



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

# REPORT OF CASE STUDY NO. 37

The response of the Australian  
Institute of Music and RG Dance to  
allegations of child sexual abuse

JANUARY 2017

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The response of the Australian Institute of Music and RG Dance  
to allegations of child sexual abuse

January 2017

## COMMISSIONERS

Justice Jennifer Coate  
Mr Bob Atkinson AO APM  
Professor Helen Milroy



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# Preface

## The Royal Commission

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

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

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

## Public hearings

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

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

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

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

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

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

[www.childabuseroyalcommission.gov.au](http://www.childabuseroyalcommission.gov.au)

Public hearings are streamed live over the internet.

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

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

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

## Private sessions

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

A private session is conducted by one or two Commissioners and is an opportunity for a person to tell their story of abuse in a protected and supportive environment. As at 6 January 2017, the Royal Commission has held 6,349 private sessions and more than 2,166 people were waiting to attend one. Many accounts from these sessions will be recounted in later Royal Commission reports in a de-identified form.



## Research program

The Royal Commission also has an extensive research program. Apart from the information we gain in public hearings and private sessions, the program will draw on research by consultants and the original work of our own staff. Significant issues will be considered in issues papers and discussed at roundtables.

## This case study

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In Case Study 37, the Royal Commission into Institutional Responses to Child Sexual Abuse examined allegations of child sexual abuse of a number of former students at two performing arts institutions in Sydney, New South Wales:

- the Australian Institute of Music (AIM) in Surry Hills
- RG Dance Pty Limited (RG Dance) – a dance studio that operated in Five Dock and later in Chiswick.

The public hearing was held in Sydney between 2 March 2016 and 11 March 2016.

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

- i. The experiences of former students of AIM between 2002 and 2011.
- ii. The response of AIM to allegations of child sexual abuse of students made against Professor Victor Makarov.
- iii. The experiences of children who received dance instruction at RG Dance between 2001 and 2013.
- iv. The response of RG Dance and its members of staff to concerns raised or complaints made about the behaviour of Grant Davies.
- v. The policies, practices and procedures of AIM and RG Dance in relation to raising and responding to concerns and complaints about child sexual abuse.
- vi. Any related matters.

The first part of the public hearing inquired into the manner in which AIM responded to the allegations made against Makarov, including its failure to address the risk posed by Makarov to students of AIM. The Royal Commission heard evidence from a former student of AIM who was sexually abused by Makarov. The principal of AIM at the time of the abuse of this student and the current principal also gave evidence.

During the second part of the public hearing the Royal Commission heard evidence from four former students of RG Dance and their experiences of sexual and emotional abuse by their dance instructor, Grant Davies.<sup>1</sup> That part of the hearing examined the knowledge of staff and management of RG Dance about Grant Davies' behaviour towards children before his arrest in May 2013 and what action, if any, those persons took in response to that knowledge.

The Royal Commission also heard evidence from parents of former students of RG Dance, dance instructors and individuals who held management positions at RG Dance, including Grant Davies' co-director and sister, Ms Rebecca Davies. Officers of various government departments also gave evidence at the public hearing.

The Royal Commission received a number of helpful recommendations from witnesses. These will be taken into account in the Royal Commission's final report.

# Executive Summary

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- the Australian Institute of Music (AIM) in Surry Hills
- RG Dance Pty Limited (RG Dance) – a dance studio that operated in Five Dock and later in Chiswick.

## The Australian Institute of Music and Professor Victor Makarov

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The Royal Commission examined the response of AIM to allegations of child sexual abuse made against Professor Victor Makarov in 2004. Makarov was the head of the piano department of AIM during the relevant period examined in the public hearing.

Makarov was arrested in February 2004. He was initially charged with sexual offences against two students, CAA and BZZ. In May 2004, the police arrested and charged Makarov with a further 19 charges of child sexual assault in relation to Ukrainian students BZY, BZX and BZW.

During the public hearing, the Royal Commission heard from CAA, who is a former student of Makarov's at AIM, and from CAA's father, CAD.

The Royal Commission also heard evidence from Dr Raffaele Marcellino, who was the principal at the time the allegations against Makarov were made, and, at the time of the public hearing, the executive dean of AIM, Professor Ian Bofinger.

### AIM

AIM is a private, not-for-profit institution that delivers education for careers in the Australian music, entertainment and performing arts industries.

AIM carries on a variety of operations, including:

- AIM Senior Secondary College (less formally known as AIM High) – a non-government high school open to students in year 11
- provision of diploma-level qualifications as a Registered Training Organisation
- provision of higher education bachelor and masters level degrees in music performance and production, and graduate music studies
- a private tuition program (also known as the Young Musicians Program) in music offered from beginner through to advanced level.

AIM has two campuses – one in Sydney and another in Melbourne. Its main campus in Sydney was founded in 1968 by Dr Peter Calvo and was then known as the Sydney Guitar School. AIM's Melbourne campus opened in 2014.

In 2004, AIM employed about 200 members of staff. It had approximately 30 full-time academic staff and auxiliary staff and about 170 occasional teachers.

As a non-government school, AIM is subject to Part 3A of the Ombudsman Act 1974 (NSW), the NSW Ombudsman's child protection jurisdiction, under which the Ombudsman oversees investigations by non-government schools and other agencies into allegations of child sexual abuse against employees and other related matters.

## Victor Makarov

Makarov was an internationally renowned pianist and teacher from Ukraine. Makarov was offered a position as head of the piano department at AIM in 1997. Makarov immigrated to Australia in July 1998, sponsored by AIM. He was accompanied by his wife, daughter and five musically gifted Ukrainian students (CAB, CAC, BZW, BZX and BZY) aged between 14 and 16 years.

Before the Ukrainian students came to Australia, their parents appointed Makarov as their guardian. After their arrival in Australia, the students continued their piano instruction under Makarov and attended AIM.

Makarov started as head of the piano department at AIM in approximately November 1998.

## Sexual abuse of CAA

CAA gave evidence that Makarov sexually abused him at the AIM premises as well as at Makarov's home over a period of about 18 months from mid-2002 until 2004.

CAA disclosed the abuse to his mother in early 2004. CAA's mother and father, CAD and CAE, confronted Makarov about the abuse and informed Makarov that they would be going to the authorities. Makarov denied sexually abusing CAA.

Four other students (BZZ, BZY, BZX and BZW) subsequently came forward with allegations of child sexual abuse against Makarov. They alleged the abuse occurred at AIM and at Makarov's home.

## Institutional response of AIM to the allegations of child sexual abuse

On 5 February 2004, Dr Marcellino became aware of allegations of child sexual abuse against Makarov in respect of CAA. Dr Marcellino contacted Makarov, who denied any wrongdoing. Dr Marcellino contacted CAA's father, CAD, and invited him to meet with him and Dr Calvo. CAD declined.

On 10 February 2004, Dr Marcellino contacted the NSW Ombudsman. The following day he contacted NSW Police and the New South Wales Department of Family and Community Services.

On 13 February 2004, an officer with the New South Wales Joint Investigation Response Team (JIRT) contacted Dr Marcellino and advised him that there would be a police investigation. In two separate telephone conversations with Dr Marcellino, police officers expressed concern that Makarov was still teaching at AIM. In response, AIM temporarily suspended Makarov. The temporary suspension was for one weekend.

Dr Calvo expressed concern that AIM may be liable if Makarov's temporary suspension continued. AIM determined that Makarov could continue to teach students, including minors, but would be constantly supervised by a staff member while on campus. Makarov suggested that two of his teaching assistants, BZY and CAC, as well as parents, observe his lessons.

On 18 February 2004, Makarov was charged with 11 child sexual offences. He was released on bail, with bail conditions stipulating that he not have any unsupervised contact with children under the age of 16. Makarov continued to teach at AIM under supervision, as there was a view that AIM was in a 'legal bind' between the risk of prejudicing Makarov's interests at trial and child protection.

Over the next few days, Dr Marcellino became aware of allegations of child sexual abuse that BZY, BZW and BZX had made against Makarov. All three students had sought Apprehended Violence Orders (AVOs) against Makarov. Dr Marcellino informed BZY and CAC that they were not required to continue as observers or supervisors of Makarov's lessons. Dr Marcellino also met with Makarov and his legal representative and instructed Makarov to only teach on the AIM campus under the supervision of AIM staff. Makarov informed Dr Marcellino that he was not willing to work with BZY, BZW and BZX.

On 24 February 2004, Dr Marcellino informed BZY and BZX that it would be difficult to continue to employ them both as teachers if they had AVOs in place against Makarov.

On 1 March 2004, the NSW Ombudsman's office decided to monitor AIM's investigation in accordance with section 25E of the Ombudsman Act. It wrote to AIM to advise of its decision.

Representatives from the Ombudsman's office also met with Dr Marcellino and Mr Ian Brooks, the registrar at AIM, to let them know what the office expected of AIM in undertaking a risk assessment

and investigation. The Ombudsman's office requested a completed notification form and a detailed risk assessment by 15 March 2004.

On 17 March 2004, Dr Marcellino sent an email to AIM staff advising that BZW had been suspended as a student until further notice. In his evidence to the Royal Commission, Dr Marcellino accepted that the email's purpose was to communicate that a decision had been made to suspend a student who had made a complaint of child sexual abuse against Makarov.

Professor Bofinger gave evidence that, with the benefit of hindsight, AIM's response to the events in 2004 did not get the balance right as between the interests of a student alleging child sexual abuse and those of the alleged perpetrator.

We are satisfied that on 17 March 2004 Dr Marcellino advised AIM staff that a decision had been made to suspend BZW in circumstances where BZW had made allegations of child sexual abuse against Makarov and had taken out an AVO against him. We are also satisfied that AIM's response did not strike the right balance between the interests of the victim, BZW, and those of the alleged perpetrator, Makarov.

On 30 March 2004, the NSW Ombudsman issued an investigation notice to AIM and investigated the handling of, and response to, child abuse allegations. As a result of concerns that students of AIM and their parents had raised, the NSW Ombudsman had concerns about the risk avoidance strategies that AIM had implemented, so it amended its investigation to include the conduct of Dr Calvo and Dr Marcellino.

On 13 April 2004, AIM received a fax from the New South Wales Department of Education and Training advising that Makarov was rated a 'high level of risk'. This correspondence did not prompt AIM to change its position not to suspend Makarov.

On 13 May 2004, AIM was notified that Makarov had been charged with a further 19 child sexual offences committed against AIM students.

AIM continued to permit Makarov to teach students, albeit under the restrictions. Dr Calvo stood by his decision not to suspend Makarov.

We are satisfied that in May 2004 AIM's decision to permit Makarov to continue to teach did not adequately take into account that the New South Wales Department of Education and Training had assessed Makarov as posing a high risk to children and that further criminal charges relating to child sexual abuse (in addition to the charges in respect of CAA) had been laid against Makarov.

We are also satisfied that, by May 2004, AIM ought to have suspended Makarov. In not doing so, AIM did not take proper steps to protect the students at AIM.

In early June 2004, Dr Marcellino became aware that three AIM students had been having piano lessons at Makarov's home. Dr Calvo and Dr Marcellino met with Makarov and asked him to cease teaching AIM students at his home. Makarov agreed.

On 7 July 2004, Dr Marcellino was advised that Makarov had requested leave from AIM, which was granted.

### NSW Ombudsman's final report

In September 2004, the NSW Ombudsman delivered its final report on its investigation of the conduct of AIM, Dr Calvo and Dr Marcellino.

