Howes indicates that, based on
45 allegations from victim-survivors who have engaged with the Department of Education through legal claims processes, both civil claims and redress, the department is aware of 24 victim-survivors of child sexual abuse, and, as a result

of allegations or incidents known to the department through criminal processes, approximately 20 additional victim-survivors, although Deputy Secretary Howes concedes there are likely to be more.

5 **CHAIRPERSON:** Ms Ryan, can I just ask a clarifying question? Do those numbers relate to the schools within the scope of the Term of Reference? Or are the numbers related to something else?

10 **MS RYAN:** They are within the schools within scope. I'll now touch on the nature of the abuse. The child sexual abuse we have heard alleged against the relevant employees occurred at school, both in classrooms and at other locations at the school, but also at sporting events and facilities, on school camps, in teachers' cars, and in teachers' houses.

15 The abuse often occurred when the child was alone and very vulnerable, but, in other cases, it occurred in front of other children or another relevant employee.

20 The abuse included inappropriate and unnecessary observing and touching children whilst they were changing or naked, unlawful sexual assaults, including touching of genitals and breasts, sometimes over and other times under clothing. It included the relevant employee appearing to sexually gratify themselves. It also included different forms of rape.

25 In some cases, the sexual abuse was a single incident or a couple of incidents. In other cases, children endured repeated episodes of sexual abuse over a prolonged period.

30 All forms of sexual abuse can be deeply traumatic. In some cases, the trauma of the abuse was compounded by the relevant employee threatening the child to prevent them disclosing the abuse to anyone and then further compounded when disclosure to others was not believed or no action was taken.

35 Chair, we now will turn to some visual materials. As explained, the Board of Inquiry is investigating child sexual abuse by relevant employees. We have previously released on our website the teaching histories of those relevant employees we have publicly identified. In order to demonstrate how the teaching histories of these relevant employees overlapped at Beaumaris Primary School, I ask for the Relevant Employees Diagram to be displayed on the screen.

40 This diagram outlines the teaching histories of four relevant employees, including two employees we are not identifying, one we are referring to as Wyatt and the other one as Stan. Each line represents a different one of these employees. The yellow highlighted periods show the years during which each relevant employee was teaching at Beaumaris Primary School.

45 Relevantly, as can be seen, all four relevant employees were teaching together at Beaumaris Primary School in 1971 and 1972. It is also relevant that Mr Steele

later returned to Beaumaris Primary School as Deputy Principal in 1982 and 1982.
Thank you. That diagram can come down.

5 We will next turn to a Map of Allegations which will be useful to demonstrate
how these relevant employees taught across Victorian government primary
schools and how allegations of child sexual abuse have been made against these
employees in several of the schools where they taught and over a time period. I
ask for the Map of Allegations to be displayed on the screen, please.

10 Chair, you'll see that the map focuses on south-east Melbourne and this particular
map shows that in 1960, one of the relevant employees taught at two different
primary schools, namely, Hampton and Moorabbin West Primary School, which
are each represented by a yellow circle. If we move to 1961, we see that the
relevant employee has remained at Moorabbin West Primary School and, hence,
15 the Hampton Primary School circle has gone grey.

Moving to 1963, we note in the bottom left-hand corner that a relevant employee
is then at Bundalong South Primary School, which is off the map. As we go
forward, any Victorian government schools at which relevant employees are
20 working and which are off this map will be listed in the bottom left-hand corner.

So if we go to 1966, we know see tucker Road Primary School has now come up
and there is a one next to it. This reflects that an allegation of child sexual abuse
has been made against one of the relevant employees at this primary school for
25 conduct in that year, although the allegation may have been made at any time
since then, including recently.

While the Board of Inquiry continues to receive allegations - sorry, information
about allegations from multiple sources, for the purposes of this map and the
30 numbers in it, we have relied on point in time information about allegations from
Victoria Police, the Department of Education and the courts. As a result, it is the
Board of Inquiry's view that the number of allegations is likely greater than the
numbers indicated in this map, including because many of the allegations have not
yet been and may never be reported to Victoria Police, the Department of
35 Education or, indeed, the Board of Inquiry.

So if we turn to 1967, we see that the Tucker Road Primary School circle is now
yellow, because a relevant employee has started at that school. We also see that
the number of allegations has gone from one to three. And we also see that
40 Beaumaris Primary School is now on the map because a relevant employee has
started at that school.

So if we go to the next year, to 1968, we see that the Beaumaris Primary School
circle is now blue, which reflects that two relevant employees are at that school in
45 1968. We see that Dandenong North Primary School is now on the map because a
relevant employee has started at that school.

Turning to 1969, we see that Beaumaris Primary School still has two relevant employees there, and there are four allegations. We also see that the number of allegations at Tucker Road Primary School has gone from three to seven, and this grows to nine in 1970.

5

If we can turn to 1971, we see that the Beaumaris Primary School circle is now red, which reflects that all four of these relevant employees are at the school together. The number of allegations has also gone from four to six, and if we turn to 1972, we will see that that grows to eight.

10

If we then turn to 1973, we see that the Beaumaris Primary School circle is now orange which reflects that four relevant employees are at the school - sorry, three. Three is orange. The number of allegations has doubled to 16. The other relevant employee, who has left Beaumaris Primary School, has gone to Ormond East Primary School, and there is already one allegation there.

15

Turning to 1974, we see that Beaumaris Primary School circle is back to blue, which reflects that two relevant employees are at that school. The number of allegations has gone up to 24. The other relevant employee, who has left Beaumaris Primary School, has gone to Dandenong West Primary School.

20

Turning to 1975, we see that the number of allegations at Beaumaris Primary School is now a very concerning 31, and if we go to 1976, this grows to 32.

25

Also in 1976, we see that Mount View Primary School has now come up on the map, and there is one allegation there. We also see that there are relevant employees at Aspendale and Dandenong West Primary Schools.

Turning to 1977, we see that the Mount View Primary School circle is now yellow because a relevant employee has started at that school. And then turning to 1978, we see there is a second allegation at that school, while another relevant employee has started at Beaconsfield Upper Primary School.

30

If we then jump to 1981, we see that the Beaumaris Primary School circle is now yellow because one of the relevant employees has returned there. We also see another relevant employee is now at Kunyung Primary School, and in 1982, we now see that Kunyung Primary School has three allegations.

35

For the purpose of this map, we will now turn to 1984, where we will finish. This shows that across six different primary schools, there has been a total of 48 allegations, with 32 of those allegations at Beaumaris Primary School. This map demonstrates, in part, the spread and extent of child sexual abuse by the relevant employees in Victorian government schools over time.

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CHAIRPERSON: Just to clarify, the information that was used to prepare this map relies on Department of Education information, Victoria Police information,

45

court information. Doesn't include additional information which we've received in the conduct of our inquiry?

5 **MS RYAN:** It does. Sorry, it doesn't. You are right. It doesn't. It is, just as you say, Chair, information gathered from Victoria Police, the courts and the department.

10 I will now turn to the four relevant employees and outline in narrative form information about them and make clear that where information has been provided to the board by victim-survivors on a confidential basis, we have not included it in the following narratives.

15 I turn first to 'Stan'. Stan was born in the early 1940s. He began working at Victorian government schools in the 1960s and worked for 15 years until he resigned from his position in the late 1970s. He then worked outside of the education sector for a number of years before returning to a role at a private school until then retiring in the late 1990s.

20 His employment history is that he attended Toorak Teachers College. He then worked at a variety of Victorian government schools in both regional and metropolitan areas, including working at Beaumaris Primary School in the early 1970s. He then worked for the Department of Education in another role.

25 Throughout his career at Victorian government schools, Stan was also involved with sport, including football and cricket and as a coach of young boys in Beaumaris and other areas.

30 Student impressions of Stan. Stan was regarded as a friendly teacher who made himself available to students and was very approachable. The students sexually abused by Stan at Beaumaris Primary School were very young and under his influence and control.

35 Criminal conviction in 1979. In August 1979, Stan pleaded guilty to four counts of indecent assault and two counts of committing an act of gross indecency. The offences involved four boys with whom he had contact through football in the 1970s. He was released on a good behaviour bond.

40 Statement to police in 1996. In December 1995, a former student made a statement to Victoria Police regarding being indecently assaulted by Stan at Beaumaris Primary School. Stan was interviewed by Victoria Police in January 1996 and he said he had no memory of the conduct. Stan told Victoria Police that he had faced other charges but that they did not involve children from the school and that he had been very careful to never do anything at school. No further action was taken by Victoria Police at this stage. It is unclear whether the Department of Education was made aware of this investigation. Stan was no longer working at Victorian
45 government schools at this time.

Police statement in 1998. In August 1998, another former student tracked Stan down and confronted him about what had happened at school. Stan made admissions about the abuse. The former student spoke to Victoria Police and made a number of formal statements. Victoria Police continued to investigate the matter.
 5 The former student contacted a number of others who he'd gone to school with, and they also made statements to Victoria Police alleging sexual abuse by Stan.

Stan was interviewed again by Victoria Police in February 1999. Stan made some admissions and told Victoria Police that, at the time, he was sexually - that, at that time, he was sexually attracted to young boys. He told police that from very early on in his career, he was aware of the problem of being attracted to young boys and had fought against it.
 10

In 2001, Stan pleaded guilty to 27 counts of indecent assault on a male person under the age of 16 years. The offences related to 18 students over a 10-year period. The youngest victim-survivor was just between just six or seven years old at the time of the abuse. The offences occurred when the students were at school and involved a gross breach of trust. The offending generally involved touching students' genitals in both secluded areas of the school and also in front of other children. Stan was sentenced to 44 months imprisonment, with a non-parole period of 17 months.
 15
 20

In 2002, Stan pleaded guilty to a further two counts of indecent assault against a student between 1973 and 1974. The offending involved taking a student into a room and touching his genitals. Stan was sentenced to an additional six months imprisonment.
 25

I will now turn to the relevant employee known as 'Wyatt'. Wyatt was born in [REDACTED]. He began teaching at Victorian government schools in Victoria in [REDACTED].
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 [REDACTED]

[REDACTED]
 35
 [REDACTED]
 [REDACTED]
 [REDACTED]
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Student views of Wyatt. We are aware of eight victim-survivors of child sexual abuse perpetrated by Wyatt who have engaged with the Board of Inquiry. The accounts we received described sexual abuse which occurred in the context of Wyatt's role as a teacher

Abuse at school and sport.

Another victim-survivor told us that he was sexually abused by Wyatt in the early 1970s. Another victim-survivor recalls Wyatt grooming them through before sexually abusing him at in the late 1970s.

We now come to the third relevant employee, who is David Ernest Keith MacGregor. He was born in January 1943. He started work in Victorian government schools in January 1963 at the age of 19. He taught for 21 years until he was moved to a non-teaching administrative role in May 1985. This was when he was charged by Victoria Police with child sexual offending.

Mr MacGregor was employed with the Department of Education for a further seven years, but never returned to the classroom. His employment history is that

he attended Toorak Teachers College in 1961 and 1962. From January 1963 to December 1964, he taught at Bundalong South Primary School in northern Victoria. From January 1965 to October 1965, he taught at Warragul Technical School in Gippsland. From November 1965 to December 1965, he taught at
5 Drouin South Primary School. From January 1966 to December 1967, he taught at Cowes Primary School on Phillip Island.

In January 1968, Mr MacGregor began teaching at Beaumaris Primary School, where he remained for nine years until December 1976, including a period of
10 leave in 1971. From January 1977 to December 1980, he taught at Chelsea Heights Primary School. Mr MacGregor then taught at Kunyung Primary School in Mount Eliza from January 1981 to May 1985. During his time at Kunyung Primary School, he regularly attended school council meetings as a teacher representative.

15 In May 1985, Mr McGregor was transferred to a non-teaching administrative role at the Western Port Region office of the Department of Education, where he remained until December 1988. In January 1989, he was transferred to the Southern Metropolitan Region office. Mr MacGregor retired from the Department
20 of Education in December 1992.

Mr MacGregor was involved in sporting teams both through his employment at Victorian government schools, as well as through community organisations. During his employment at Cowes Primary School and Beaumaris Primary School,
25 he was also sports coach and guitar teacher. During his time at Kunyung Primary School, he was also appointed as physical education and music teacher.

Mr MacGregor was involved in numerous community sporting clubs over the course of his teaching career which may have involved contact with children,
30 which included Beaumaris Amateur Athletics Club, Beaumaris Little Athletics Club, Beaumaris Soccer Club, Australian Soccer Referees Association, AUSTSWIM Coaches Association, District Sports Association, Kunyung Junior Football Club, Mountain Districts Athletics Club, National Golf Club Long Island, Phillip Island Football Club, Phillip Island Youth Club, Sandringham Amateur
35 Athletics Club, Sandringham Little Athletics Club, Victorian Soccer Referees Association, Willoughby Football Club, Wonthaggi Little Athletics Club, and Yarrawonga and Border Golf Club.

40 Student views of David MacGregor. Tim Courtney recalled Mr MacGregor was:

"A person I always felt suspicious about. He was a guitar teacher and very charismatic."

45 One victim-survivor described Mr McGregor as:

"Just a bit off."

Another victim-survivor told us that when looking back at their time at Beaumaris Primary School:

5 "We just thought MacGregor was a creep or inappropriate."

They also recalled:

10 "He just seemed to always be around. There was a way about him that was a bit creepy".

15 Victim-survivors. We are aware of three victim-survivors of child sexual abuse by Mr MacGregor who have engaged with the Board of Inquiry. We have also heard from three individuals who either recalled incidents of inappropriate behaviour by MacGregor or described their contemporaneous knowledge of child sexual abuse of students by Mr MacGregor.

20 The accounts of child sexual abuse that we have received often occurred in circumstances in which Mr MacGregor had used his role as teacher, sports coach or music teacher to gain access to a child away from other children, typically by bringing them to his home. We also heard accounts of Mr MacGregor's inappropriate behaviour around groups of children at school, or at his home, while there were no other adults present.

25 Inappropriate and sexualised behaviour. One person told us that she recalls the whole class being taken to Mr MacGregor's family home for their end of year school party. She told us that during the party, Mr MacGregor took a group of students inside to show them his bedroom. She recalls that it felt very strange. She told us that she thought it was odd then and still does.

30 Another person recalls a sports class while they were at Kunyung Primary School in which Mr MacGregor wore loose sports shorts with his legs bent and wide open with his penis visible to students for the whole duration of the class. She recalls thinking at the time that something was not right about it, and that Mr MacGregor must have been aware of what he was doing.

35 Sexual abuse during guitar lessons and school sports. One victim-survivor told us that Mr MacGregor once wrapped their arms around him and thrust his genitals into their back. He recalls Mr MacGregor groaning and rubbing himself on their back for around five seconds before letting them go. He recalls that afterwards
40 Mr MacGregor gave them a filthy look and said that:

"His relaxed stance, hands on his hips and the semi-satisfied smirking sneer on his face is etched in my memory."

45 Another victim-survivor told us that when she was alone with Mr MacGregor, he leaned over to touch her inner thigh. A further victim-survivor told us that when she started at Beaumaris Primary School, Mr MacGregor was in his early 20s and

lived with his parents. They recalled that Mr MacGregor would often visit her house, as he had built rapport with her parents through his involvement with sport. She told us that during after-school music lessons, Mr MacGregor would sexually abuse her by touching her inappropriately.

5

Another victim-survivor told us, in the early 1970s while at Beaumaris Primary School that she believed she must have told someone at the school, either directly or indirectly through her mother, about the sexual abuse by Mr MacGregor. She told us that shortly after she reported the sexual abuse, she was confronted by Mr MacGregor about making such reports.

10

Criminal convictions. In December 1984, Victoria Police received a complaint about Mr MacGregor's conduct from the parent of a student at Kunyung Primary School. In March 1985, a parent of a student wrote to the Department of Education to notify it of the allegations and criminal investigation. Following the letter, the department wrote to MacGregor and invited him to:

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"...explore his wishes regarding school placement as a result of impending charges being laid by the Victoria Police."

20

On 2 April 1985, a meeting was held with representatives from the Department of Education and Mr MacGregor. The topic of transferring Mr MacGregor to another school was discussed. Mr MacGregor told the department representatives that he did not want to be transferred to another school. As a result, the department recommended only taking further steps if a:

25

"Formal complaint was made".

Mr MacGregor continued to teach at Kunyung Primary School for another month. In May 1985, the same parent again wrote to the department. Three days later, Mr MacGregor was transferred to a temporary administrative role within the department. He continued to be on the Kunyung Primary School Council until August of that year.

30

In August 1985, Mr MacGregor pleaded guilty and was convicted of two counts of indecent assault. Around this time, he resigned from the Kunyung Primary School Council. The council resolved to send him a letter of appreciation for his past service. In September 1985, the Kunyung Primary School Council recommended that:

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"Because of legal implications any questions to council members re the position of Mr MacGregor are to be answered to the effect that this was an administrative transfer."

40

In September 1985, Mr MacGregor was sentenced to probation for three years, as well as psychological or psychiatric treatment and costs of \$25. In July 1994 - I'll just check that date, but Mr MacGregor was sentenced to six months

imprisonment for gross indecency and four months imprisonment for indecent assault, both suspended for two years. Yes, that is '94. The convictions related to offences against a student at Chelsea Heights Primary School in 1980.

- 5 While this conviction and sentencing occurred after Mr MacGregor's conviction in 1985 in relation to Kunyung Primary School, it confirms Mr MacGregor engaged in child sexual abuse before he started teaching at Kunyung Primary School, where he again offended.
- 10 The Department of Education's investigation. In 1985, the Department of Education conducted its own investigation into MacGregor's conduct between June 1983 and November 1984 after he had been charged and sentenced in the Magistrates Court in September 1985 for sexual offences in relation to children. The department conducted disciplinary hearings in July 1986 and found all
- 15 charges, except one, to be proven.

In August 1985, Mr MacGregor was informed of the outcome of the investigation and given an opportunity to respond. He provided character statements, including one from a former principal of Kunyung Primary School. The outcome of the

20 disciplinary investigation was that Mr MacGregor was removed from his teaching position and he was not allowed to apply for another teaching position until September 1988. He was not dismissed from the department, but, rather, he remained in an administrative role.

- 25 When this teaching restriction lapsed in September 1988, Mr MacGregor applied to return to a teaching position with the department. Mr MacGregor was scheduled to return to a substantive teaching role in 1989 at Langwarrin Park Primary School. However, the then principal of Langwarrin Park Primary School protested on the basis of Mr MacGregor's convictions. The offer of the teaching job was
- 30 then rescinded by the department, and Mr MacGregor was transferred to another non-teaching administrative role with the department.

CHAIRPERSON: Ms Ryan, can I just clarify, the chronology there. He was sentenced in 1985 on the basis of a guilty plea. The department decided to impose

35 a restriction on his ability to teach, but that was only until 1988?

MS RYAN: Yes.

CHAIRPERSON: And then he applies to return to a teaching position. If not for

40 the intervention of the principal at Langwarrin Park Primary School, the department was quite happy for him to go back into a teaching role?

MS RYAN: It would appear so. Mr MacGregor voluntarily retired from the department in 1992.

45

We then turn to the fourth relevant employee, who is Grahame Harold Steele. Grahame Steele was born in May 1932. He began teaching at Victorian

government schools in February 1952 at the age of 19 and taught for 38 years until he resigned in January 1990. Grahame Steele died in 2013.

5 His employment history is that he attended the Melbourne Teachers College in 1951. From February to May 1952, he taught at Mirboo Primary School, now known as Mirboo North Primary School, in Gippsland. From May 1952 to September 1952, he remained in the Gippsland area teaching at Tarraville Primary School. And from September 1952 until May 1956, he taught at Tarwin Lower Primary School. In May 1956, Mr Steele's teaching career brought him to
10 south-eastern Melbourne, where he taught at Hampton Primary School until February 1960. He then taught at Moorabbin West Primary School from February 1960 until December 1966.

15 In January 1967, Mr Steele started at Beaumaris Primary School, where he remained for six years until December 1972. From January 1973 to December 1975, he taught at Ormond East Primary School. From January 1976 to December 1980 - sorry, December 1980, Mr Steele was the principal of Aspendale Primary School. He took long service leave from May to August 1978 and travelled to the
20 UK and Europe.

He then returned to Beaumaris Primary School and was promoted to the role of Deputy Principal, which he held for one year from January 1981 to February 1982. Mr Steele was promoted again to the role of principal, this time at Belvedere Park Primary School in Seaford from February 1982 to January 1990. He resigned from
25 the Department of Education in January 1990 at the age of 57.

Sports and community clubs. Mr Steele was involved in sporting teams both through his employment at Victorian government schools and through community organisations. We have been told that he was an ex-Sandringham VFL player and
30 was described as a revered figure in the school community. During his first period of employment at Beaumaris Primary School, he was a sports coach for cricket and football and, for at least part of this time, was the designated sports master responsible for arranging sports teams. We have been told that Mr Steele also held
35 the role of sports master at Ormond East Primary School.

We have also been told that Mr Steele coached the Sandringham under 19s football team and would often take boys out of school for an excursion to the St Kilda Football Club in Moorabbin. We were also told of occasions when
40 Mr Steele took students on school camps and weekend trips to coastal areas outside of Melbourne.

Students' views on Grahame Steele. Bernard told us during our earlier public hearings:

45 "Students always thought Mr Steele's class was the best class to be in, especially if you loved sport, because he was the sports teacher."

One individual told us:

"Despite being tall and handsome, he was for the most part an incredibly cold man."

5

Victim-survivors. We are aware of five victim-survivors of child sexual abuse perpetrated by Mr Steele who have engaged with the Board of Inquiry. The accounts of child sexual abuse that we have received from them all occurred in circumstances in which Mr Steele was able to isolate the child away from other children, typically by removing them from their class or taking them away on camp.