The NSW Ombudsmen found that AIM and Dr Calvo did not:

- provide adequate information to assist the NSW Ombudsman in its investigation
- undertake an appropriate risk assessment or implement effective risk management strategies as a result of the child sexual abuse allegations against Makarov
- ensure that effective systems were in place to report and respond to allegations of child sexual abuse.

On 11 October 2004 Dr Marcellino notified the NSW Ombudsman that he had discovered that Makarov was teaching students at his home. These students' parents had withdrawn them from AIM so that Makarov could teach them.

### Criminal proceedings

Makarov was tried in November 2004 for offences relating to CAA. The jury returned a guilty verdict on eight of the nine counts. Makarov was sentenced to 12 years imprisonment. Charges against Makarov in relation to BZZ were withdrawn.

In 2005, Makarov was separately tried and convicted for offences against BZY, BZX and BZW. He was found guilty on all but one of the 19 counts.

Makarov appealed all of his convictions and sentences. In 2008 the New South Wales Court of Criminal Appeal allowed his appeals against the convictions relating to BZW and BZX and separate trials were ordered. Ultimately, not guilty verdicts were returned in relation those offences. The appeal against conviction with respect to CAA and BZY was dismissed.

Makarov is currently serving his sentence. His current sentence is due to expire on 9 December 2018.



## Impact of institutional responses on CAA and his family

CAA's father, CAD, gave evidence at the public hearing that AIM did not support his family after the allegations of child sexual abuse were made. Makarov continued to teach at AIM even though he had been arrested twice. AIM made no attempts to inquire into CAA's condition during the course of the criminal proceedings or following Makarov's conviction.

CAD also gave evidence that he had contacted various institutions to object to Makarov continuing to teach at AIM, that he and his wife were dismayed by the bureaucratic responses they received and that they felt helpless and completely let down.

AIM did not make any contact to offer counselling for CAA or to inquire whether he was receiving counselling. Dr Marcellino accepted that, at the time, AIM did not offer counselling support or make arrangements for students who had come forward with allegations of child sexual abuse against Makarov.

We are satisfied that AIM did not offer counselling to the students who alleged they were sexually abused by Makarov, and it should have done so.

## AIM's child protection policies and procedures

Dr Marcellino gave evidence that when he started at AIM in February 2003 there was no policy or protocol on how to deal with allegations of child sexual abuse. The policies at the time concerned academic misconduct and plagiarism.

The first policy produced to the Royal Commission is dated 1 October 2004. This policy appears to have been implemented as a result of the NSW Ombudsman's investigations of AIM.

We are satisfied that before October 2004 AIM did not have any policies, procedures or systems in place concerning the prevention, handling and receiving of complaints and the conduct of investigations of allegations of child sexual abuse, and it provided no training to staff on reportable offences.

Professor Bofinger gave evidence of AIM's present policies and procedures on child protection, the handling and receiving of complaints and conducting investigations. The *AIM Senior Secondary College operations manual 2014/2015* contains an extensive Child Protection and Student Welfare policy. The Senior Secondary College Critical Incident Policy identifies key tasks to be prioritised in responding and communicating, and in follow-up plans, in the event of a critical incident.

## RG Dance

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In this case study the Royal Commission also examined the response of RG Dance to allegations of child sexual abuse made against Grant Davies during the period the dance studio operated – between 2001 and 2013.

Three former students of RG Dance – BZS, BZP and BZM – gave evidence at the public hearing that Grant Davies sexually abused them when they were children and students of RG Dance. Grant Davies sexually abused those students between 2003 and 2007. The parents of BZP and BZM also gave evidence of their children’s experiences and the impact of their abuse on their families.

The Royal Commission also heard evidence from the parents of two sisters, BZF and BZG, who were groomed by Grant Davies, subjected to inappropriate sexual conduct and sexually abused by him from the time they started dancing at RG Dance in 2010 until 2013. During this period, BZF was aged between 11 and 14 years and BZG was aged between nine and 12. BZF and BZG did not give evidence at the public hearing.

Three former dance instructors of RG Dance and Grant Davies’ ex-wife, BZB, gave evidence of their observations of Grant Davies’ breaches of professional boundaries with his students and the culture of RG Dance. BZB also gave evidence of the events leading up to Grant Davies’ arrest in May 2013.

The Royal Commission heard evidence from Ms Rebecca Davies about RG Dance’s response to separate allegations of child sexual abuse made against Grant Davies in 2007 and 2013. Ms Rebecca Davies co-founded and ran RG Dance with her brother throughout its operation. Rebecca and Grant Davies’ brother-in-law, Mr John Barnier (who was the company secretary of RG Dance from the time it was incorporated in 2006) also gave evidence about the dance studio’s response to those matters.

RG Dance ceased trading in May 2013, shortly after Grant Davies’ arrest.

Ms Deidre Mulkerin, the Deputy Secretary (Western Cluster, Operations) Department of Family and Community Services, formerly Department of Community Services (DoCS), also gave evidence at the public hearing about reporting obligations of those working with children in the dance industry. Two NSW Police officers gave evidence at the public hearing about an investigation of Grant Davies for child sexual abuse offences in 2007.

## History and governance

RG Dance was established in 2001 by dance instructors Rebecca and Grant Davies. Although RG Dance had only a few students when it opened, by 2005 it had become sufficiently successful that it moved to larger premises in Chiswick, New South Wales. It operated until 2013.

Rebecca and Grant Davies were joint business partners and the principal dance teachers at the studio. They employed a number of other teachers and administration staff, many of whom were family members, to assist them in running the successful dance studio. Mr Barnier was employed as the business administrator. The Royal Commission heard evidence from a number of these staff members about events which occurred at RG Dance and about the culture which prevailed at the studio.

We are satisfied that during its period of operations there were no child protection policies, procedures or practices in place at RG Dance.

## Grant Davies

The Royal Commission heard that Grant Davies had a charismatic personality and was well regarded throughout the dance community, particularly by students and their parents. He inspired students and formed close friendships with them.

Throughout the operation of RG Dance, Grant Davies used his position as dance instructor to groom students and commit child sexual abuse offences.

Grant Davies was arrested in May 2013 after his wife, BZB, found child pornographic material and messages on his laptop computer and reported him to the police. BZB gave evidence to the Royal Commission about the circumstances surrounding this discovery and the subsequent police investigation.

## Culture at RG Dance and Grant Davies' breaches of professional boundaries

The Royal Commission heard evidence from witnesses, including students and former teachers of RG Dance, about Grant Davies' frequent inappropriate behaviour with students.

The Royal Commission also received evidence from Mr Marcus Erooga – a UK-based expert in creating child-safe organisations and child grooming. Mr Erooga prepared a report which was tendered at the public hearing. He described Grant Davies' inappropriate behaviour as 'breaches of professional boundaries'.

Ms Tracie-Marie Seipel, a former teacher at RG Dance, gave evidence to the Royal Commission that from 2001 she routinely witnessed Grant Davies inappropriately touching RG Dance students. She said that Grant Davies would regularly adjust the students' dance clothes and that he would hug and touch students inappropriately during lessons. He would also make sexualised comments to the students.

The Royal Commission also heard evidence from former students CAG, BZP and BZM about the inappropriate nature of Grant Davies' behaviour towards them. They said that he used to walk into changing rooms unannounced and slap their bottoms, and that he was 'handsy'.

We are satisfied that Grant Davies repeatedly acted inappropriately with students. This behaviour included entering change rooms unannounced, touching students in a manner indicative of a personal relationship and making inappropriate sexualised comments about students. Many of these acts occurred in public places within RG Dance and were witnessed by parents, teachers, administrators and students, including Ms Rebecca Davies.

Ms Seipel gave evidence that Ms Rebecca Davies was very aware of Grant Davies' breaches of professional boundaries and that she had regularly confronted him about it. In evidence, Ms Rebecca Davies accepted that she had confronted Grant Davies on a number of occasions and had attempted to modify his behaviour.

We are also satisfied that, when Ms Rebecca Davies became aware of these repeated acts by Grant Davies, she confronted him in an attempt to alter his behaviour, but those efforts did not prevent Grant Davies from continuing his behaviour.

Former RG Dance students BZM and CAG gave evidence that all students, some as young as four years of age, were required to wear revealing costumes and uniforms while participating in lessons and performances. Ms Seipel said that the first RG Dance costumes had a 'wow' factor but that over time the costumes started to become smaller and consisted of hot pants and crop tops. By the time Ms Seipel left, they were more along the lines of briefs or bikini-type costumes.

During performances, dancers had the choice of wearing either a G-string or no underwear under their costumes. BZM said that Grant and Rebecca Davies would check dancers before performances to ensure they complied with this rule.

During a '14 and under' performance at an eisteddfod, an adjudicator wrote on the RG Dance report, 'too much sexuality' and 'totally inappropriate'. A number of individuals also observed Grant Davies acting inappropriately towards children; however, they failed to report these allegations to an appropriate authority.

We are satisfied that parents, students, teachers and at least one eisteddfod adjudicator raised concerns about the RG Dance costumes being too revealing and the sexual nature of the dance choreography at RG Dance during its operation.

Grant Davies also interacted extensively with students on social media such as MSN Messenger and Facebook. He was a prolific user of MSN, and this allowed him to frequently conduct online conversations with RG Dance students while they were at their homes, often after 10 pm.

Ms Rebecca Davies gave evidence that she did not place restrictions on Grant Davies' behaviour and did not attempt to monitor his behaviour in sending messages to students out of hours.

We are satisfied that Grant Davies' behaviour occurred in a dance studio setting where there were no child protection policies or codes of conduct that Ms Rebecca Davies, parents, teachers or administrators could use to challenge his behaviour and discipline him.

## Sexual abuse of students of RG Dance

BZS, BZP and BZM gave evidence during the public hearing about the sexual abuse they suffered at the hands of Grant Davies while they were students of RG Dance.

BZS told the Royal Commission that Grant Davies sexually abused him from 2003 to 2004. He stopped attending dance classes in late 2004, using schoolwork as an excuse to leave RG Dance. BZS said he did not disclose the sexual abuse at the time it occurred because he was worried that he had done something wrong. When BZS heard of Grant Davies' arrest in 2013, he reported his abuse to the police.

The Royal Commission heard from BZP and her parents about her experience. BZP gave evidence that she met Rebecca and Grant Davies when she was five years old. By the time RG Dance commenced operations in 2001, she thought of Rebecca and Grant Davies as family. BZP spoke of Grant Davies and his inappropriate sexual conduct towards her from the time she was nine years old. When BZP was 13 years old, Grant Davies started having conversations with her about masturbation. BZP told friends about online conversations with Grant Davies. In early 2007, Ms Seipel, who was then a teacher at RG Dance, heard about the conversations and met with BZP and her parents. BZP told her parents about Grant Davies' conduct. Her father, BZQ, then reported Grant Davies to police.

BZM gave evidence of Grant Davies' behaviour towards her and other students and said that Grant Davies indecently assaulted her in 2005. BZM also told the Royal Commission that Grant Davies regularly conducted text and online conversations with her and would ask intimate questions. BZM told her mother, BZN, about Grant Davies' text messages. This led to BZM leaving RG Dance. BZM reported Grant Davies' inappropriate behaviour to police in 2007 and she also assisted police investigations that led to Grant Davies' arrest in 2013.