10

Abuse at school and sport. Four victim-survivors recounted being sexually abused by Mr Steele at school. One victim-survivor told us that while exercising with a group of grade 6 students at Beaumaris Primary School, he injured his thigh or groin and informed Mr Steele. Mr Steele then took him to a separate room, massaged his leg and then asked him to remove his shorts before massaging his leg, thigh and groin for around five minutes.

15

Bernard told us that Mr Steele took him out of class to a different room where he was sexually abused under the guise of Mr Steele treating Bernard's sports injury. Bernard recalls that when he returned to class, another boy asked him if Mr Steele had dacked him.

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Another victim-survivor told us that Mr Steele would call him out of class, or out of after-school care, and into his office at times where there were no other teachers present and sexually abuse him.

25

And as we heard this morning, Grant Holland told us that Mr Steele would sexually abuse boys at the cricket club by adjusting the protective equipment in their pants. One person told us that they recalled Mr Steele acting differently towards a select group of sporty students with whom he would chat and joke and how:

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"We wanted to be part of this but were not allowed in."

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Abuse on camps. Four victim-survivors recounted being sexually abused by Mr Steele on school camps and trips. Bernard told us that Mr Steele took him and a number of other boys on a trip to the beach for a few days in the early 1970s. He recalled that Mr Steele sexually abused him in the shower while they were away and in the car on the way home from the trip.

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Grant Holland told us that Mr Steele took him and a number of other boys on a trip in 1973. He recalled Mr Steele insisting that the boys showered about three times a day, after which he would sexually abuse the boys while drying them with a towel. Mr Holland also recalled Mr Steele taking them to an abattoir as part of

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this trip, which he understood as a means to intimidate them about ever speaking out.

5 Another victim-survivor told us that he was made to sit next to Mr Steele on the bus to a school camp a few hours away. He recalled that Mr Steele sexually abused him by touching him under a blanket for the entire trip.

10 Yet another victim-survivor told us that he was sexually abused by Mr Steele in the shower room on a school camp. He recalled that Mr Steele would help him, and a number of other boys, to dry themselves which included rubbing their genitals in a way that was clearly overzealous and unnecessary.

15 Another person told us they recalled a train ride on the way to a school camp where Mr Steele was blindfolded and students were taking turns to sit on his lap and keep the blindfold tied. They recalled that Mr Steele was encouraging the boys to kiss the girls and to make sure that they put their tongues in each others' mouths.

20 Potentially missed opportunities. Although he was never convicted, there were a number of points in time that we have identified as potentially missed opportunities for intervention by the Department of Education.

25 Bernard told us that in speaking with old classmates in recent years, he was told that in around the early 1970s, there were students at Beaumaris Primary School who would get into trouble and be sent to the principal's office and use the threat of exposing sexual abuse by teachers at the school as a way of getting out of trouble. On this basis, Bernard understood that at least some staff at Beaumaris Primary School knew what was happening and apparently did nothing.

30 Grant Holland recalled another teacher at Ormond East Primary School in the mid-1970s who appeared to dislike Mr Steele, and would ask where Mr Steele was taking children and when they would be back. Mr Holland is not sure if this teacher knew about the abuse.

35 From the mid-1980s to the early 2000s, Mr Holland gave statements to the police in relation to his experiences of abuse by Mr Steele on three separate occasions, but no prosecution was pursued.

40 One victim-survivor told us that after being abused by Mr Steele in around the mid-1980s at Belvedere Park Primary School, he reported the abuse to a Safety House. After the report he recalls police coming to his house and he provided them with a physical description of Mr Steele, but not his name. He recalls that following the report, he was called into Mr Steele's office. He told us that reporting the abuse only made matters worse. He said that Mr Steele threatened
45 him and the sexual abuse escalated and included rape. He also recalls thinking that other teachers must have known about the abuse because Mr Steele took him out of his class so often.

Mr Steele was the principal at Belvedere Park Primary School through to the end of the 1980s until he resigned from the Department of Education in 1990. The Board of Inquiry understands that Mr Steele continued to be involved with
5 community sporting organisations in the early 2000s. One victim-survivor told us that around five to 10 years ago, they returned to Belvedere Park Primary School to tell the school about the abuse they experienced. They said the school locked the doors on him and would not take his calls afterwards.

10 Potentially missed opportunities relevant to the scope of this inquiry. Chair, the board has received evidence that suggests that employees of the department, ranging from teachers, vice principals, principals and in one instance a district inspector were aware of some allegations of child sexual abuse against one or more of the relevant employees at or around the time of the alleged offending.

15 The board has also received evidence, which indicates that there were potentially numerous missed opportunities to prevent each of the relevant employees from engaging in further offending.

20 During our previous public hearings, reference was made to the 1882 Royal Commission into the Administration, Organisation and General Condition of the Existing System of Public Instruction. This Royal Commission is relevant in at least two ways to this Board of Inquiry.

25 First, it reveals that the department was aware, from at least 1882, of the risk that teachers might behave immorally towards students and this was a risk that needed to be managed. Relevantly, during the 1960s and 1970s, there was a relevant legislative framework, and child sexual abuse was a criminal offence. Similarly,
30 there were at least some Department of Education policies in place at points in time. This all demonstrates that there was a departmental awareness of the risk of child sexual abuse.

35 Second, it is relevant to consider the department's approach in managing that risk of child sexual abuse. We acknowledge that some parents, children, teachers and community members made valiant efforts to stop the abuse, but practices and responses severely limited their ability to make any real change. Indeed, the policies and practices at the time appear to have prioritised the reputation of the system, schools and teachers over the safety of children.

40 As the 1882 Royal Commission report noted, the department had a practice of moving teachers accused of immoral conduct to smaller schools. The Commissioners detailed their concerns with this practice and queried why a teacher shown to be guilty of impropriety would be transferred, rather than dismissed.

45 Despite the concerns raised by the Commissioners in 1882, the information gathered by this Board of Inquiry suggests that the department continued to

transfer relevant employees to other schools or to administrative roles within the department despite allegations and offending, and it appears that this practice did not change until the 1990s.

5 These are matters into which the Board will inquire during the public hearing this week. Chair, after the lunch break we will hear evidence from David Howes, Deputy Secretary for the department.

CHAIRPERSON: We will break now for lunch and we will be returning for
10 Dr Howes' evidence.

<THE HEARING ADJOURNED AT 12.56 PM.

<THE HEARING RESUMED AT 2.05 PM.

15 **CHAIRPERSON:** Thank you, Ms Ryan.

MS RYAN: We have with us Dr David Howes, Deputy Secretary of the
20 department.

CHAIRPERSON: Thank you.

<WITNESS DAVID COLIN HOWES, AFFIRMED.

25 **<EXAMINATION BY MS RYAN:**

MS RYAN: Dr Howes, if you need a break at any point, please let us know. We will be happy to take a break.

30 **DR HOWES:** Thank you

MS RYAN: Thank you, Dr Howes. Can you tell the Board your full name?

DR HOWES: David Colin Howes.

35 **MS RYAN:** And you are currently the Deputy Secretary of the Department of Education?

DR HOWES: That's correct

40 **MS RYAN:** And you have provided a witness statement to the Board dated 3 November 2023 which includes 12 annexures.

DR HOWES: Yes.

45 **MS RYAN:** Are the contents of that statement true and correct?

DR HOWES: Yes

MS RYAN: Chair, I tender the statement of Dr Howes.

5 **CHAIRPERSON:** Thank you, Ms Ryan.

MS RYAN: Just by way of background, Dr Howes, you yourself commenced employment at the Department of Education in about 1987.

10 **DR HOWES:** At the start of 1987.

MS RYAN: And you spent much of your working life employed by the Department of Education; is that right?

15 **DR HOWES:** Yes.

MS RYAN: And you've held your current role as Deputy Secretary since September 2019.

20 **DR HOWES:** That's correct

MS RYAN: Now, in the statement you provided to the Board, you've given evidence as to the department's knowledge of allegations of instances of child sexual abuse at Beaumaris Primary School and (indistinct) at or around (indistinct) and you've also (indistinct).

25

DR HOWES: Yes. Yes, correct.

MS RYAN: You also outlined the department's response to the abuse at or about the time of the incidents.

30

DR HOWES: Yes.

MS RYAN: So you set out the substance and the basis for that evidence in relation to these matters in annexure DH-2.

35

DR HOWES: Yes. Yes.

MS RYAN: And you have said in your statement - this is at paragraph 13, Dr Howes - that your evidence about those matters has been drawn from a variety of documentary sources; is that correct?

40

DR HOWES: Yes

MS RYAN: And can you tell the Board, just looking at paragraph 13, what are the documentary sources from which your evidence has been drawn?

45

DR HOWES: They have been drawn teacher records, the proceedings, the written documentation of criminal and civil cases that have been the subject of the cases of this inquiry, a range of reports and a range of policies and procedures, so - school council minutes. We searched as widely as we could.

5

MS RYAN: And in addition to those matters, we also understand that the department has collated information in the early 2000s relating to allegations of child sex abuse and that information has also informed what you are able to tell us; is that right?

10

DR HOWES: That's right.

MS RYAN: And the department collated that information in the early 2000s in response to individuals bringing civil claims against the department for child sex abuse in government schools.

15

DR HOWES: That's right.

CHAIRPERSON: Can I just ask a question about that, please, Ms Ryan.

20

Dr Howes, I understand that there was a certain amount of information that was collected, as Ms Ryan has just said, at an earlier time period. Was there then some renewed work that was done in response to the various notices that were issued as part of this inquiry?

25

DR HOWES: The work that Ms Ryan referred to was the work that was done in the early 2000s, when we went back and interviewed some of the people who had come to our attention through those civil cases. We drew on that documentation and then did another search of documents.

30

CHAIRPERSON: Thank you.

MS RYAN: All right. So, Dr Howes, I take it you were - were you present in the public hearings today during the opening?

35

DR HOWES: I was.

MS RYAN: I take it you're aware, then, that there was a Royal Commission into Victoria's government school system, if I can put it colloquially, back in 1882?

40

DR HOWES: I've become aware of that recently, yes.

MS RYAN: And you had an opportunity to have a look at the document recording the inquiries of that Royal Commission?

45

DR HOWES: Not comprehensively, but I have looked at it.

MS RYAN: You'll be aware, then, one of the issues raised in the 1882 Royal Commission was the department's handling of teachers who, for whatever reason, warranted censure; is that right?

5 **DR HOWES:** Yes, yes.

MS RYAN: And that included teachers who had been alleged to and, indeed, found to have behaved in a sexually inappropriate way towards students.

10 **DR HOWES:** Yes.

MS RYAN: And so it's fair to say that, as at 1882, the Department of Education was aware that there was a risk, or aware of the risk, that teachers may sexually abuse students in government schools?

15

DR HOWES: Yes.

MS RYAN: And the department was also aware at that time that there was a need by the department to manage that risk?

20

DR HOWES: Yes.

MS RYAN: And, indeed, one of the issues ventilated in that Royal Commission was that one of the responses of the department to incidents of sexual impropriety by teachers towards children was to transfer the teachers out of whatever school they were offending at to another school, and you're aware that that was an issue raised in the 1882 Royal Commission?

25

DR HOWES: Yes.

30

MS RYAN: I take it you are also aware that the Royal Commissioners at that time identified some concerns with the practice of transferring teachers who'd been accused or found to have behaved sexually inappropriately towards students. That the Commissioners raised concerns with that practice of transfer, are you aware of that?

35

DR HOWES: As I said I'm not across all the detail of that commission, but I've got - I'm aware broadly of those concerns that were raised, so I accept that.

40 **MS RYAN:** Yes. I take it you're aware, then, at least broadly, as you say, that the Commissioners queried the department during that Royal Commission as to why it was that a teacher shown to be guilty of impropriety would be transferred rather than have his - in those days, it was his - employment terminated. You are aware of that?

45

DR HOWES: Yes.

MS RYAN: In that Royal Commission, when the department was questioned, the department noted that it was important to consider the issue from a teacher's perspective and to reduce the risk of reputational damage for what it saw as a comparatively small offence. Now, were you aware of that response by the department in that Royal Commission?

DR HOWES: No, I wasn't.

MS RYAN: Accepting that was the response by the department, would you agree that that sort of response reflects, really, a prioritisation of reputational damage for the school and the teacher over the welfare of children?

DR HOWES: Yes, I would.

MS RYAN: Now, you've touched on this practice of transferring teachers in your statement, and I should make it clear, Dr Howes, we're not discussing any individual cases or Beaumaris Primary School at this stage. I'm just interested in general practices within the department. Now, at page - this is at paragraph 53 of your statement. You've set out there some evidence provided by a former employee of the department about the practice of transfer. This is at paragraph 53. Can you tell the Board what your evidence is in relation to that?

DR HOWES: So we, as part of our investigation of trying to understand what had happened during the period, tried to identify people who may have been enrolled that made these kind of decisions. We found one such person and held an oral interview with them and asked them a series of questions, and these were the responses from that interview.

MS RYAN: And the interview that you're talking about here was with a person who'd worked as a district inspector in the 1980s?

DR HOWES: I think that's right, for the dates, but definitely district inspector around that time - on or around that time.

MS RYAN: And can you tell the Board what he told the department about this practice of transferring teachers?

DR HOWES: He said it was a practice that was used, using a mechanism that was part of the legitimate way in which the staffing was determined in schools, which was to work out the number of staff that were required for a number of pupils, and that could involve, then, the consequential movement of staff, and that, under that, staff could be moved when the intent was to move them as a result of allegations of sexual abuse.

MS RYAN: Right. So your understanding, then, is that - your understanding is that, in the 1980s, one of the responses of director inspectors on behalf of the

department was to transfer teachers from one school to another where allegations of sexual abuse had been made?

DR HOWES: That was the evidence on this district inspector.

5

CHAIRPERSON: Just so I understand your evidence, what was told to you by this person was also that the - I think you said the word "legitimate mechanism" was used, but it was used for a purpose which was -

10 **DR HOWES:** It was not intended

CHAIRPERSON: -not intended. And so if one were looking at the records, for example, you wouldn't be able to identify the true reason why that person was being transferred?

15

DR HOWES: I haven't looked at those records. I imagine that would be the case, yeah. And the only thing I'll add was that transfer was one - then one of the outcomes that could happen from a disciplinary process, so that was, that was - it was one of those outcomes that were set out in the Act, but this action sat outside of that.

20

MS RYAN: All right. And when you say, "This action sat outside of that", was it the case that in the period that we're concerned with, being 1960 - 1960 onwards, through to at least the late 1980s that the department did, in fact, transfer teachers who had been the subject of allegations of sexual abuse against children to other schools? Did that occur?

25

DR HOWES: Sorry, could you ask that again?

30 **MS RYAN:** Dr Howes, as far as you're aware, during the period we're concerned with - and I should say, in your report, you've concentrated on a period from 1960 to 1984, 1984 being the last point in time of the known offending.

DR HOWES: For one of the relevant employees, yes.

35

MS RYAN: So if we just stick to that period for this question. As far as you're aware, during that period, that is 1960 to 1984, did the Department of Education transfer teachers who were the subject of allegations of child sexual abuse between schools?

40

DR HOWES: The evidence of this inspector was that that happened, and one of the cases that is the subject of this inquiry, that happened.

45 **CHAIRPERSON:** And has the department undertaken a further review to understand the scope of that practice? So we've got some evidence from this person that you've identified, and you've identified another source. But has the department done some work to understand, "All right, here are cases where we've

had allegations that were known about at the time and the teachers were then transferred" and then seeking to understand why or what mechanism was used?

5 **DR HOWES:** No, we haven't, to the best of my knowledge. We haven't undertaken that systematic review. I think the evidence from that district inspector and the evidence that it forms part of my statement indicates that that did happen.

10 **CHAIRPERSON:** Is it your understanding, then, or is it your view, based on what you've seen, that it was a systematic practice?

15 **DR HOWES:** That's a difficult question to answer, in that, to the best of my knowledge, there were no - because of the absence of policies and procedures that - we have been able to find no policies and procedures that informed how allegations of child sexual abuse could be handled. So that follows that there wasn't a policy and procedure that should say, "This is what should be done in these instances." But the evidence would suggest to us that it was a mechanism used by people in authority to manage these circumstances.

20 **MS RYAN:** Dr Howes, you've said that the transfer of teachers was a mechanism to be used, and was used by the department in this time period; is that right?

DR HOWES: I just - I would qualify that by saying by individuals in the department, because it wasn't a formal policy

25 **MS RYAN:** Individuals in terms of -

DR HOWES: They had responsibility and they had decision-making power. Yes, on behalf of the department, they were making those decisions.

30 **MS RYAN:** Yes. And in terms of when we're referring to decisions made by the department, they're necessarily made by officers of the department. You would agree with that?

35 **DR HOWES:** In this case acting under their own initiative, because they were in the absence of a formal framework.

MS RYAN: In terms of, for example, these inspectors who had the role until about 1983 -

40 **DR HOWES:** Yep.

45 **MS RYAN:** - of dealing with this sort of thing, that is, allegations of child sexual abuse and in determining what, if anything, should occur by way of disciplinary process to the teachers, they were exercising the function that they had been given by the department?

DR HOWES: Yes, they were.

CHAIRPERSON: I just want to ask one follow-up question on this topic. I understand what you say about there not being a formal process or a formal policy. It doesn't necessarily follow that the individual who is then engaging in this
5 conduct is acting completely on their own initiative. There could be an informal policy in place. There could have been an understanding that that's how things were dealt with. And I take it you agree with that?

DR HOWES: Yes, yes, I do.

10 **MS RYAN:** During this time, in terms of the role and function that you've agreed the director inspectors had, did they then - once an inspector had determined what action should be taken against a particular teacher, did that then get signed off by the Director-General?

15 **DR HOWES:** I'm not aware of that in - whether that was the case in all cases, but it was certainly - my understanding is it should have been. Whether it was done in every case, I don't know.

20 **MS RYAN:** So I take it that your evidence is the policy was that it should have been signed off by the Director-General; is that right?

DR HOWES: In my reading on this, there seemed to be a lack of clarity. The Director-General did have the employment powers. Whether that was formalised
25 that then they needed to sign off on every staffing decision, that seems to be unclear.

MS RYAN: There may be an issue of enforcement of policy, then, it sounds like, in the sense that the district inspectors were supposed to have their decision signed
30 off by the Director-General but it may not have always occurred?

DR HOWES: I think that's right, yes.

MS RYAN: Now, you've spoken about using transfers as a mechanism. That was
35 your word, I think, mechanism. And you've also told the Board that, in your searches, there is really an absence of policy, written policy, around transfers. Do I take it, then, that there is no written policy that you can find as to whether the department considered transfers appropriate or not appropriate for teachers who'd been accused of child sexual abuse?

40 **DR HOWES:** That's correct. It would be in the absence of any policy or procedures that we were able to find. That - your statement is correct

CHAIRPERSON: So ask a follow-up about that. I think you did say, though, that
45 transfer was one of the available options for a teacher who found themselves in a disciplinary setting, found to have engaged in this kind of conduct; correct?

DR HOWES: That's right

CHAIRPERSON: So if it is an available option, it follows, doesn't it, that the department's view was that that was, in certain circumstances, acceptable?

5

DR HOWES: Sorry, my misunderstanding of the intent of the question. So the transfer was clearly one of the outcomes that could follow from a disciplinary procedure. So, yes, that was not only acceptable but affirmed as one outcome. But in terms of - my train of thought had been along the lines of processes that were

10

CHAIRPERSON: Understand.

DR HOWES: And there wasn't a set of policies and procedures to guide people. However, as far as we could tell, there weren't any policies or procedures that could direct people when an allegation should go through that formal process.

15

MS RYAN: Therefore, in the absence of any sort of policies or procedures, it was open to an inspector to determine that a teacher ought to be transferred as part of the disciplinary action available in the case of an allegation of child sex abuse?

20

DR HOWES: Well, if it was part of the disciplinary action, a formal process, then it wouldn't be their decision. That - but the district inspector, according to the evidence that we have, clearly were of the view that that was an option, and I would characterise it as managing the incident, not as part of a formal disciplinary process.

25

MS RYAN: You said, in that case, it wouldn't be their decision. Do you mean that the ultimate decision would be of the Director-General?

30

DR HOWES: The formal disciplinary process. That's my understanding of the procedures at the time, that that should have been the case

CHAIRPERSON: So it really seems that there were two pathways. One would be we're not going to go through a disciplinary process, and that might end up in a teacher being transferred as an outcome formally. And then the other pathway is, "I'm going to manage this as the district inspector. It's not a disciplinary pathway. I'm just managing an issue", and that informally, it seems, transfers took place in that setting?

35

40

DR HOWES: Yes, I think that's entirely accurate.

MS RYAN: And in that informal setting, in a setting of an inspector managing the issue and determining to transfer the teacher, was there any policy or regulation that required the inspector to advise someone higher up the chain, such as the Director-General, what the outcome had been?

45

DR HOWES: Again, I - we've not been able to identify any policy or procedure that would set that out. Common management would suggest that one of the roles of the district inspector was to bring to the attention of their superior issues that were coming across their desk, issues that they were having to manage. So I don't
5 know whether district inspectors did that as a matter of course or not.

MS RYAN: In the case of a district inspector deciding to manage the problem by transferring the teacher, was the district inspector required to notify the school to which the teacher was being transferred as to the reason for the transfer?
10

DR HOWES: I don't know the answer to that.

MS RYAN: I take it you don't know the answer to that because, in your searches, there is simply no policy around it?
15

DR HOWES: That's it.

CHAIRPERSON: So it's entirely possible that the principal of the school receiving this person would have had no idea as to the reason for the transfer?
20

DR HOWES: Unless they had heard rumours and speculation, that is entirely possible. It could have been presented as part of this process of the establishment number.