The Royal Commission heard evidence about the experience of two sisters, BZF and BZG, from their mother, BZH, and father, BZE. BZH gave evidence about her online communications with Grant Davies from 2009. In October 2009, BZH sent Grant Davies a video of BZF in a G-string. From February 2010, Grant Davies requested more explicit photos and videos of BZF and BZG, which

BZH sent to him. BZE told the Royal Commission that in 2010 he confronted his wife about an inappropriate video of BZF. BZH told him that 'everything is alright'. Following Grant Davies' arrest in May 2013, BZE questioned his daughters and they told him that Grant Davies constantly asked them to send naked photographs of themselves and that Grant Davies would put his hand down their pants and touch their private parts. BZE went to Burwood Police Station in May 2013 and gave police content he had downloaded from his wife's and daughters' computers.

### Allegations of sexual abuse of BZP reported to RG Dance

In February 2007, Ms Seipel overheard a rumour that Grant Davies was sending inappropriate messages to students. She contacted some of the parents, including BZR and BZQ, who are the parents of BZP. BZP disclosed to her parents, BZR and BZQ, that Grant Davies had sent her inappropriate and sexual MSN messages and had described a sex dream that he had featuring her. In that dream he said he had a threesome with BZP and another student. He had also asked BZP whether she masturbated.

BZP later disclosed to her parents that Grant Davies put his hands down her dress and touched her chest and underwear. She believed that this happened to other students as well.

On 8 February 2007, shortly after BZP made her disclosure, BZP's parents arranged a meeting with Grant and Rebecca Davies at the RG Dance studio. During this meeting they confronted Grant Davies and informed him of BZP's allegations. Grant Davies admitted that he had sent the messages to BZP.

We are satisfied that in the meeting BZQ and BZR discussed the details of the conversations Grant Davies had with BZP, including the conversation about a sex dream that he had featuring her, and that Grant Davies made an admission about the dream's content. We are also satisfied that Grant Davies made this admission in Ms Rebecca Davies' presence.

Sometime after Grant Davies had made the admission, Ms Jennifer Davies (Grant and Rebecca Davies' elder sister) also joined the meeting.

The Davies family met shortly after 8 February 2007. The family meeting was attended by Grant Davies, Ms Rebecca Davies, Ms Jennifer Davies, the Davies' parents, BZB and Mr Barnier. During the meeting, the content of the sex dream was discussed and Grant Davies again admitted that he had discussed the dream with BZP. Ms Rebecca Davies and Mr Barnier decided that Grant Davies should be suspended from RG Dance and should not be allowed to return until he had had counselling from a psychologist and provided evidence that he was fit to work with children.

On 16 February 2007, Ms Rebecca Davies sent an email to a parent in which she stated that a family had approached Rebecca and Grant Davies 'with concerns' and had requested confidentiality and

privacy. The email also referred to ‘untrue rumours floating around’. Ms Rebecca Davies denied that in that email she was referring to Grant Davies’ admission.

We are satisfied that on 16 February 2007 Ms Rebecca Davies sent an email to a parent of RG Dance which referred to ‘untrue rumours’. This email misrepresented two matters:

- It misrepresented the serious allegations made against Grant Davies of him having inappropriate conversations with BZP about a sex dream.
- It stated that the family that had raised the allegations had requested that their privacy and confidentiality be respected when this was not true.

On 20 February 2007, a meeting was arranged for the RG Dance parents to discuss the allegations. Many parents and most of the Davies family attended the meeting. The members of the Davies family who were at the meeting downplayed the seriousness of the allegations and did not tell parents that Grant Davies had admitted to sending the inappropriate messages.

Counsel for Ms Rebecca Davies submitted that at the meeting parents were given sufficient information concerning Grant Davies. We do not accept this. Specifically, we are satisfied that at the 20 February 2007 meeting parents were not informed that Grant Davies had admitted to having inappropriate conversations with BZP or that Grant Davies was to be assessed by a psychologist to ensure that he was fit to return to teaching.

Although Grant Davies agreed to see a psychologist, he returned to RG Dance after a short time and did not provide any evidence of having seen a psychologist or of being suitable to work with children. Neither Ms Rebecca Davies nor any other member of the Davies family asked Grant Davies to provide this evidence before he returned to RG Dance.

In evidence, Ms Rebecca Davies stated that she should have inquired into the outcome of the 2007 police investigation. She accepted that these were failings on her part.

We accept that Ms Rebecca Davies did not make those inquiries. We also accept that, in not doing so, Ms Rebecca Davies failed to act protectively towards her students.

## Reporting to the police and complaint handling

BZQ reported his daughter BZP’s allegations against Grant Davies to NSW Police around late February 2007, but the matter did not proceed to a prosecution. The response of the NSW Police to the allegations is explored below.

Counsel for Ms Rebecca Davies submitted that her acceptance in evidence that she had an obligation to report the matter to the police does not mean she had a legal obligation. We accept

this. Ms Rebecca Davies said she did not tell police what she knew about Grant Davies' admission concerning BZP's allegations. We also accept that Ms Rebecca Davies did not report to police the admissions that Grant Davies made about the sex dream involving BZP.

### Institutional response of Parramatta JIRT to allegations against Grant Davies: 2007–2008

The Royal Commission considered the adequacy of the response of Parramatta JIRT to the allegations against Grant Davies and the efficacy of its investigation in 2007–2008.

Detective Senior Constable Jason Madsen (DSC Madsen) and Detective Sergeant Kirsty Hales (DS Hales) from NSW Police gave evidence about the investigation. In particular, they gave evidence about the timing of the application for a search warrant to seize Grant Davies' computer and secure evidence of child abuse material and whether further witnesses could have been interviewed before the matter was discontinued.

The first report of the allegations made by BZP and the other students to any agency was to a DoCS helpline on 12 February 2007. We heard that the investigation was passed to Parramatta JIRT on 8 March 2007.

On 14 May 2007 a search warrant was executed to obtain Grant Davies' computer. However, before the search warrant was executed, Grant Davies disposed of his computer and purchased another. The new computer was subsequently seized by the police. The computer was eventually found to contain no illegal material. This lack of corroborative evidence was a key factor in the decision not to proceed to prosecute Grant Davies.

While it is acknowledged that Parramatta JIRT had a heavy workload and competing priorities at the relevant time, we are satisfied that the delay in obtaining and executing the search warrant was unacceptable.

BZB, Grant Davies' ex-wife, gave evidence that police did not interview her despite the fact that at the relevant time she had taken out an AVO against Grant Davies to protect her and her daughter from him. BZB gave evidence that, if police had spoken to her, she could have given them information that would have been useful to the investigation. If the 2007 police investigation had included a statement from BZB containing information that Grant Davies had given her about disposing of his computer, it may have strengthened the evidence available to the police about Grant Davies' guilty mind. We are satisfied that Parramatta JIRT should have interviewed BZB as part of the police investigation.

Similarly, Ms Rebecca Davies gave evidence that police did not interview her during the investigation. We are satisfied that she also should have been interviewed as part of the police investigation.



The State of New South Wales submitted that there was an insufficient basis to find that police had enough evidence to arrest and/or charge Grant Davies in early March 2007. We accept the State's submission. We are not satisfied that there was sufficient information available in March 2007 to arrest Grant Davies.

The Royal Commission heard evidence about advances which have been made in the operation of the JIRT model, including the JIRT Local Contact Point Protocol of 2014. We are satisfied that, since 2007–2008, JIRT agencies have more detailed systems and procedures to respond to abuse in an institutional setting where an alleged perpetrator has access to a large number of students and criminal proceedings have not yet commenced. We accept that in 2007 and 2008 JIRT agencies would have been assisted in dealing with Grant Davies had the protocol been available. The protocol would have better equipped JIRT agencies to manage the competing considerations of dissemination of appropriate information to other students of RG Dance who were potentially affected and preservation of the integrity of the criminal investigation.

### Allegations and offences involving Grant Davies: 2012–2013

We heard further evidence about incidents of concern involving Grant Davies following the 2007 investigation, including about an email that was circulated in the dance community in March 2012 that contained a number of serious allegations against Grant Davies.

BZH told the Royal Commission that her daughter, BZF, went on a trip to Broken Hill in New South Wales with Rebecca and Grant Davies. During that time her daughter, BZF, called her crying. BZF told her that, while Ms Rebecca Davies was in the shower, Grant Davies had gone into BZF's room and 'did something' then ran out as soon as Ms Rebecca Davies came out of the shower. Ms Rebecca Davies gave evidence that she was not aware of the incident at the time.

BZH also gave evidence that in December 2012 her daughters, BZF and BZG, travelled to Forster in New South Wales with Rebecca and Grant Davies. Her daughter BZF told her that during that trip BZF and her sister were in the car with Grant Davies. Davies pulled his penis out and asked BZF if she wanted to touch it.

### Events leading to Grant Davies' arrest in 2013

On 9 April 2013, BZB accessed Grant Davies' computer and discovered sexually explicit messages between Grant Davies and a 12-year-old girl, BZD, as well as explicit images of the child. BZB contacted Rebecca Davies and spoke to her about this after which they collected Grant Davies' computer. The following day BZB, together with Rebecca Davies, took the computer to the Burwood Police Station and made a statement.

On 17 May 2013, Grant Davies was charged with a number of child sexual offences. He later pleaded guilty to 28 counts on the indictment and to 19 other child sexual offences.

On 21 October 2016, Grant Davies was sentenced to 24 years imprisonment, with a non-parole period of 18 years.

### Working with Children Checks and reporting to the Department of Community Services

The Royal Commission received evidence from Ms Kerry Boland, the NSW Children's Guardian, about RG Dance's compliance with the Working with Children Checks (WWCC) regime in New South Wales.

Ms Boland gave evidence that from 3 July 2000 RG Dance, as a child-related employer, was required to register as an employer and submit background checks on behalf of prospective child-related employees. We are satisfied that RG Dance did not meet these requirements.

We are also satisfied that Ms Rebecca Davies was aware that teaching and administration staff were subject to WWCC requirements but did not take steps to comply with those requirements during the operation of RG Dance.

This case study demonstrated to the Royal Commission the importance of a governing peak body and the dissemination of codes of conduct to the large number of institutions offering dance lessons and holding eisteddfods for children. The absence of a code of conduct made it difficult for RG Dance parents and teachers to communicate about what constituted a child-safe environment and to challenge Grant Davies' behaviour.

The Royal Commission also received evidence from Ms Deidre Mulkerin. Ms Mulkerin outlined the development of the *Children and Young Persons (Care and Protection) Act 1998* (Care Act). As at 1 January 2001, the definition of 'children's services' specifically excluded a number of services including a service that was concerned with the provision of lessons or coaching in, or providing for participation in a cultural, recreational, religious or sporting activity, or private tutoring.

It is Ms Mulkerin's understanding and the practice within DoCS that paid employees providing lessons to children in dance, drama or music are not mandatory reporters. On 1 January 2012, legislative amendments, including the repeal of the definition of 'children's service', meant that the use of the phrase in section 27 of the Care Act is not defined. The DoCS practice, and Ms Mulkerin's understanding, is that the position remains that paid employees providing lessons to children in dance, drama or music are not mandatory reporters.

The Royal Commission heard from a number of individuals in the course of the public hearing concerning not reporting serious allegations to DoCS and it is apparent that further education, training and awareness of reporting to DoCS is required in the dance sector.

## Grooming

The Royal Commission heard evidence from a number of witnesses about the techniques that Grant Davies employed which allowed him to exploit his circumstances to groom children in order to commit child sexual abuse offences. The subject of grooming will be dealt with in the Royal Commission's final report.

The Royal Commission examined how Grant Davies used social media such as MSN Messenger and Facebook to interact with RG Dance students and remain in almost constant contact with them at all hours of the day.

Grant Davies also groomed the parents of his students. This was shown in the relationship between Grant Davies and BZH. BZH gave evidence about her communications with Grant Davies from 2009 and the fact that he promised BZH that he would turn her daughters into stars. Throughout 2009, Grant Davies and BZH were in almost constant communication. Grant Davies began to ask BZH to send him pictures and videos of her daughters, BZF and BZG. In October 2009, BZH sent Grant Davies a video of BZF wearing a G-string. At that time, BZF was 10 years old.

From that time, Grant Davies requested more explicit photos and videos of BZF and BZG. BZH sent them to him. BZH said that it reached its worst point during 2012.

In 2013, BZH was convicted of producing and disseminating to Grant Davies pornographic images of her own children.

In addition to the electronic grooming offences, Grant Davies committed a number of sexual assault offences against BZG and BZF.

The offences against BZF and BZG came to light when BZE, BZH's husband and the father of BZG and BZF, discovered that Grant Davies had been arrested for child sexual offences. He questioned his wife and daughters, and BZF and BZG told him that they had sent naked pictures of themselves to Grant Davies. BZE gave evidence to the Royal Commission of his experiences and the impact upon his family.

We are satisfied that reports of child sexual abuse were not made in a timely manner or were otherwise hindered because:

- Grant Davies' standing and position within RG Dance intimidated students
- students felt emotionally blackmailed by Grant Davies or were otherwise afraid of him

- students and parents felt a strong desire to succeed in dance and feared that non-compliance with Grant Davies' behaviour would have a negative impact on the students' dance careers
- students and teachers were accused of telling lies or labelled as 'troublemakers'
- parents were groomed to comply with Grant Davies' wishes.

# 1 The Australian Institute of Music and Professor Victor Makarov

This section of the report examines allegations of child sexual abuse made against Professor Victor Makarov in 2004 and the response of the Australian Institute of Music (AIM) to these allegations.

Makarov, an internationally renowned pianist and instructor from Ukraine,<sup>2</sup> immigrated to Australia in July 1998 to take up a position with AIM.<sup>3</sup> There is no evidence that AIM conducted any child protection checks before offering him the position.<sup>4</sup> Makarov was accompanied by his wife, daughter and five young male students aged between 14 and 16 years (CAB, CAC, BZW, BZX and BZY).<sup>56</sup> The five students studied at AIM and were also employed as teaching assistants.<sup>7</sup>

Makarov became head of the piano department at AIM in around November 1998.<sup>8</sup>

Makarov conducted piano lessons at AIM from 1998 until 8 July 2004.<sup>9</sup> He also taught AIM students privately at his home.<sup>10</sup>

In early 2004, CAA, then a 15-year-old student at AIM, alleged that Makarov had sexually abused him at Makarov's home and at AIM between mid-2002 and 2004.<sup>11</sup> BZZ, BZY, BZX and BZW also alleged they had been sexually abused by Makarov at AIM and at Makarov's home.<sup>12</sup>

On 18 February 2004, police arrested Makarov and charged him at Hornsby Police Station with 11 child sexual offences involving CAA and BZZ.<sup>13</sup>

On 12 May 2004, the police arrested and charged Makarov with a further 19 offences of child sexual assault in relation to BZY, BZX and BZW.<sup>14</sup> Makarov was subsequently tried and convicted of child sexual offences against CAA and BZY and received a custodial sentence, which he continues to serve.

## 1.1 History and governance of AIM

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AIM was founded in 1968 by Dr Peter Calvo (deceased)<sup>15</sup> as the Sydney Guitar School. It now delivers education for careers in the Australian music, entertainment and performing arts industries.<sup>16</sup>

AIM has campuses in Sydney and Melbourne, which have purpose-built facilities for music and performing arts education.<sup>17</sup> AIM's main Sydney campus is located in Foveaux Street, Surry Hills.<sup>18</sup>

### Operations of AIM

All of the operations of AIM are conducted by the Australian Institute of Music Limited (AIM Ltd). AIM Ltd is a registered charity with the Australian Charities and Not-for-profits Commission.<sup>19</sup> AIM currently carries on a variety of operations, including:

- AIM Senior Secondary College (less formally known as AIM High) – a non-government high school open to students in year 11

- provision of diploma-level qualifications as a Registered Training Organisation
- provision of higher education bachelor and masters level degrees in music performance and production, and graduate music studies
- a private tuition program (also known as the Young Musicians Program) in music offered from beginner through to advanced level.<sup>20</sup>

In 2004, AIM employed about 200 members of staff. It had approximately 30 full-time academic and auxiliary staff and about 170 casual teachers.<sup>21</sup> The principal of the school was Dr Raffaele Marcellino, who was employed on a part-time basis.<sup>22</sup> In 2004, the other members of the executive staff at AIM were:<sup>23</sup>

- Dr Peter Calvo (director)
- Mr Ian Brooks (registrar)
- Professor Greg Whatley (general manager)
- Ms Athalie Hodge (head of administration)
- Ms Vivien Power (financial controller).

There were approximately 900 students enrolled with AIM in 2004, some of whom were under 18 years of age.<sup>24</sup>

At the time of the public hearing, Professor Ian Bofinger was executive dean at AIM. He had held that position since September 2009.<sup>25</sup>

## Oversight of AIM

As a non-government school, allegations of child sexual abuse at AIM are overseen by the NSW Ombudsman under its child protection jurisdiction.<sup>26</sup>

Part 3A of the *Ombudsman Act 1974* (NSW) requires the ‘head of agency’ to be responsible for:

- setting up systems for preventing, handling and responding to child abuse allegations or convictions against employees of the agency<sup>27</sup>
- providing information about the type and operation of those systems when required by the Ombudsman<sup>28</sup>
- making arrangements within the agency to require all employees to notify the head of agency of any child abuse allegations or conviction of which they become aware<sup>29</sup>
- notifying the Ombudsman of any child abuse allegation or conviction against an employee of the agency within 30 days of the head of agency becoming aware of the allegation or conviction
- notifying the Ombudsman if the agency plans to take any disciplinary or other action against an employee who is the subject of allegation or conviction, and the reasons for taking action.<sup>30</sup>

At the conclusion of its investigation of a reportable allegation, conduct or conviction under the *Ombudsman Act 1974* (NSW), the Ombudsman provides the agency with recommendations for action to be taken with respect to the matter, together with any necessary information relating to the recommendations.<sup>31</sup>

Dr Calvo was nominated by AIM as ‘head of agency’ for the purposes of Part 3A. In that role, Dr Calvo was required to ensure that employees at AIM were aware of their responsibilities under the Act.<sup>32</sup>

The Ombudsman’s investigation of the allegations against Makarov will be discussed below.

## 1.2 Sexual abuse of CAA

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### Experience of CAA

The Royal Commission heard evidence from CAA, a former student of AIM. CAA gave evidence that Makarov sexually abused him at AIM as well as at Makarov’s home over a period of about 18 months from mid-2002 until 2004.<sup>33</sup> CAA’s father, CAD, also gave evidence during the public hearing.

CAA first took piano and violin lessons at AIM when he was about 10 years old.<sup>34</sup> In around August 1999, he began taking piano lessons with Makarov at AIM. CAA also took lessons with Makarov privately in a studio at Makarov’s home in Pymble. CAA continued to take piano lessons with Makarov for the next five years until February 2004.<sup>35</sup>

CAA gave evidence that over time his family became very close to Makarov’s family. Makarov bought him presents for his birthday, Christmas and when he went on overseas trips.<sup>36</sup>

CAA told us that in or around May 2002, when he was 13 years old, Makarov began to behave in a way that he thought was unusual and strange. Makarov began kissing CAA on the top of the head and patting him on the back ‘rather too “nicely” when [CAA] got a particular passage correct on the piano’.<sup>37</sup> Makarov told CAA that he was the most musical student he had ever had in his career.<sup>38</sup> CAA said that Makarov asked him personal questions, spoke about sexual dreams and asked him if he masturbated.<sup>39</sup>

In around June or July 2002, Makarov masturbated in CAA’s presence at Makarov’s home in Pymble to demonstrate that a passage in a Liszt Etude represented an orgasm.<sup>40</sup> He also told CAA that he loved him.<sup>41</sup>

For the next 18 months, Makarov sexually abused CAA at almost every lesson that took place at Makarov’s home.<sup>42</sup> Makarov also abused CAA during lessons at AIM and would touch, kiss and masturbate him during those lessons. This occurred on at least 20 to 30 occasions.<sup>43</sup>

CAA recalled that the worst incident occurred in August or September 2003 during a lesson at Makarov's home. Makarov took him to the guest bedroom and forcibly sodomised him for about six or seven minutes.<sup>44</sup> CAA gave evidence that Makarov asked him whether it was painful. When CAA said it was, Makarov responded that this was good.<sup>45</sup> On other occasions when Makarov attempted to get CAA to the guest bedroom, CAA managed to talk himself out of the situation.<sup>46</sup>

## Disclosure of the abuse

CAA gave evidence that he discussed with Makarov what would happen if he told his parents. Makarov told CAA that he should not tell his parents, as they would not understand.<sup>47</sup>

CAA disclosed the abuse to his mother in early 2004 after she asked him direct questions.<sup>48</sup> CAD, CAA's father, told the Royal Commission that his wife had been told of a sexual allegation against Makarov involving BZZ, a former student of Makarov's, and that his wife had approached CAA to discuss whether Makarov had harmed him.<sup>49</sup>

CAA described talking to his mother about the abuse as a 'cathartic but also depressing experience'.<sup>50</sup> CAA told us that he had not told anyone earlier about the abuse because:

[M]usic is everything to me and at that time I believed that having Makarov as my teacher was the only way I would be able to achieve my goals. All I wanted to do was practise and play for people ... [Makarov] was a major part of my life. In addition, our families were close and I did not want to see it all go down the drain. I did not think I could cope with that.<sup>51</sup>

CAA told us that he never considered reporting his abuse to anyone at AIM because he did not feel there was anyone to whom he could report.<sup>52</sup>

On 3 February 2004, CAA, CAD and his wife confronted Makarov at his home with the allegations of child sexual abuse.<sup>53</sup> Makarov denied sexually abusing CAA.<sup>54</sup> CAD informed Makarov that their family would report him to 'the authorities'. The following day, Makarov met with CAD and his wife and again he denied the allegations. CAD and his family had no further contact with Makarov.<sup>55</sup>

## Impact of sexual abuse on CAA and his family

CAA told us that the first time Makarov abused him he was confused. When Makarov said that music was all about sex, CAA believed him because he respected Makarov as a teacher and 'because as far as my playing was concerned, he had achieved fantastic results'.<sup>56</sup>

CAA described his experience of abuse as being something that he had to endure in order to succeed as a musician. He said that 'trust played a big role' in keeping him silent. When CAA was in his early twenties, he saw a psychologist, which 'really helped'.<sup>57</sup>



CAD told us that CAA's disclosure was 'shocking and very stressful for our family'. CAD said Makarov had betrayed CAA and his friendship.<sup>58</sup>

CAD described the impact on his family:

The beginning of 2004 it was especially tough for us. What had happened to CAA was like an ugly thing sitting in the room, the elephant that no one ever talked about. We tried to talk about it and to help CAA in any way we could, but he understandably became closed off and very difficult to talk to.<sup>59</sup>

CAD felt that CAA was deeply affected by the abuse until he met his fiancée many years later.<sup>60</sup> CAD believes that CAA has now been able to put the events of the past behind him.<sup>61</sup>

## 1.3 AIM's response to allegations of child sexual abuse

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### AIM becomes aware of allegations of sexual abuse against Makarov

On 5 February 2004, following CAD's confrontation with Makarov, CAD cancelled CAA's classes at AIM. CAD sought reimbursement for fees, which he received soon after.<sup>62</sup>

Dr Marcellino became aware of the allegations against Makarov on the same day. He was informed by Dr Calvo, who in turn had been told by Makarov that CAA and his parents had confronted him with allegations of sexual abuse.<sup>63</sup> Dr Marcellino gave evidence that he discussed the seriousness of the allegation with Dr Calvo and that they 'needed to investigate by meeting separately with both Makarov and CAA and his parents'.<sup>64</sup>

That afternoon, Dr Marcellino contacted Makarov, who denied any wrongdoing.<sup>65</sup>

Dr Marcellino contacted CAD<sup>66</sup> and informed him that he was aware of the allegations CAA had made against Makarov and that AIM intended to conduct its own investigation.<sup>67</sup> Dr Marcellino invited CAA and CAD to meet with him and Dr Calvo to discuss the allegation.<sup>68</sup>

CAD declined to meet with Dr Marcellino and Dr Calvo and advised that they would be 'going to the authorities'.<sup>69</sup>

Dr Marcellino gave evidence that he then contacted Makarov and told him to have no further contact with CAA or his family. He also advised Makarov that he would be contacting the NSW Ombudsman.<sup>70</sup>

By 9 February 2004, although Dr Marcellino had not met with CAA, he accepted in evidence that he knew that CAA had made a serious allegation of child sexual abuse against Makarov.<sup>71</sup>

## Reporting to NSW Police and the NSW Ombudsman

On 10 February 2004, Dr Marcellino contacted the NSW Ombudsman. Dr Marcellino told us that he was advised that the Ombudsman had jurisdiction and that the police must be notified. The following day he contacted NSW Police as well as the New South Wales Department of Community Services (DoCS).<sup>72</sup>

On 12 February 2004, DoCS contacted CAD. CAA, CAD and his wife were separately interviewed by the Joint Investigation Response Team (JIRT) in Chatswood.<sup>73</sup> JIRT is a body that undertakes joint investigations of child protection matters. It is made up of NSW Police officers, NSW Health professionals and DoCS staff and is intended to link together the risk assessment and protective interventions of DoCS with the criminal investigations conducted by police.

On 13 February 2004, Dr Marcellino spoke to Ms Linda Nilsson from Chatswood JIRT. Ms Nilsson advised him that a police investigation would occur and a DoCS investigation was underway.<sup>74</sup> Ms Nilsson told Dr Marcellino that she was concerned that Makarov was continuing to teach at AIM.<sup>75</sup>

Later that day, Dr Marcellino also contacted Detective Sergeant Lyn Marshall (DS Marshall) of Chatswood JIRT.<sup>76</sup> Earlier that day, DS Marshall had contacted the NSW Ombudsman to express concerns about AIM's risk assessment of Makarov.<sup>77</sup> She informed the NSW Ombudsman that the police had identified 10 allegations of aggravated sexual assault and 30 allegations of aggravated indecent assault involving CAA and BZZ.<sup>78</sup> DS Marshall agreed to contact Dr Marcellino and advise him.<sup>79</sup>

When DS Marshall spoke to Dr Marcellino, she gave him the details of the allegations that had been made against Makarov. DS Marshall urged Dr Marcellino to consider suspending Makarov.<sup>80</sup>

## AIM considers suspending Makarov

Later on 13 February, Dr Marcellino discussed with Dr Calvo the question of suspending Makarov.<sup>81</sup> Dr Marcellino recalled that it was Dr Calvo's view that there was a legal impediment to suspending Makarov.<sup>82</sup> Dr Marcellino gave evidence that Dr Calvo directed that Makarov not be suspended, as Dr Calvo 'was certain there would be legal action by Makarov against AIM'.<sup>83</sup> Dr Marcellino made the decision to suspend Makarov from teaching duties, but only for the weekend.<sup>84</sup>

On 16 February 2004, Dr Marcellino contacted the NSW Ombudsman about legal advice that AIM had received in relation to the suspension of Makarov.<sup>85</sup> The advice from the NSW Ombudsman's office was that it was unlikely that AIM would be subject to civil proceedings brought by Makarov if he were suspended.<sup>86</sup>

Later that day, AIM decided that Makarov could continue to teach but that he was to be constantly supervised by a staff member while on campus. Makarov suggested that two of his teaching assistants, BZY and CAC, as well as parents, could observe his lessons.<sup>87</sup>

Dr Marcellino gave evidence during the public hearing that at this time he had no reason to believe that CAA was not telling the truth.<sup>88</sup> Dr Marcellino agreed that he had considered the possibility there was real substance to CAA's allegations:

[M]y view was a person doesn't come forward with this allegation without the likelihood that it was truthful. It was concerning to me.<sup>89</sup>

On 18 February 2004, Dr Marcellino became aware that Makarov had been charged with 11 counts relating to child sexual abuse of CAA.<sup>90</sup> Dr Marcellino gave evidence that, although he had been concerned with Makarov being charged, there was a view that AIM was in a 'legal bind' between the risk of prejudicing Makarov's interests at the trial and child protection.<sup>91</sup> Dr Marcellino accepted that, on reflection, this was a misconceived position.<sup>92</sup>

On 18 February 2004, Hornsby Local Court set bail conditions which required Makarov to be supervised during contact with children under the age of 16.<sup>93</sup>

On 21 February 2004, Makarov's teaching assistant BZY advised Dr Marcellino that he had sought an Apprehended Violence Order (AVO) against Makarov.<sup>94</sup> Dr Marcellino advised BZY and CAC not to follow earlier instructions to act as observers or supervisors of Makarov.<sup>95</sup>

Dr Marcellino had a meeting on 23 February 2004 with Mr Terry McNally (a solicitor advising AIM), Mr Brooks (AIM's registrar) and Dr Calvo.<sup>96</sup> During the meeting there was a discussion to the effect that AIM should not prejudice any legal proceedings.<sup>97</sup> At the meeting, Dr Marcellino was also made aware that Makarov's assistant teachers BZW and BZX had also alleged that Makarov had sexually abused them when they were students<sup>98</sup> and that they had both sought AVOs against Makarov.<sup>99</sup> Dr Marcellino told us that he had no reason not to believe BZW and BZX.<sup>100</sup>

Later that day, the same group met with Makarov and his legal representative. Dr Marcellino recalled that Makarov was instructed to teach only on the AIM campus under the supervision of AIM staff.<sup>101</sup> Makarov stated that he was not willing to work with BZX, BZY and BZW.<sup>102</sup>

In giving evidence, Dr Marcellino accepted that, on reflection, by 23 February 2004 it was not possible for both Makarov and the students (who also had assistant teaching roles and had taken out AVOs against Makarov) to remain teaching at AIM.<sup>103</sup> Dr Marcellino described the position that AIM took in the following way:

[W]e had a campus that had two discrete sections and Peter [Calvo] had determined that it was to keep Makarov separate from the other individuals, so that the boys could continue as students and Makarov would continue teaching.<sup>104</sup>

On 24 February 2004, Dr Marcellino met with BZY<sup>105</sup> and called BZX.<sup>106</sup> Dr Marcellino discussed with them the AVOs they had taken out and told them that it would be difficult to continue to employ them as teachers at AIM if they had AVOs against Makarov in place.<sup>107</sup> Dr Marcellino indicated that they could continue their studies.<sup>108</sup>

Dr Marcellino denied that he was trying to pressure or influence BZY and BZX to withdraw the AVOs they had taken out against Makarov.<sup>109</sup> When questioned about his conversation with BZY, Dr Marcellino told us:

It was trying to find a way, given the position that Peter Calvo directed us to proceed, so that the student could continue with his studies, but not have to confront Mr Makarov.<sup>110</sup>

Dr Marcellino accepted that an obvious solution would have been to suspend Makarov.<sup>111</sup> Dr Marcellino told us that suspension would have been his choice, but Dr Calvo took the position from the outset not to suspend Makarov.<sup>112</sup>

## NSW Ombudsman decides to monitor AIM

On 1 March 2004, the NSW Ombudsman's office decided to monitor AIM's investigation in accordance with section 25E of the *Ombudsman Act 1974*. It wrote to AIM to advise of its decision.<sup>113</sup>

On 12 March 2004, representatives from the NSW Ombudsman's office met with Dr Marcellino and Mr Brooks, the registrar at AIM, to let them know what the Ombudsman's office expected of AIM in undertaking a risk assessment and investigation.<sup>114</sup> Dr Marcellino indicated that:

[Makarov] is just not another teacher who could be replaced. If he is suspended the piano department would cease to operate and Makarov's students would have to leave the institute to study with him privately.<sup>115</sup>

The Ombudsman's office requested a completed notification form and a detailed risk assessment by 15 March 2004.<sup>116</sup>

Dr Marcellino stated his belief that the students were safer at AIM, where Makarov was being supervised, and that suspending Makarov would have significant financial implications for AIM.<sup>117</sup>

## Suspension of BZW

On 17 March 2004, Dr Marcellino sent an email to AIM staff.<sup>118</sup> The subject heading was 'Student suspension' and the email advised that BZW had been suspended as a student until further notice. The email also stated that BZW was not permitted to enter AIM facilities or any campus, with the exception of entering Building B to meet with Mr Brooks or Dr Marcellino.<sup>119</sup>

The handwritten notes of an unidentified person<sup>120</sup> on the page stated:

1. Because he's taken out an AVO against the professor who is teaching in Building A.
2. He has not chosen to re-enrol or attend any classes for sem 1/2004.<sup>121</sup>

Dr Marcellino accepted that the email's purpose was to communicate to the recipients that a decision was made on 17 March 2004 to suspend a student who had made a complaint of child sexual abuse against Makarov.<sup>122</sup> Dr Marcellino told us that at the time he sent this email he knew BZW had made allegations that he had been sexually abused by Makarov and had taken out an AVO.<sup>123</sup>

Dr Marcellino rejected the proposition that, in sending the email, he was showing a clear preference for Makarov's position over that of the victims who had come forward with allegations of sexual abuse:

I don't accept that as – that type of indication. It's my recollection that we were seeking to – again, accept it was a misconceived position that saying – fashioning it as a suspension was to be able to provide a means to have him continue his studies, to talk with either me or Ian Brooks as the registrar so we could find a way forward. It wasn't adequate, upon reflection. Again, it was part of this situation, trying to navigate between the position that we held officially as an institution and trying to steer a course for the boys and the circumstance.<sup>124</sup>

Dr Marcellino told us that it was his recollection that BZW had refused to continue studies with alternative teachers and classes. BZW had communicated that he wanted to be on the campus but did not want to be a student.<sup>125</sup>

Dr Marcellino also said he accepted that a sensible way of dealing with the situation would have been to suspend Makarov rather than BZW.<sup>126</sup>

Makarov submitted to the Royal Commission that BZW was not suspended.<sup>127</sup> Makarov said that BZW had failed to re-enrol. Makarov also submitted that BZW had formerly been employed on a casual basis as a teacher's aide to Makarov and that BZW could not continue in his role because he had taken out an AVO against Makarov.<sup>128</sup>

Professor Bofinger gave evidence that, with the benefit of hindsight, AIM's response to the events in 2004 did not get the balance right as between the interests of a student alleging child sexual abuse and those of the alleged perpetrator.<sup>129</sup>

We are satisfied that on 17 March 2004 Dr Marcellino advised AIM staff that a decision had been made to suspend BZW in circumstances where BZW had made allegations of child sexual abuse against Makarov and had taken out an AVO against him.