MS RYAN: So in terms of that, when that occurred, when you've got district inspectors managing in the way you've described, the department was relying entirely on one individual to make an appropriate decision without requiring that individual to pass his or her reasoning on further up the chain; is that right?
25

DR HOWES: That's what seems to have - that's what's reported to us as has happened in some cases.
30

CHAIRPERSON: Have you got any reason to believe that this wasn't the process in this earlier period? So the person that we're talking about who was giving some information was from the 1980s. Is there any reason to think it was different in the 1970s or the 1960s?
35

DR HOWES: No, no, I had assumed that it would apply over a period of those - the period that is under the - certainly under this Board's inquiries, yes.
40

MS RYAN: Now, you've given evidence in your statement about - again, we've touched on this already, but policies and practices that were in place between January 1960 and December 1984 relevant to allegations or instances of child sexual abuse. Now, with regard to the question as to policies and procedures, you've provided to the Board four memoranda issued by the Secretary of the department between 1952 and 1964. So this is at paragraph 34 of your statement.
45

Dr Howes, if I can just ask you to look at paragraphs 34 and 36. Can you tell the Board about the 1952 memorandum?

DR HOWES: If I can refer to the memorandum directly?

5

MS RYAN: Sure.

DR HOWES: Which I'll just - because this was - this was - as you said, in the absence of policy and procedures, this was a memorandum that was issued, and it was striking for these reasons. Can I read some of it out? So this was a memorandum issued for head teachers on 9 April 1952 at the request of a number of head teachers. "The" - I think it's "the instance" of a memorandum, earlier dated back to 1943, is restated below:

15 "For the guidance of head teachers and the male members of their staff. From
time to time, the attention of the department is drawn to the dangers that men
teachers incur through indiscreet and thoughtless actions with regard to girl
pupils. Innocent as these actions maybe, they are at any time likely to be
20 interpreted in such a way as to have very grave consequences for the teachers
concerned. The department, therefore, deems it advisable to warn all men
teachers in their own interests against any action liable to misinterpretation.
They would be well advised never to place their hands on pupils."

MS RYAN: All right. So would you agree that it appears that the concern of the
25 department at that time was about the reputation of teachers?

DR HOWES: Completely, completely. The silences in this document are as
telling to me as the words. There is no reference to the safety or the well-being of
girls or students, more broadly.

30

MS RYAN: And the memorandum also states that:

"From time to time the attention of the department is drawn to the dangers
that men teachers incur."

35

Do you know whether something happened to cause the secretary to issue this
memo at this time?

DR HOWES: I don't know that.

40

MS RYAN: We then have, going back to your statement, Dr Howes - I should
say, just on that 1952 memo, if we can call it a policy, there certainly appears to be
an instruction to teachers never to place their hands on pupils.

45 **DR HOWES:** Instruction or strong guidance, yes.

MS RYAN: Yes. Now, if we go back to your statement, this is the second memorandum. This is paragraph 37 of your statement. Can you tell the Board about that second memorandum in 1960?

5 **DR HOWES:** So there was a similar message that was reissued in 1960, but it didn't include the instruction to which you just referred, the recommendation not to place hands on students.

10 **MS RYAN:** And that was also issued by the Secretary of the Department of Education?

DR HOWES: That's right.

15 **MS RYAN:** Again, directed to men teachers?

DR HOWES: Yeah, that's right. There's a second reference that specifies men. I'm happy to read this one out again.

20 **MS RYAN:** It's short, yes.

DR HOWES: It is short. Again, that phrase:

25 "From time to time, the attention of the department is drawn to the dangers that men teachers incur through indiscreet and thoughtless actions with regard to girl pupils. Innocent as these actions may be, they are at any time likely to be interpreted in such a way as to have very grave consequences for the teachers concerned. The department, therefore, deems it advisable to warn all men teachers, in their own interests, against any action liable to misinterpretation."

30 **MS RYAN:** So again, on the face of this document, it appears that, at that time, the department's only concern was for the reputation and well-being of the teachers?

35 **DR HOWES:** It is silent about the well-being and safety of students.

CHAIRPERSON: Have you been able to form any views about how it was that the instruction not to place hands on pupils came out of the earlier document?

40 **DR HOWES:** I don't have any evidence about that, any information about that.

CHAIRPERSON: Also notable, isn't it, that neither document refers to male students?

45 **DR HOWES:** Very notable.

MS RYAN: And like the previous document, do you have any knowledge of what caused the September 1960 memo to be issued?

5 **DR HOWES:** No. It's the same phrase "from time to time". I would surmise that this issue had been raised again.

MS RYAN: So it might have been that episodes had come to the attention of the department.

10 **DR HOWES:** Attention of the secretary

MS RYAN: So as to warrant -

15 **DR HOWES:** Issuing of a memorandum. That's a reasonable conclusion to draw.

MS RYAN: Now, you've provided two further memos. This is paragraphs 38 to 42 of your statement. The third memorandum is 1963 memorandum, and that appears to concern physical injuries; is that right?

20 **DR HOWES:** Yes, that's right.

MS RYAN: Without reading the memorandum, can you just tell the Board what it's about and what it's concerned with?

25 **DR HOWES:** It appeared to be a memorandum about the importance of record-keeping in relation to physical accidents that might occur. So there was no reference to psychological harm or bullying or those kind of things. Its focus was on the physical safety of students and on recording accidents that might happen. It's, in fact, titled Accidents to Pupils.

30 **MS RYAN:** And looking at the first paragraph of the memo, it would appear that the impetus for that memo was an increasing number of civil claims against the department from parents of students who had been injured whilst at school?

35 **DR HOWES:** There is no doubt, and the penultimate paragraph reads:

"The record should be kept in sufficient detail so that, should a particular case be challenged at any later date, the particulars can be easily elaborated."

40 **MS RYAN:** Then the final memorandum to which you've provided the Board is 7 May 1964, and, again, that seems to relate to that Accidents to Pupils memorandum, is that correct?

DR HOWES: Yes, it's very similar. In fact, the first sentence reads:

45

"It is reissued as follows."

So it is almost identical.

CHAIRPERSON: It certainly seems, looking at those two documents, that the concern is about physical injury arising from accidents at school, rather than any
5 kind of child abuse.

DR HOWES: That's completely, completely the case, and I just make the observation for the second one, it goes on to say:

10 "Same accident register may be used for recording injuries to teachers to facilitate the making of claims and reports required under the Workers Compensation Act".

15 It suggests an increased emphasis on the importance of recordkeeping, as the suggestion was made earlier, to address future action, not with a primary concern for the well-being and the safety of students.

MS RYAN: The earlier two memos to which we've had regard, being the memos dealing with the dangers of male teachers being indiscreet towards female pupils, would you agree in addition with the other comments you've made about these
20 memos, they, on the face of them, appear to demonstrate that the Education Department, at least at that time, was entirely reactive as opposed to proactive to those situations?

25 **DR HOWES:** Completely.

MS RYAN: Now, just turning back to your statement, Dr Howes, again, we're still on policies and procedures generally here. You were asked about relevant policies and practices for, first of all, where a relevant employee was subject of multiple
30 allegations or known incidents of child sexual abuse and policies about the handling of allegations of historical child sex abuse. Can you just, looking at paragraphs 44 and 45 of your statement, tell the Board what, if any, policies and practices there were in existence?

35 **DR HOWES:** We were not able to find any policies or procedures that referenced how allegations of child sex abuse could be managed, and my speculation on this - and that's all it is - is that these were then regarded as allegations that should be managed through the criminal system, that they - there were not a set of
40 policies and procedures that should be followed by the school or by the Education Department - well not should. There simply were no policies or procedures that we have been able to find that would indicate how these allegations should be followed through.

45 **MS RYAN:** I take it you're making a distinction between policies and procedures developed by the department as opposed to regulations made under relevant legislation?

DR HOWES: Under the Crimes Act. That's right. Yeah.

CHAIRPERSON: I just want to test your thinking a little bit. And I understand this is your own, you know, speculation or thinking to try to understand this, but if
5 it were the case that the view at the time was, "We want to manage or we think these allegations should be managed through the criminal process", even if that's right, you would have expected some kind of process or policy in order to make sure that complaints were then submitted to the police or that there was appropriate engagement with police? And we don't even have that, do we?

10

DR HOWES: No, we don't. To shed a bit of light on this, when we interviewed the district inspector, they said that, in that role, they were never instructed to consider how an allegation of child sex abuse should be handled. There was a silence about this.

15

MS RYAN: Now, there were regulations made under the Teaching Services Act 1958 in terms of providing for a formal process in which to handle complaints. Are you aware of that?

20

DR HOWES: Not in any detail.

MS RYAN: It might be a convenient time to ask you a couple of questions about this. Do we have a hard copy for Dr Howes? We might be able to get - I can come back to it if - it's all right. We'll come back to it. Just going back to district
25 inspectors, while we're on that topic, you've said in your statement, or you've set out in your statement, some evidence from a previous district inspector who worked for the department in the 1980s. You've also stated at paragraph 50 evidence of another former district inspector who had, it's fair to say, somewhat of a different take on the response to allegations of child sex abuse. Can you tell the Board about that?

30

DR HOWES: This was a report that was part of a civil proceeding that Dr Garrett made. And, in that report, he did say that director - district inspectors had a role in relation to child sexual abuse, and he said that he would report it to the department
35 and to the police.

40

CHAIRPERSON: And was it his evidence that that was an informal or formal process that he was following? Or was that just what he said was his own particular practice?

40

DR HOWES: In that statement, I took it to be his own practice, but reflective of what he would have - what he understood others to have done.

45

CHAIRPERSON: I suppose one thing that that statement certainly shows is that these were issues that were arising. They weren't things that were kind of unknown to the people in this role?

DR HOWES: That's what - that's exactly what you would draw from this report, clearly. We had the evidence of the other person we spoke to who said this was never raised with them as part of the responsibilities of their role. Which, I guess, both things can be true in the absence of a policy.

5

CHAIRPERSON: Formal -

DR HOWES: Yes, that's right

10 **MS RYAN:** And if it's the case that there were, in fact, no formal policies for district inspectors to obtain guidance about how to deal with this issue, then they were effectively left alone in deciding how best to deal -

DR HOWES: Yes, I think that's right.

15

MS RYAN: - without any guidance from the Department of Education at all; is that correct?

DR HOWES: Yes, I think that's right

20

MS RYAN: Despite district inspectors having the role and function of responding to this very issue?

DR HOWES: Yes, I think that's right.

25

MS RYAN: Just on to the Teaching Service Regulations, Dr Howes, you do have, I believe, a folder in front of you, and I might have to ask the associate to help here. It's just one page I'll be asking you to look at, but it's the Reaching Service Regulations made under the Teaching Service Act 1958. Would it be of assistance to the Board if I provide the document ID to you, Chair?

30

CHAIRPERSON: Yes, that would be great, thank you.

MS RYAN: DOE.001.001.0319.