We are also satisfied that AIM's response did not strike the right balance between the interests of a student alleging child sexual abuse and those of the alleged perpetrator.

### NSW Ombudsman issues investigation notice

On 30 March 2004, the NSW Ombudsman issued an investigation notice to AIM and investigated the handling of and response to child abuse allegations.<sup>130</sup> The investigation was triggered by the allegations that CAA made against Makarov.

As a result of concerns that AIM students and their parents raised, the NSW Ombudsman had concerns about the risk avoidance strategies that AIM had implemented and amended its investigation to include the conduct of Dr Calvo and Dr Marcellino.<sup>131</sup>

### AIM's response to risk assessment and further charges

On 13 April 2004, Dr Marcellino received a fax from Mr Mark Kearns, Senior Risk Assessor in the Employment Screening Unit of the New South Wales Department of Education and Training (DET), advising that Makarov was rated as posing a high level of risk.<sup>132</sup> That fax noted that the risk assessment was conducted in relation to AIM's application for a Working with Children Check (WWCC) for Makarov.<sup>133</sup> This correspondence did not prompt AIM to change its position not to suspend Makarov.<sup>134</sup>

At 3 pm on the same day, Mr Kearns advised Dr Marcellino that the risk assessment had been based on the fact that Makarov faced charges. Depending on the outcome of the trial, the risk assessment would be reviewed.<sup>135</sup>

On 12 May 2004, Makarov was charged with 19 offences involving three Ukrainian students: BZY, BZX and BZW. The charges included aggravated indecent assault, sexual intercourse with a person between 10 and 16 years of age, homosexual intercourse with a pupil and aggravated indecent assault with a victim under the authority of the offender.<sup>136</sup>

On 13 May 2004, Detective Senior Constable Grant Slade (DSC Slade) of NSW Police informed Makarov that additional charges had been laid against him the day before.<sup>137</sup> Two of the relevant charges related to offences at AIM, and AIM was considered a crime scene.<sup>138</sup>

DSC Slade advised Dr Marcellino that Makarov's bail conditions had been altered and included that Makarov was to be supervised by a parent or someone authorised by a parent.<sup>139</sup> Dr Marcellino facilitated this by requiring Makarov to:

- conduct all teaching with AIM students under the age of 18 years in his AIM campus studio
- have an adult present when he was teaching students under the age of 18 years
- sign a register on entering and leaving the AIM campus
- restrict his piano lessons to building A.<sup>140</sup>

Despite additional charges being laid against Makarov, Dr Calvo stood by his decision to continue to employ Makarov. In an interview with the NSW Ombudsman on 14 May 2004, Dr Calvo explained his reasons for not changing AIM's risk assessment:

Fundamentally, insofar as the courts are concerned, this man has his liberty. If his liberty were to be taken away from him, he would have to be condemned and proven to be guilty. None of those circumstances have been satisfied, and it is not for [AIM] to judge where there is no evidence – that is to say admissible evidence – in front of a court of law, to condemn him.<sup>141</sup>

Professor Bofinger accepted that, by April 2004, AIM had been informed that DET had assessed Makarov as posing a high level of risk to children and that further criminal charges had been laid against Makarov. Despite this, AIM permitted Makarov to continue teaching.<sup>142</sup>

Professor Bofinger gave evidence that, in permitting Makarov to continue to teach at this time, AIM got the balance of interests between the complainants and Makarov wrong.<sup>143</sup> Professor Bofinger gave evidence that, to protect the students, the appropriate response would have been to suspend Makarov on full pay.<sup>144</sup>

Professor Bofinger gave evidence that in his opinion Dr Calvo misunderstood the criminal process.<sup>145</sup> Professor Bofinger said that Dr Calvo's idea of risk assessment did not reflect risk assessment as required by the NSW Ombudsman's policy.<sup>146</sup>

Makarov submitted that a finding about the adequacy of AIM's response by May 2004 should take into account that AIM put in place notifications and controls following CAA's complaint.<sup>147</sup> It was not in dispute in the public hearing that AIM took measures to accommodate Makarov's bail conditions set by the court system.

We are satisfied that in May 2004 AIM's decision to permit Makarov to continue to teach did not adequately take into account the fact that DET had assessed Makarov as posing a high level of risk to children and that further criminal charges relating to child sexual abuse (in addition to the charges in respect of CAA) had been laid against Makarov.

We are also satisfied that by May 2004 AIM should have suspended Makarov. In not doing so, it did not take proper steps to protect the students at AIM.

On 8 June 2004, Dr Marcellino became aware that three AIM students had been having piano lessons at Makarov's home.<sup>148</sup> Dr Calvo and Dr Marcellino met with Makarov, who said he would accept their request to cease teaching AIM students at his home.<sup>149</sup>

On 7 July 2004, Dr Marcellino was advised that Makarov had requested leave from AIM.<sup>150</sup> Leave was granted.<sup>151</sup>

## NSW Ombudsman issues final report on its investigation

In September 2004, the NSW Ombudsman delivered its final report on its investigation of the conduct of AIM, Dr Calvo and Dr Marcellino.<sup>152</sup>

The NSW Ombudsman made the following detailed findings pursuant to section 26(1)(g) of the *Ombudsman Act 1974*:<sup>153</sup>

- AIM did not provide adequate information to the NSW Ombudsman. There was considerable delay in providing documents AIM was required to produce and in providing all relevant documents.
- AIM and Dr Calvo did not undertake an appropriate risk assessment and did not implement effective risk management strategies as a result of the child abuse allegations against Makarov. The findings criticised AIM's decision to permit Makarov to continue to teach children under 18 years after becoming aware of the specific nature of the allegations against him. The report found AIM's failure to separate its child protection and disciplinary responsibilities from those of the criminal court processes to be an inappropriate risk management strategy.
- AIM and Dr Calvo did not ensure that effective systems were in place to report and respond to child abuse allegations against employees. They failed to have written policies and procedures on responding to child abuse allegations and to provide regular and effective training to AIM's employees.

Professor Bofinger accepted the findings of the NSW Ombudsman's office.<sup>154</sup>

## Makarov continues to teach privately

In October 2004, Dr Marcellino became aware that a number of parents had withdrawn their children from AIM's Young Musicians Program so that Makarov could teach them as private students in his home. These parents were aware of the charges against Makarov.<sup>155</sup>

Dr Marcellino spoke to Makarov on 9 October 2004 and confirmed that Makarov was in fact teaching students at his home. During the phone call, Makarov claimed that AIM was making an illegal demand on him to cease teaching students at his home. He maintained that, if the children were not AIM students, he could see them.<sup>156</sup>

On 11 October 2004, Dr Marcellino advised the NSW Ombudsman's office that students were attending Makarov's home.<sup>157</sup>



In November 2004, Dr Marcellino was advised that parents would challenge the NSW Ombudsman's office about restrictions on Makarov teaching children.<sup>158</sup>

## 1.4 Criminal proceedings

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In November 2004, Makarov's criminal trial for offences against CAA commenced.<sup>159</sup> Makarov was convicted on eight of the nine counts and sentenced to 12 years imprisonment with a non-parole period of eight years.<sup>160</sup>

Charges against Makarov in relation to BZZ were withdrawn.<sup>161</sup>

In August 2005, Makarov's trial for offences against BZY commenced.<sup>162</sup> The jury returned guilty verdicts on eight of the nine counts.<sup>163</sup>

In August 2005, Makarov also stood trial for offences against BZX and BZW. The jury found Makarov guilty on all 10 counts.<sup>164</sup>

In May 2008, Makarov appealed to the New South Wales Court of Criminal Appeal against all of his convictions.<sup>165</sup> The appeal was allowed for the convictions recorded in respect of BZW and BZX and separate trials were ordered.<sup>166</sup> The appeal against convictions with respect to CAA and BZY was dismissed.<sup>167</sup>

The separate trial for offences against BZW commenced in March 2010 and not guilty verdicts were returned on all counts.<sup>168</sup>

Makarov faced three separate trials for offences against BZX. The first trial was aborted, the second was deemed a mistrial and the third returned a verdict of not guilty on all counts.<sup>169</sup>

On 27 April 2012, Makarov made an application pursuant to section 78 of the *Crimes (Appeal and Review) Act 2001* (NSW) for an inquiry to be held into the convictions recorded for sexual offences against CAA and BZY.

On 4 October 2013, in the Supreme Court of New South Wales, Bellew J handed down judgment dismissing the application.

On 26 February 2016, Makarov appealed to the Court of Criminal Appeal seeking a review of Bellew J's decision. Makarov's appeal was refused.<sup>170</sup> At the time of writing this report, Makarov continues to serve his custodial sentence.

## 1.5 Impact of institutional responses on CAA and his family

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CAA told us that his experience as a witness in the criminal proceedings against Makarov was positive. He felt supported by DoCS, the police and the Office of the Director of Public Prosecutions (NSW) (DPP) staff throughout the criminal process.<sup>171</sup>

CAA's father, CAD, gave evidence that CAA worked with police and the DPP in the preparation of Makarov's prosecution.<sup>172</sup> CAD found the engagement from DoCS, the police and the DPP to be supportive and professional.<sup>173</sup>

CAD said that he did not understand why the trials relating to the offences against students who alleged Makarov sexually abused them were separated.<sup>174</sup> The issue that CAD raised has been explored in the criminal justice work of the Royal Commission.

CAD and his wife felt completely let down by other institutions they dealt with. CAD gave evidence that, while he chose not to deal directly with AIM, he expected that AIM would take some action against Makarov. CAD said he expected that AIM would at least suspend Makarov from his duties while facing criminal proceedings.<sup>175</sup>

CAD gave evidence that AIM did not make any contact to offer counselling for CAA or to inquire whether he was receiving counselling.<sup>176</sup> AIM made no attempt to inquire into CAA's condition during the course of the criminal proceedings or following Makarov's conviction.<sup>177</sup>

CAD contacted the NSW Ombudsman's office on a number of occasions to complain about AIM's failure to suspend Makarov.<sup>178</sup> CAD contacted the federal Minister for Education and Training about Makarov continuing to teach.<sup>179</sup> He found the responses to be bureaucratic.<sup>180</sup> CAD told us:

[My wife and I were ] bitterly disappointed as these institutions could have done something. We felt totally helpless ... Overall, my wife and I felt completely let down. Children's safety seemed to be the last concern of all these institutions.<sup>181</sup>

Dr Marcellino accepted that AIM did not offer counselling support or make any arrangements at the time for students who had come forward with allegations of child sexual abuse by Makarov.<sup>182</sup>

We are satisfied that AIM did not offer counselling to the students who alleged they were sexually abused by Makarov, and it should have done so.

## 1.6 Child protection policies and procedures

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### Policies in 2004

Dr Marcellino gave evidence that when he started at AIM in February 2003 there was no policy or protocol about how to deal with allegations of child sexual abuse. The policies at the time concerned academic misconduct and plagiarism.<sup>183</sup>

The earliest policy produced to the Royal Commission was titled 'AIM Child Protection Manual Information and Guidelines', dated 1 October 2004.<sup>184</sup> This policy appears to have been implemented as a direct consequence of the NSW Ombudsman's investigation of AIM's handling of the allegations of child sexual abuse against Makarov.<sup>185</sup>

Dr Marcellino gave evidence that he did not receive training on how to deal with allegations of child sexual abuse until the end of 2004 and early 2005, when AIM worked with the NSW Ombudsman to develop the procedures and staff training on reportable offences.<sup>186</sup>

We are satisfied that before October 2004 AIM did not have any policies, procedures or systems in place concerning the prevention, handling and receiving of complaints and the conduct of investigations of allegations of child sexual abuse, and it did not provide training to staff in dealing with complaints of child sexual abuse.

### Current policies

Professor Bofinger gave evidence that AIM's current policies and procedures on child protection, handling and receiving of complaints and conduct of investigations are:<sup>187</sup>

- the *Mandatory reporter guide* published by the New South Wales Government
- the *AIM Senior Secondary College operations manual 2014/2015*
- the AIM Senior Secondary College Critical Incident Policy.

The *AIM Senior Secondary College operations manual 2014/2015* contains an extensive Child Protection and Student Welfare policy. The manual details preventative measures to be implemented, as well as guidelines for processing and reporting allegations, risk management and investigation.<sup>188</sup>

In particular, the policy sets out risk management practices. It states that:

- If AIM receives an allegation of child abuse, it will undertake an initial risk assessment, which is designed to reduce the risk to:
  - the child or children who are alleged to have been abused by the employee
  - the other children who may have contact with the employee
  - the employee
  - AIM
  - the investigation.<sup>189</sup>
- AIM must consider the needs of both the child and the employee against whom the allegation is made. This includes the nature of the allegation, the vulnerability of the children, the position the employee holds and the level of supervision of the employee.<sup>190</sup>
- Once AIM has completed its investigation, a review will be conducted to ensure that relevant risk issues have been considered, in order to implement measures to ensure that future risk is minimised. These measures may include, but are not limited to:
  - employee training
  - changing work practices
  - changes to physical environment
  - reviewing the child protection policy.<sup>191</sup>
- AIM's responsibilities when police or DoCS are investigating the incident are:<sup>192</sup>
  - to assess risk posed by the employee if the allegation were to be sustained
  - to liaise and coordinate with DoCS or police regarding specific roles.
- Once DoCS or the police have made a finding, AIM will:
  - determine what other evidence needs to be collected so that a decision about the employee can be made
  - raise the allegation with the employee and take any response into consideration
  - make a determination about the employee.

The AIM Senior Secondary College Critical Incident Policy outlines examples of events that would be classed as critical incidents.<sup>193</sup> It identifies key tasks to be prioritised in a responding and communicating, and in follow-up plans, in the event of a critical incident.<sup>194</sup> The policy is reviewed every three years or when there is any information or incident that would warrant a review (including legislative or organisational change).<sup>195</sup>

## 2 RG Dance and Grant Davies

This section of the report examines allegations of child sexual abuse made against Grant Davies at RG Dance – a private dance studio that operated in Sydney, New South Wales, between 2001 and 2013.

Several students of RG Dance made allegations of child sexual abuse against Grant Davies in 2007 and 2013.

Grant Davies was arrested in May 2013 after his wife, BZB, found child pornographic material and messages on his laptop computer and reported him to the police.

On 17 May 2013, Grant Davies was charged with a number of child sexual offences. He later pleaded guilty to 28 counts on the indictment and to 19 other child sexual offences.

On 21 October 2016, Grant Davies was sentenced to 24 years imprisonment, with a non-parole period of 18 years.

### 2.1 History and governance of RG Dance

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In November 2001, Grant Davies and his sister Ms Rebecca Davies established RG Dance as a family partnership.<sup>196</sup> Grant Davies was the co-director, co-owner and principal male teacher at the studio.

RG Dance started operating from a hall at the St Alban's Anglican Church in Five Dock, New South Wales, with only five students enrolled.<sup>197</sup> It offered dancing lessons in ballet, tap, lyrical, contemporary, technique and body conditioning to children aged between three and 18 years.<sup>198</sup>

Throughout its operation, RG Dance employed a number of dance instructors, including Grant Davies, Ms Rebecca Davies, Ms Tracie-Marie Seipel, Ms Jo-Anne Hocking, Ms Diana Dimos, Ms Sarah Henderson<sup>199</sup> and Ms Jennifer Davies, who is Rebecca and Grant Davies' elder sister.<sup>200</sup> RG Dance also employed older students as teachers.<sup>201</sup> RG Dance employed other members of the Davies family, including Mr John Barnier (Ms Jennifer Davies' husband),<sup>202</sup> who was employed as the business administrator.<sup>203</sup> Mrs Susan Davies (Rebecca, Grant and Jennifer Davies' mother) worked as an administrative staff member.<sup>204</sup>

RG Dance became a highly successful dance studio and expanded rapidly.<sup>205</sup> The dance community considered it to be a new and exciting dance studio.<sup>206</sup> By the end of 2003, RG Dance had 120 students.<sup>207</sup> In late 2004, RG Dance relocated to larger premises in Bibby Street, Chiswick, New South Wales.<sup>208</sup>

RG Dance was incorporated in August 2006.<sup>209</sup> Rebecca and Grant Davies were directors of the company and Mr Barnier was the company secretary.<sup>210</sup> They held these positions until May 2013.<sup>211</sup>

By 2007, RG Dance had 230 enrolled students and employed 23 people, including 11 teachers, four administrative staff and eight student teachers who worked in a part-time capacity.<sup>212</sup>

In circumstances described below, RG Dance ceased trading on 23 May 2013 and subsequently was placed into liquidation.<sup>213</sup> The company was deregistered on 12 February 2014.<sup>214</sup>

### RG Dance policies for child-safe practices

The Royal Commission sought documents from the liquidators of RG Dance and Ms Rebecca Davies in relation to any child protection policies implemented by RG Dance. No policies were produced.

During the public hearing, Mr Barnier gave evidence that he did not recall any child protection policies being in place at RG Dance.<sup>215</sup> Similarly, Ms Rebecca Davies stated that she was not aware of RG Dance providing any child protection training to staff during its operation.<sup>216</sup>

We are satisfied that there were no child protection policies, procedures or practices in place at RG Dance during its period of operation.

### Culture of RG Dance

The Royal Commission heard evidence from former students and teachers about the culture of RG Dance.

### Competitive nature and long hours

The students thought RG Dance instructors, including Grant and Rebecca Davies, were young and related well to students. The instructors seemed to care and were actively involved. It was ‘different’ from other dance studios.<sup>217</sup>

The students at RG Dance were generally passionate about dance and dedicated to their training. RG Dance consistently ‘pushed’ the flexibility and strength of students,<sup>218</sup> and students were expected to spend a large amount of time training. If they failed to attend, they would be punished by being taken out of their position in the troupe or taken off stage.<sup>219</sup> Former students gave evidence of the hours that they spent at RG Dance – usually between 15 and 30 hours per week, including after school and all day on Saturday.<sup>220</sup> Ms Rebecca Davies gave evidence that it was unusual for students to spend as many as 30 hours per week at the studio but accepted that most students attended several evenings per week and all day on Saturday.<sup>221</sup>

Students were attracted to RG Dance’s reputation for having a ‘winning’ culture, and RG Dance students often claimed the top prizes at competitions.<sup>222</sup> RG Dance became known for developing

innovative routines that incorporated acrobatics and gymnastics. The dance routines were known for having a ‘wow’ factor.<sup>223</sup>

Students said that there was an intense environment at RG Dance, with a strong focus on winning competitions.<sup>224</sup> Rebecca and Grant Davies often talked about ‘wiping out the competition’ and being superior to other dance studios.<sup>225</sup>

CAG was a student at RG Dance from 2003 to January 2007.<sup>226</sup> She said she was not sexually abused by Grant Davies. She gave evidence that the competitive culture at RG Dance was instilled in the students every day. Rebecca and Grant Davies pitted students against each other and used incentives such as featuring a ‘best dancer’ each week on the RG Dance website.<sup>227</sup>

### Control over students

There was evidence that students were constantly pushed to practise, keep food diaries and stretch journals and felt pressurised by inspirational photos and quotations.<sup>228</sup> Rebecca and Grant Davies would check the diaries, mark which foods were good or bad and write comments. Sometimes Grant Davies or Ms Rebecca Davies would be critical and would yell at a student in front of the whole class. CAG remembered that Ms Rebecca Davies yelled at her once for drinking red cordial.<sup>229</sup>

BZM, another former student who gave evidence to the Royal Commission, gave evidence of the use of stretch journals and food diaries. She said that the students were required to record daily stretches, what they ate and ‘magic moments’, which were things that ‘made [the students] smile’, such as ‘I finally learnt how to do a backflip’. Grant and Rebecca Davies would mark the journals weekly and make comments. BZM said that, if a journal was forgotten or if they had not performed their stretches, they would be punished – for example, by being forced to physically hold a stretch for an abnormal period of time. BZM says that she now believes that this practice was dangerous for students.<sup>230</sup>

CAG gave further evidence of the controlling environment at RG Dance. Rebecca and Grant Davies told her that they wanted her to ‘fit the RG look’.<sup>231</sup> CAG described herself as the tallest and ‘fattest’ student and said that Rebecca and Grant Davies made remarks during class, in front of other students and parents, about CAG’s size and height. CAG said she developed body issues, which she still has, from being made to constantly think about what to eat and how to look.<sup>232</sup>

A former teacher at RG Dance, Ms Seipel, gave evidence that students at RG Dance were encouraged to ignore their pain.<sup>233</sup> CAG remembered that students who suffered physical injuries, such as muscle torn away from bone or injured knees, would still be forced to keep training. Rebecca and Grant Davies did not accept that being injured or sick was an excuse to miss dance classes.<sup>234</sup> BZP, a former RG Dance student, also gave evidence of instances where Grant Davies had forced her to train and perform when she was injured, even when she provided a doctor’s note. She said that Grant Davies had been furious and called her ‘weak’.<sup>235</sup>

## Dance uniforms and costumes

Former students and teachers of RG Dance gave evidence about the uniforms, costumes and the choreography at RG Dance.