35

CHAIRPERSON: Thank you.

MS RYAN: Have you got that document there? All right. And if I can ask you to turn to - you'll see if we can just go through the document there, there are actually pages on the bottom - numbers on the bottom of those pages. Do you see that? And page 4, we've got there the Teaching Service Regulation, and regulation 2 concerns the discipline and conduct of members of the teaching service. Do you see that? Now, it's our understanding that this regulation certainly applied throughout the 1960s and 1970s.

45

DR HOWES: Yes. Yes, I think it was in place until the early 1980s.

MS RYAN: Early 1980s. Thank you for that, Dr Howes. Now this regulation 2, as I said, governs the discipline and conduct of members of the teaching service, and if you can go to - I just want to ask you about two clauses in it. Clause 10 states that:

5

"A member shall not engage even indirectly in any business which would have the effect of impairing his moral influence over his pupils or in the community generally, and he must not, even out of school hours, be guilty of any action unbecoming a person holding his position."

10

So in terms of clause 10, are you of the view that that broadly would cover, for example, child sex abuse by a teacher to a student?

DR HOWES: Yes, I would. I asked for some examples as part of looking over all these matters, do we have any records. And my memory is the records were characteristically things like being drunk and those kind of behaviours. But, again, yes, I would absolutely characterise child sexual abuse under this. Whether that was widely regarded as being under moral impairment, I don't know.

MS RYAN: Well, in fact, clause 9 directly above that deals specifically with indulgence in intoxicating liquor.

DR HOWES: Yes, yes.

MS RYAN: Clause 10 seems somewhat wider, but the prohibition on:

"...not, even out of school hours, be guilty of any action unbecoming a person holding his position..."

30 Would encompass, I suggest, criminal offence such as child sexual abuse.

DR HOWES: Yes, it would. Child sexual abuse, absolutely

MS RYAN: And then we turn to clause 11, which states:

35

"Every member in charge or sub-charge shall promptly report in writing to the Director-General, through the proper channel, any member under his control who is guilty of a breach of the provisions of the Teaching Service Act or the Regulations made thereunder and he shall specifically describe such breach in his report."

40

So, first of all, can you explain -

DR HOWES: Could you just point me to that? I had lost -

45

MS RYAN: Sorry, regulation 2, clause 11. So directly under the one we were previously.

DR HOWES: Regulation 11.

MS RYAN: Page 5, at the bottom.

5

DR HOWES: Yep, got it, thank you.

MS RYAN: Just have a look at that.

10 **DR HOWES:** Yes.

MS RYAN: If I can ask you first, do you have any understanding what a proper channel, "through the proper channel", refers to?

15 **DR HOWES:** No, I don't. I think this is what I referenced earlier, in that lack of clarity around when a Director-General might approve a decision.

MS RYAN: And how about "member in charge or sub-charge"? Is that referring to any teacher with some sort of leading position, or are you able to tell us about that?

20

DR HOWES: I would - so this is speculation, yes. My read of that would be -

MS RYAN: Just to stop you there, just look at page 4. "Member" means member of teaching service, so that's obviously quite broad, but go on.

25

DR HOWES: Member in charge would represent a head teacher.

MS RYAN: Head teacher. Okay.

30

DR HOWES: Or sub-charge, an assistant head, deputy head teacher.

MS RYAN: And that provided for a prompt report in writing to the Director-General any member who is guilty of a breach of the provisions of the Service Act or the regulations made thereunder, and there was a requirement to specifically describe such breach in the report; is that right? So it does appear, then, in terms of this regulation, that that was - perhaps we're not calling it a policy because it's a regulation, but there was a requirement in the regulations made under the relevant legislation for a leading teacher, a head teacher as you referred them to, to make report in writing to the Director-General in cases of breach of the Act or the regulations?

40

DR HOWES: Yes.

45 **MS RYAN:** As you've said, the department has not been able to find any written policy or procedure governing the handling of or reporting of allegations or incidents of child sexual abuse?

DR HOWES: No, no, no definition. That that is one of the things that would come under impairing moral influence, at the very least. So, no definition and then no set of the procedures that should be followed.

5

MS RYAN: And so, if there are no procedures that were in existence enforcing these - enforcing that this regulation was carried out, it would appear, then, that the department took no steps to ensure that its members in charge, or sub-charge, actually adhered to the regulation?

10

DR HOWES: I think that's true.

MS RYAN: And given your search - you've searched for any policy and procedure from 1960 to 1984 - then that's true for that entire period, is it not?

15

DR HOWES: (No audible response).

MS RYAN: You've also given evidence about recordkeeping in relation to allegations or incidents of child sexual abuse in government schools. This is at paragraph 54 of your statement, Doctor. So can you tell the Board what your evidence is about recordkeeping in that period, January 1960 to 31 December 1984?

20

DR HOWES: There are two parts of that that we weren't able to find any advice around recordkeeping in relation to allegations of child sexual abuse, and then the memorandum that were issued about the importance of recordkeeping only reference the physical safety, of which child sexual abuse is one aspect, but it was related much more to accidents, of students falling over, not instances of abuse. So, one, we couldn't find any that specifically referenced it and, two, were there were memoranda of recordkeeping in a related field, they didn't address that directly either.

25

30

MS RYAN: Just to clarify, are you saying that there were, in that relevant period, no records referencing allegations or incidents of child sex abuse in government schools or no records of policies?

35

DR HOWES: Advice about recordkeeping.

MS RYAN: Now, I just wish to turn now, Dr Howes, to your evidence about the department's knowledge and response of allegations and incidents of child sex abuse relevant to this inquiry, to the scope of this inquiry, being by relevant employees at Beaumaris Primary School and other government schools. If I can ask you first, you've provided - I'll be referring to DH-2, so if you have that available. Now, the first - I'm looking at page 1 of DH-2, and we are dealing here with a relevant employee who will be referred to as Wyatt. Okay. Now, you have provided material which reveals - or your evidence is, I should say, in relation to Wyatt that the department is aware of about 10 victim-survivors in relation to

40

45

Wyatt: Nine of those at Beaumaris Primary School and one at [REDACTED]
[REDACTED] is that correct?

DR HOWES: Yes.

5

MS RYAN: And in terms of knowledge held by the department, you've stated that - well, I'll put this to you. According to your table, and without going into the specifics, you would agree that fairly early on in Wyatt's time at Beaumaris Primary School, teachers at that school became aware that Wyatt behaved inappropriately towards students.

10

DR HOWES: Yes, the evidence is very clear that was the case and that they raised those concerns with the principal.

15

MS RYAN: And, in fact, the evidence is, Dr Howes, that one teacher told Wyatt to be careful where he put his hands on kids because, as this teacher said, Wyatt loved to rub his hands on boys' shoulders; is that correct?

DR HOWES: (No audible response).

20

MS RYAN: And, in fact, another teacher saw Wyatt walk out of the room where the sports equipment was, on one occasion, and he - Wyatt walked out with a child, and this teacher recalled that it appeared that Wyatt had locked the door to the room because the teacher heard a key turn before Wyatt and the child walked out; is that right?

25

DR HOWES: Yeah.

MS RYAN: And the teacher observed that Wyatt and the child appeared uncomfortable and the child was looking down at the ground; is that right?

30

DR HOWES: Correct.

MS RYAN: And the teacher did not report that observation to anyone, did they?

35

DR HOWES: That's correct.

MS RYAN: Are you able to say whether, in the 1960s and 1970s, Victorian teachers were trained or instructed by the department to report that sort of thing, that is, when they observed out of the ordinary behaviour by teachers or behaviour by teachers in relation to students that concerned them?

40

DR HOWES: We haven't been able to find any evidence of that. I can only, again, assume that teachers were aware there was a responsibility to report criminal acts.

45

CHAIRPERSON: This, of course, is a teacher observing something which isn't the observation of a criminal act, as such. It's something different to that, but nevertheless of concern to them. And so the position there is that there was no guidance given; is that the evidence?

5

DR HOWES: Other than drawing to the attention of the principal or the head teacher, but we weren't able to find anything that would indicate that training had been provided specifically in relation to any form of child sexual abuse or harm.

10 **MS RYAN:** And you're also aware of evidence in relation to Wyatt that suggests that parents went to the then principal about Wyatt. Yes?

DR HOWES: Yes.

15 **MS RYAN:** And the principal did not do anything about it?

DR HOWES: Principal had a reputation for not doing anything - that was reported, that he didn't listen, did nothing in relation to Wyatt.

20 **CHAIRPERSON:** So has the department been able to speak to the principal in question to understand his position in relation to those allegations?

DR HOWES: That principal is deceased.

25 **CHAIRPERSON:** And do you know when he passed away?

DR HOWES: I don't have that to hand. I know we have that information. I don't have it to hand.

30 **CHAIRPERSON:** So, to your knowledge, while he was alive, was any of this information put to him or was he asked to give any kind of evidence in relation to any of these matters?

35 **DR HOWES:** He was involved in reporting to his district inspector. I think this was in relation to another case. But no, we've got - I've got no evidence that anyone undertook an investigation into his lack of action.

40 **CHAIRPERSON:** I think what I'm interested in is whether he gave an account himself in any context as to what he knew, who brought what to him?

DR HOWES: Not to my knowledge, no.

CHAIRPERSON: Except for the incident that you've just referred to?

45 **DR HOWES:** (no audible response)

CHAIRPERSON: Right.

MS RYAN: We know from the evidence in this table, Dr Howes, that, in around 2000, the Department of Education commissioned investigations into allegations about Wyatt as a result of civil claims. Do you know whether or are you able to
5 tell the Board whether the principal was alive at that time?

DR HOWES: I don't know, because I haven't got his date of death in my mind.

MS RYAN: No. Your evidence is in relation to - again, still Wyatt - that one
10 parent recalled that she was told by another parent to be careful because Wyatt had a habit of touching children. And so, Dr Howes, in relation to Wyatt and the evidence you've set out in your statement, particularly that table, it appears, from what the department is aware, that at least a couple of teachers, or certainly one
15 teacher and the school principal were aware that Wyatt was offending against children at or around the time that he was doing it?

DR HOWES: Yes.

MS RYAN: And you would agree that no action was taken in response to the
20 complaint to the principal?

DR HOWES: Correct.

MS RYAN: And indeed, no action was taken by any officer of the department to
25 prevent Wyatt from further offending against children?

DR HOWES: That's correct.

MS RYAN: And I take it you would agree that the fact that no action was taken to
30 prevent Wyatt from further offending is a failure of the department at that time?

DR HOWES: A dreadful failure.

MS RYAN: Now, you've also said in your evidence, and we know, [REDACTED]
35 [REDACTED]
[REDACTED]
[REDACTED]

DR HOWES: It was around that time that the department became aware.

MS RYAN: Just on your table there, table page 2, you see there it says
"Unknown" as to the date it became known.

DR HOWES: And then - that's right, yes.

MS RYAN: There appears to be some entries made in about [REDACTED]

DR HOWES: I'm assuming that, that the department would have become aware of that, but I don't know that at that time in [REDACTED] In [REDACTED] the records were certainly entered.

5

CHAIRPERSON: May I just ask a question about how you read the notation that was then put on his file. So looking at that final entry there, and [REDACTED] [REDACTED] it says there:

10 "Not to be re-employed or given CRT..."

Which is casual relief teaching.

"...approval, without reference."

15

Do you read that to mean if someone gave him the right reference, he could have come back and taught?

20

DR HOWES: Distressingly, that is how I would read it, yes. [REDACTED]
[REDACTED]
[REDACTED]

25

MS RYAN: I turn now, Dr Howes, to the relevant employee known as Stan. In your evidence, you have stated that the department - well, the department has provided information about 10 victim-survivors of Stan, nine who were at Beaumaris Primary School.

DR HOWES: Yes.

30

MS RYAN: [REDACTED]

DR HOWES: [REDACTED]

35

MS RYAN: Now, without going into the details of the offending you would agree, in terms of Stan, that his offending was prolific, it was at times flagrant, and it occurred in front of other children. You've set out in your statement the knowledge of various employees of the department - well, the knowledge they had at the time of Stan at the time, that he was, in fact, offending. Now, you're aware, Dr Howes, that teachers who worked with him have said that there was:

40

"...innuendo about his conduct at the time that he was offending."

And in fact, a parent complained to Principal Hussey about Stan; is that correct?

45

DR HOWES: That's correct.

MS RYAN: And Hussey's response to the parent was:

"Don't worry. I'll take care of it."

5 And it appears that there is some evidence that what Hussey did to take care of it was to encourage some of the mothers to help out at school [REDACTED]
[REDACTED]

10 **DR HOWES:** His initial response was, as an extraordinary - it hardly warrants the term - the bizarre reaction to ask mothers to volunteer [REDACTED] and to transport their sons to avoid contact with Stan.

MS RYAN: Some sort of attempt, perhaps, to put some sort of barrier between Stan and the children?

15 **DR HOWES:** What's worse is that it indicates there was a serious risk.

CHAIRPERSON: Was the principal operating in an environment where he didn't have any guidance from the department about what to do in this case, did he?

20 **DR HOWES:** It's true, but this is the case that I referred to earlier, when he went to District Inspector Romanes.

MS RYAN: We'll come to that.

25 **DR HOWES:** Which would be the normal course, where you were - and, again, I'm speculating, but he would have been getting concerned about the -

30 **MS RYAN:** Now, Dr Howes, we know from your evidence that the principal's encouragement of mothers to help out was not successful because, after that time, two students told the principal that Stan had been sexually abusing boys and that, on one occasion, had sexually abused a girl; is that right? And in response to that complaint or report from students, it appears that the principal, again, took no action?

35 **DR HOWES:** Correct.

CHAIRPERSON: And what year are we talking about for that complaint, Ms Ryan?

40 **MS RYAN:** We're talking about the - it's [REDACTED]

45 So we've got that report to the principal from students and then, Dr Howes, about one month after that report, a teacher at Beaumaris Primary raised the fact of the report with one of the students who'd made the record to the principal, is that correct? And the student told this teacher that Stan had been abusing kids for as long as this student had been at the school.

DR HOWES: Yes.

MS RYAN: It does not appear, though, that at that time that that teacher took any action. Now, we - sorry. Dr Howes, you're aware that from a statement provided
5 by that same teacher that that teacher did, in fact, become aware in the mid-1970s that a parent had made a complaint about Stan sexually interfering with their child; is that right?

DR HOWES: Yes.

10

MS RYAN: And what this teacher said is that the teacher remembered Principal Hussey saying he had investigated the matter and he could not find any evidence of wrongdoing?

15

DR HOWES: That's correct.

MS RYAN: Now, in terms of a principal's response in the 1970s you've already said that there were no policies and procedures for a principal or a vice principal to follow in relation to this sort of issue; is that right?

20

DR HOWES: That's correct.

MS RYAN: So it would appear, assuming this to be accurate, that the principal took upon himself to conduct some sort of investigation and make a determination
25 about the accuracy of the report.

DR HOWES: The only qualification of that would be that our records would indicate, as I said, that this is the time at which that principal contacted his - the district inspector with responsibility for his area.

30

MS RYAN: Yes, it comes shortly - we're working through the chronology, but yes. So shortly after that report, there was, again, another complaint made by a parent at the school, this time to the acting vice principal, that her child had told her that Stan had put his hand down the front of the child's pants, and the acting
35 vice principal then went - then took that to the principal; is that correct?

DR HOWES: (No audible response).

MS RYAN: And it was at that time that a district inspector was called in to investigate. All right.

40

DR HOWES: I would - so the extent to which that principal conducted an initial investigation, he claimed that he had done that. What form that took beyond - whether he asked anyone any questions is very unclear. His response was
45 then to ask that district inspector - my information is that he asked the district inspector to investigate the complaint.

CHAIRPERSON: When you say, "It's unclear what form his investigation took", the principal, what material do you have to kind of understand what actually went on?

5 **DR HOWES:** Only that he said he had investigated, which could mean anything from, "I've thought about it" and nothing to perhaps he asked a few questions. For me, the salient point here is there was no - we've got no evidence that those allegations were investigated in anything that would resemble a serious way.

10 **MS RYAN:** In any event, by the time the district inspector arrives on the scene, there has been at least three complaints by three different complainants to the principal about Stan sexually abusing children; is that correct? And -

DR HOWES: I draw from that the inference that he thought this was
15 now - required additional action.

MS RYAN: Well, in terms of what happens next, what is your evidence about what the district inspector then does?

20 **DR HOWES:** Very little.

CHAIRPERSON: Can you elaborate on that?

DR HOWES: We don't have a record. As far as I'm aware, there is no record of a
25 written investigation that would be reasonable to expect.

CHAIRPERSON: Do you think an investigation happened at all?

DR HOWES: I don't think an - I don't think - on the basis of the action that was
30 taken - and we can come to that in a minute, the, again, utterly inadequate action that was taken. But I can't see how any investigation that would have been worth that name was carried out, but I don't know.

CHAIRPERSON: There is no written record of an investigation as such?

35

DR HOWES: Not to my knowledge.

CHAIRPERSON: And do we know precisely what was given to the district
40 inspector to investigate? Did the principal share all of his concerns or only raise one of the allegations? Do we actually know what was told to the inspector?

DR HOWES: No, I don't think we know that.

MS RYAN: But, Dr Howes, we do have evidence - I'm referring here to page 9 of
45 DH-2.

DR HOWES: Where Romanes asked the parent to put it in writing, yes.

MS RYAN: Yes. So you'll see that there is evidence that the district inspector told the reporting parent that they had to put the complaint in writing.

5 **DR HOWES:** That's right. The inspector told the parent to put it in writing, yes.

MS RYAN: Yes. Was there a policy at that time that a complaint of that nature against a teacher had to be put in writing?

10 **DR HOWES:** No. Again, my response to that would be we found no policies or
procedures that indicated how those investigations should be undertaken. Again,
this is purely in the field of speculation, and my wondering had been whether that
was related to treating these as criminal actions, that they then had a document to
15 present to the police, rather than being part of a thorough investigation that would
be undertaken by that district inspector.

MS RYAN: And we don't know, as the Chair pointed out, whether the district
inspector had been apprised of the previous complaints from other complainants
when he came on the scene?

20

DR HOWES: No, we don't know that. And, again, I'd be speculating, but it
wouldn't - you know, it wouldn't surprise me, given the way this unfolded, that the
principal said, "Look, I've had more complaints. I need you to have a look at it."

25 **MS RYAN:** In any event, what we do know was that no action was taken, because
Stan continued to teach at Beaumaris Primary School.

DR HOWES: No action was taken. And in relation to that request to put it in
writing, again, it's very distressing to read what happened then, that the parent
30 chose not to do that because they were afraid of libel action. And there was no
assurance given to the parent around how they could be supported to bring their
complaint forward.

CHAIRPERSON: And they ultimately took their child out of the school?

35

DR HOWES: They didn't make a complaint, but, yes, I think that's right.

MS RYAN: There was also evidence -

40 **DR HOWES:** The action that was taken, as you would have read again, is hard to
read. [REDACTED]

[REDACTED] That was regarded as protective action.

MS RYAN: Again, in an attempt to perhaps put some kind of physical
45 impediment on him continuing to abuse children?

DR HOWES: Which indicates that -

MS RYAN: Rather than just removing him from children?

5 **DR HOWES:** Which indicates that he knew or strongly suspected that that abuse was happening and was happening [REDACTED]
Removed the perpetrator.

MS RYAN: Yes. And not only was the principal of the view, it would appear, that that abuse was happening, but it would continue to happen?

10

DR HOWES: Again, distressingly, yes.

MS RYAN: And there's no evidence that any of this information was conveyed, either by the principal or by the inspector or by anyone to, for example, the
15 Director-General?

DR HOWES: (No audible response).

MS RYAN: In terms of district inspectors, are you able to give any evidence
20 about how the department assessed the performance of a district inspector?

DR HOWES: No. No.

MS RYAN: And whether, for example, if a district inspector had a number of
25 problematic schools in his region, whether that would have a negative impact on his performance assessment?

DR HOWES: I understand the intent of the question. I don't have any evidence
30 about how performance evaluations were carried out, whether there were clear criteria, whether - what the performance measures were.

CHAIRPERSON: Were there policy documents setting out the role and how they were to be assessed in terms of their performance?

35 **DR HOWES:** I haven't searched for those, so I can't answer that question definitively.

CHAIRPERSON: Right, and that might be something the department can look
40 for?

DR HOWES: Yes.

MS RYAN: What the department has not been able to find, though, is any written
45 record of District Inspector Romanes relating to his attendance at Beaumaris Primary School -

DR HOWES: Not that I'm aware of.

MS RYAN: - about this complaint. You are also aware, Dr Howes, from material in your statement that a parent wrote a letter to the principal raising concerns about Stan's conduct and that that parent said that the letter was simply "pushed
5 aside"?

DR HOWES: (No audible response).

MS RYAN: And I'm just referring again to page 9 of DH-2. You're also aware
10 that another teacher - this is in about 1976 - with a leadership role at the school reported concerns about Stan to the principal, but, yet again, nothing was done?

DR HOWES: Right.

MS RYAN: And Stan continued to work as a teacher in the Victorian government
15 school system?

DR HOWES: (No audible response).

MS RYAN: And what was despite what we now know were numerous complaints
20 made and reports made by parents, teachers, teachers with leadership positions, an assistant principal, knowledge of a principal and, indeed, and attendance of a district inspector?

DR HOWES: And every suggestion that the principal knew, to some extent, at
25 least, what was happening.

MS RYAN: Not only the principal but a district inspector?

DR HOWES: (Indistinct) that comment about the principal because of that
30 principal's decision. He was the one who acted to take the keys away and asked the parents to volunteer.

MS RYAN: In terms of failings, you would agree it's not only the failing of a
35 principal; it's multiple failings in a systemic way, so, really, what we've got here is just an egregious failure of the system over a number of years?

DR HOWES: I agree, it's a failure from a lack of policies and procedures through
40 to the absolute lack of any meaningful action taken by anyone in a position that should have exercised that decision making power.

CHAIRPERSON: I just want to ask you a question about that. One of the things
you might have heard said and I think even said this morning from
victim-survivors through their narratives is this sense of people must have known.
45 And what we see here in this school, and what we've heard evidence of today - parents raising concerns and making complaints, the principal ultimately taking an issue to the district inspector, some action being taken to try to curtail

this teacher's conduct - given what we know about the way schools are, it would seem, based on all of those things happening over a period of time, that people must have known. In your view, does that sound right?

5 **DR HOWES:** Completely right. It was - students knew, parents reported it, teachers reported it, a deputy principal reported it, a principal reported it. It was - that is an entirely accurate description. People suspected, observed behaviour, students reported what had happened, and no action was taken at any level, of any meaningful kind.

10

MS RYAN: Dr Howes, we will now go to Grahame Steele, and this commences at page 18 of DH-2. You've set out there that Grahame Steele taught at Beaumaris Primary School between January 1967 and 31 December 1972.

15 **DR HOWES:** Could you just give me the page references?

MS RYAN: It's page 18 of DH-2. Have you got -

DR HOWES: I'm not sure.

20

CHAIRPERSON: We will have our associate have a look at the document and see if you've got the right one.

DR HOWES: Match up the page numbers. Yes. This is in relation to Steele?

25

MS RYAN: Steele.

DR HOWES: I can use this one.

30 **MS RYAN:** There might be two page numbers on the bottom of Dr Howes' print-out. So I'm looking at the smaller numbers.

DR HOWES: Thank you.

35 **MS RYAN:** So you've set out there that Grahame Steele taught - he had two stints at Beaumaris Primary School. The first was between January 1967 and December '72, and the second was during the 1981 school year. You've just got to say "Yes".

DR HOWES: Yes.

40

MS RYAN: And the materials you've produced reveal that the department is aware of one victim-survivor of Steele, and you heard in the opening that the Board is aware of at least five additional victim-survivors. In terms of what was known about Steele at the time that he was offending, you've stated that the department has received evidence, or had received evidence, from a patient at Beaumaris Primary that Steele had a massage table set up next to, or near the multipurpose room; is that correct?

45

DR HOWES: Yes.

5 **MS RYAN:** And this parent had observed that Steele used to rub down the kids after they played football. And this parent also remembered that Steele would take kids away for the weekends or after sporting games.

DR HOWES: Yes.

10 **MS RYAN:** Now, the Board has heard evidence, as I said, from additional victim-survivors who were sexually abused by Steele, and the Board has been told by a victim-survivor that he was sexually abused by Steele at school when Steele took him to a room and massaged his leg.

15 **DR HOWES:** Yes.

MS RYAN: And so forth. And indeed, another victim-survivor has told the Board that he was sexually abused by Steele, again, under the guise of Steele treating a sports injury.

20

DR HOWES: Yes.

MS RYAN: Now, that same victim-survivor has told the Board that he's been told by former classmates in recent years that in around the early 1970s, there were students at Beaumaris Primary who would get into trouble and then be sent to the principal's office and use the threat of exposing sexual abuse by teachers as a way of getting out of trouble. You are aware of that evidence?

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DR HOWES: Yes, I am.

30

MS RYAN: So that goes to the Chair's comment before, in the sense of if that was, in fact, the case, certainly it would appear by at least - or some time in the 70s or by the early 70s, at least some students, as well as the principal, were aware of widespread offending by teachers at Beaumaris Primary School?

35

DR HOWES: My - and I hesitate to put any qualification on this. My only qualification would be widespread offending by some teachers. But, yes, they were aware, yes.

40 **MS RYAN:** Grant Holland has told the Board that a teacher at Ormond East Primary School in the mid-1970s appeared to dislike Steele and would ask where he was taking the children and when they would be back. So if that's correct, that appears to be an example of a teacher having at least suspicions about Steele, but as we know from your evidence, Dr Howes, there was simply, I take it, no process
45 or protocol for this teacher to use to report those suspicions; is that right?

DR HOWES: That's right.

CHAIRPERSON: No training for teachers to understand, "Where do I place this kind of conduct?" You know, "In my mind, how do I understand whether it's serious or not and what do I do with it"?

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DR HOWES: No, completely, of what this behaviour might indicate, what are warning signs, given, you know, that alert about not touching students. Well, there was some awareness, clearly, of how that could be interpreted, and then no consequent sign of what to look out for with students. So none of that was in place, let alone in the procedures of what to do with that information.

10

MS RYAN: We also know –

DR HOWES: Can I make one point about that, the evidence on Steele, because it goes to this point about the culture. [REDACTED] who indicated, to the best of my understanding, that she didn't think that behaviour constituted abuse. I don't represent that as anything other than a culture at the school, or what it goes to your point, Chair, about what should you be concerned about.

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CHAIRPERSON: Yes, and -

DR HOWES: She wasn't concerned that he was massaging students, which is very, very troubling.

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CHAIRPERSON: And one of the things we have also heard evidence about is the status that some of these relevant employees had within the school, and the way they were viewed. In one case, I remember a victim-survivor describing one of them as seen as a hero in the school, and so, in that context, the way their conduct is then viewed might be different to if it was someone else.

30

DR HOWES: We heard that this morning in the narrative that was read about the charismatic teacher.

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MS RYAN: Also in that context, Dr Howes, if there is a complete absence of any protocols or policies to follow, a teacher may well feel reluctant to make a report about a mere suspicion, because that teacher might not feel protected in that school environment to make the report.

40

DR HOWES: Indeed, and we had the evidence from - where the request was made to put it in writing and the person didn't because of exactly -

MS RYAN: They were worried about libel.

45

DR HOWES: Which suggests that this, again, was not - you know, there would have been, I'm sure, a reluctance to report because there was no supportive - there

was no supportive environment to report, let alone a direction to report, as there should have been.

5 **MS RYAN:** Another victim-survivor has told the Board that he was abused by Steele when Steele was the principal at Belvedere Park Primary in the mid-1980s. So this is now 15 years after Steele first started abusing children at Beaumaris Primary School. This victim-survivor told us that he, in fact, reported the abuse to a Safety House. We heard this in opening, Dr Howes. He recalls the police attended his home. And, following that, Steele threatened him, the sexual abuse
10 escalated and included rape. Now, this victim-survivor believes that teachers at Belvedere Park must have known something was going on because Steele, who was then the principal, took this student out of class so often. Are you able to tell the Board whether there was any protocol or policy in place or, indeed, anything to prevent a principal of a primary school, in the mid-1980s, from regularly taking
15 a child out of class and spending time with them alone and unsupervised?

DR HOWES: No policy or procedure.

20 **MS RYAN:** So I take it that if something was to be done, it would be done by a perhaps concerned teacher in the environment that you've outlined before, or without any protective policies or procedures in place?

25 **DR HOWES:** I think the two scenarios would be that. The other would be the student who - and understanding fully how difficult this was as we have heard from victim-survivors, but if there was the case where a child told their parent, the parent then complained. The evidence that we've had from the other schools was that that would not have necessarily been acted on.

30 **CHAIRPERSON:** Well, we know in this case that the child actually made a complaint through a Safety House, it went to the police, the parent was involved and he then was dealt with by the principal as a result of that.

35 **DR HOWES:** That was the lad that went to the police. I imagine the outcome would have been no different going through the school.

40 **MS RYAN:** At that time - so this is the mid-1980s - was there any policy or arrangement between the department and Victoria Police in the case of Victoria Police receiving an allegation of child sexual abuse by a teacher to the effect that the police would then alert the department?

DR HOWES: No (indistinct)

45 **CHAIRPERSON:** And that is something which I'm quite interested in, particularly when one looks at the exact situation we were just talking about, where a child has raised a concern through the Safety House mechanism with the police, and, as it turns out, the person offending is the principal of their school. Having an understanding of whether there were protocols in place between the

Education Department and the police to make sure that that kind of information was conveyed to the right people would be very important for understanding what went on and why things were missed. So I think we've identified a couple of things, but that, in my view, is also something that we would ask the department to consider, and, if there are relevant documents, to provide them to us.

DR HOWES: Yes.

MS RYAN: Now, Dr Howes, we know, according to the evidence you've provided, that Steele was the principal at Belvedere Park Primary until the end of the 1980s, and we also know, as I outlined in my opening, that he continued to be involved in community sporting organisations into the early 2000s. We've now covered, Dr Howes, three of the relevant employees, and would you agree that in relation to each of those relevant employees, there have been instances of reports made by students, parents and teachers of child sex abuse and, indeed, in two of those cases, being Stan and Wyatt, direct reports made to the principal?

DR HOWES: Yes, I would.

MS RYAN: Indeed, as we've heard in the case of Stan, the involvement of a district inspector?

DR HOWES: Yes.

MS RYAN: Yet in relation to each three of those relevant employees, the department at no time took any action to prevent these men from further offending against children; is that correct?

DR HOWES: It's hard to overstate our regret, but that is true.

MS RYAN: You've given evidence earlier in relation to that 1953 memorandum and to the effect that the department's response was purely reactive and not proactive. We've now gone through some evidence spanning the 1970s into the mid-1980s. Would you agree that, certainly from what we've heard today and the evidence you've given, that it appears even throughout that period, the department remained reactive?

DR HOWES: Yes.

MS RYAN: Not proactive. And, indeed, tragically in the case of these three relevant employees about which we've heard, the department's reaction was to do nothing?

DR HOWES: And that led to immeasurable harm.

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CHAIRPERSON: One of the things that you said earlier was that a certain amount of information was looked at by the department in the 2000s as a result of civil claims. I understood that correctly?

5 **DR HOWES:** Interviews happened with people who were able to be identified through those claims.

CHAIRPERSON: Yes. And at that point, did the department form an understanding that there was something happening at Beaumaris Primary School that may have been brought in a couple of claims or the several claims that were coming to light?
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DR HOWES: I'm sorry. I can't comment on that, because I wasn't in this position in the early 2000s.
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CHAIRPERSON: You can't say whether at that time some work was done to try to understand the full scope of the problem?
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DR HOWES: I simply don't know.
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MS RYAN: Chair, I'm about to move on to the fourth relevant employee, and that will take more time because the instances of reporting and knowledge are lengthier. I'm just noting the time, I'm happy to continue, but I just wanted to raise that for your consideration.
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CHAIRPERSON: I think given that you're about to move on to a new topic it's probably best to adjourn proceedings for today, but what that does mean, Dr Howes, is that we will ask you to come back in the morning. There's a building fire testing thing happening tomorrow morning which means we won't be able to start at 10 o'clock, but if we adjourn until 11, I think that would be best, and then we can continue with your evidence. Is that suitable to you, Ms Ryan?
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MS RYAN: Mmm.

35 <**THE HEARING ADJOURNED AT 3.47 PM**