Ms Seipel said that at first the costumes at RG Dance had more of a 'wow' factor: there was a lot of PVC and bright colours. She said that the boys started to remove their singlets while on stage in a 'sort of strip-show type fashion' to show off their 'abs'. At the same time, the costumes started to become smaller for girls and consisted of hot pants and crop tops. By the time Ms Seipel left RG Dance in 2006, they were more along the lines of briefs or bikini-type costumes.<sup>236</sup>

Ms Seipel gave evidence that she recalled CAG telling her that she had openly expressed in class that she had concerns about the size of the costumes. She thought they were too revealing and uncomfortable when she was menstruating. In response, Grant Davies told the girls to 'get Brazilians' and suggested that females could choose to 'get [their periods] fixed by a doctor' if they wished.<sup>237</sup>

BZM said that the uniforms at RG Dance consisted of crop tops and small shorts that just covered students' private parts. The uniform was the same for dancers of all ages.<sup>238</sup> BZM gave evidence that during performances dancers were required to wear either a G-string or no underwear. Rebecca and Grant Davies would check dancers before they went out to perform to see if they had any lines showing from wearing underwear. If they did, they would be required to remove it.<sup>239</sup>

Ms Rebecca Davies accepted that RG Dance had a rule that during performances the student had to wear no underwear or a G-string. However she said that she did not police it.<sup>240</sup> She thought this to be the 'usual practice in professional dancing'.<sup>241</sup> This rule applied to all children competing, even to those as young as four years of age.<sup>242</sup>

Ms Rebecca Davies noted in her evidence that parents and students raised a number of concerns about the revealing nature of some of the costumes. She recalled that, in one instance, the issue was addressed by allowing the children to wear bike shorts underneath or to modify their costumes.<sup>243</sup>

BZH, a mother of two girls who attended RG Dance between 2010 and 2013 (BZF and BZG), gave evidence that Rebecca and Grant Davies were very strict about costumes and what the dancers would wear. She said:

Grant and Rebecca promoted costumes that showed the lines of the body and were very skimpy, particularly showing the abdominals. These costumes would often consist of undies and a crop top. Grant and Rebecca would say that it is not just about sticking your kid on stage, it was all about presence on stage and the colours and shape of the costumes had to show the lines of the body. Grant in particular would like the colours of the costumes to be a beige or skin colour and said 'skimpier was best' to promote the dancer's body.<sup>244</sup>



BZH also said that Rebecca and Grant Davies insisted that the dancers had to wear G-strings under their dance costumes. They would always comment, laugh and point out if the female dancers at other studios had ‘camel-toe’ – that is, if their costumes were too tight around their crotch.<sup>245</sup>

## Choreography

Ms Seipel gave evidence that an ‘RG mount’ involved standing with your crotch facing the audience and then tilting sideways so that the hips are hyper-extended and the groin is essentially protruding. She said that this was an unorthodox move because it was performed *en face*, meaning facing the audience.<sup>246</sup> She went on to further explain:

Traditionally in dance there is a thing that we call the closed leg line, which would mean that anything we did meant that the open part of the crotch was actually facing diagonal, so that while exposed, it wasn’t directly to the audience, it was always closed off from them and more suggested than actually prominent. RG Dance took the closed line away and it became *en face*.<sup>247</sup>

Ms Rebecca Davies did not accept in evidence that RG Dance specialised in choreography which moved away from the closed-leg line towards the *en face* position. She said that she was always very particular about the side mount and that, if it was performed correctly, the dancer’s crotch ought to face to the side. She did accept that she taught the position where the student’s leg would hyper-extend to ‘go over’.<sup>248</sup>

Ms Rebecca Davies was asked about whether there was a culture at RG Dance which involved an acceptance of the sexualisation of children. She denied that there was such a culture. She said ‘I was always passionate that the children must stay as children’.<sup>249</sup>

Ms Rebecca Davies gave evidence that, during one ‘14 and under’ performance at an eisteddfod, one of the adjudicators had written on their report, ‘too much sexuality’ and ‘totally inappropriate’. Ms Davies was not sure whether this related to the costumes or the choreography.<sup>250</sup>

We are satisfied that, during RG Dance’s operation, parents, students, teachers and at least one eisteddfod adjudicator raised concerns about the RG Dance costumes being too revealing and the sexual nature of the dance choreography at RG Dance.

## Grant Davies

Before establishing RG Dance, Grant Davies taught performing arts to students in primary and high schools and dance studios throughout Sydney.<sup>251</sup> Grant Davies had a successful career outside of RG Dance as an improvisation performer and motivational speaker. He also published motivational

books called *Think like a champion, dance like a star* and *Think like a champion, dance like a star – the next step*, which featured RG Dance students.<sup>252</sup>

The Royal Commission heard that Grant Davies had a charismatic personality and was well regarded throughout the dance community, particularly by students and their parents. BZH described him as ‘charming, charismatic and funny’<sup>253</sup> and BZM said that Grant Davies was ‘motivational and very encouraging’. He made students feel good about themselves. He inspired them and made them feel special.<sup>254</sup>

BZN, whose daughter BZM attended RG Dance, told the Royal Commission that Grant Davies was an advocate of motivational speaker Anthony Robbins and would often quote him.<sup>255</sup> BZH said that he often spoke about ‘mind and body’ and ‘banishing the doubt’. Grant Davies told her that he would be able to make BZF and BZG more confident by using the ‘power of persuasion’. Further, Ms Seipel said in her evidence:

Grant used his motivational speaking talents to teach children to emotionally connect with the music and the routine with storytelling and role enactment. Grant used the child’s own personal experiences to evoke an emotional element in their dance routine.<sup>256</sup>

She also said in her evidence that the RG Dance students were ‘on a constant emotional roller-coaster’<sup>257</sup> and that:

Grant was a master communicator ... He was the type of motivational speaker that could inspire an army ... The kids would go beyond pushing their bodies to extremes to please Grant rather than anger Grant. He would always say things to them like, ‘give me 100% plus more’, or ‘give me something special from deep inside’ or ‘you are not connecting enough’. Grant would justify his methods by saying, ‘it get results’.<sup>258</sup>

As well as being charismatic, students also found Grant Davies to be friendly.<sup>259</sup> He established close relationships with students and gave them presents.<sup>260</sup> Grant Davies’ ex-wife, BZB, described him as the “‘King of the kids” – trying to be everyone’s best friend’.<sup>261</sup> She considered that he was overly familiar with his students. She noticed that he would often hug them and they would say, ‘I love you Mr Grant’. BZB also told the Royal Commission that she was concerned that Grant Davies would send messages to students outside of studio hours, which she thought was unprofessional.<sup>262</sup>

BZB said that Grant Davies also became close to some of the mothers of his students.<sup>263</sup> We also heard that a number of ‘dance mums’ at RG Dance were particularly attentive to Grant Davies and he seemed to lap up the attention.<sup>264</sup> The ‘dance mums’ became intense and over-involved. BZM observed that they ‘would do anything to make their kids a star’.<sup>265</sup>

The Royal Commission heard evidence that Grant Davies had favourites among students, and these favourite students would be the focus of his attention.<sup>266</sup> The favourites would often be the top students, who were consistent winners at the competitions.<sup>267</sup> Ms Seipel gave evidence that the length of time that a child stayed a favourite would depend upon a variety of factors, including their parents' involvement and attitude and the students' physical development. Often they would then be 'dumped' and Grant Davies' behaviour towards them would often become aggressive.<sup>268</sup>

A number of witnesses gave evidence about a dark side of Grant Davies' personality. BZB said that he could be 'moody'.<sup>269</sup> BZM said that he was often angry and changeable and that, if a move or performance did not go well, he would 'turn sour' and yell at students or pick on them.<sup>270</sup> BZH described him as 'intimidating' and said that he 'yelled at parents'.<sup>271</sup> Mr Barnier said that he was 'bullying' in his behaviour.<sup>272</sup>

Grant and Rebecca Davies offered private lessons to selected students – usually those who were the most competitive. Private lessons could not be requested; they were by invitation only.<sup>273</sup> Several witnesses told the Royal Commission that Grant Davies always gave his private lessons in a studio which had no viewing area for parents and was behind closed doors.<sup>274</sup>

BZH gave evidence that BZF told her that, on at least one occasion during a private lesson, Grant Davies acted in an inappropriate way with her by asking her to take off all her clothes so that he could photograph her.<sup>275</sup> BZE (BZH's husband and father of BZG and BZF) told the Royal Commission that BZG told him:

[During the private lessons] Grant would often ask her to remove her clothing, which she would do and then Grant would take photographs. She also said Grant would hold the studio door closed with his foot so no one could come in. BZG said Grant put his hand down her pants and touched her private parts.<sup>276</sup>

Grant Davies first came to the attention of the police in 2007, when he wrote sexually explicit messages to students, including a description of a sexual fantasy involving RG Dance students. The police did not lay charges at that time and Grant Davies continued to work at RG Dance until 2013.<sup>277</sup> This police investigation is detailed below.

In April 2013, BZB accessed Grant Davies' computer and discovered sexually explicit messages between Grant Davies and a 12-year-old girl. This led to Grant Davies' arrest and subsequent charges for a number of child sexual abuse offences.<sup>278</sup> In September 2015, he pleaded guilty to various acts of child sexual abuse committed over a period of 12 years.<sup>279</sup>

On 21 October 2016, Grant Davies was sentenced to 24 years imprisonment, with a non-parole period of 18 years.<sup>280</sup>

## History of breaches of professional boundaries by Grant Davies

The Royal Commission heard evidence from witnesses, including students and former teachers of RG Dance, about Grant Davies' frequent inappropriate behaviour with students.

The Royal Commission received evidence from Mr Marcus Erooga – a UK-based expert in creating child-safe organisations and child grooming.<sup>281</sup> He prepared a report which was tendered at the public hearing. Grant Davies' grooming practices, as examined by Mr Erooga, will be discussed in further detail in section 4 below.

In his report, Mr Erooga described 'inappropriate behaviours' as 'being on a spectrum from overt child abuse (physical, or emotional abuse and neglect) through breaching of appropriate boundaries and inappropriate use of power or authority'.<sup>282</sup>

In the context of Grant Davies' behaviour, Mr Erooga considered the key concepts to be 'positions of trust and professional boundaries'.<sup>283</sup>

There was clear and uncontested evidence at the public hearing that Grant Davies repeatedly behaved inappropriately around and towards the students at RG Dance.

### Physical contact with students

Mr Erooga stated that a breach of professional boundaries occurs when an adult behaves towards a child in a way that is indicative of a personal rather than a professional relationship.<sup>284</sup> For example, in teaching dance some physical contact is necessary to support the student's learning, but it should take place in a safe and open environment and, to the extent that the physical contact is made, it should be clear to the parent/carer and done with the permission of the child.<sup>285</sup>

On this matter, the Royal Commission heard evidence that Grant Davies repeatedly and openly initiated physical contact with students that was not necessary for instructing in dance.

CAG described Grant Davies' behaviour as 'physically handsy' with his favourite students.<sup>286</sup> She said he would touch their bodies in class when correcting or adjusting dance moves and that the touching was more than what was necessary for teaching them. She contrasted Grant Davies' style of correction with that of Ms Rebecca Davies and Ms Seipel, which she described as appropriate.<sup>287</sup>

BZP, whose evidence about being sexually abused by Grant Davies will be dealt with in section 2.2, also said that Grant Davies would regularly pinch or slap her on the bottom.<sup>288</sup> BZP gave evidence that Grant Davies often ran his fingers inside the elastic of her dance shorts, including near her bottom.<sup>289</sup> This occurred in public areas at the dance studio.<sup>290</sup>

BZH described Grant Davies as being ‘affectionate’ towards the children, including her daughters BZF and BZG. She said that BZG had told her that Grant Davies would often chase her around the room and would cuddle her and give her massages.<sup>291</sup>

Ms Seipel said that she witnessed Grant Davies’ physical closeness with students on many occasions. He frequently hugged students in very close full-body embraces – the sorts of cuddles you would see between a father and his child.<sup>292</sup>

Ms Seipel gave evidence that she noticed the stroking of hair and faces as well as tickling of the students.<sup>293</sup> This behaviour occurred constantly and openly in the presence of parents and teachers.<sup>294</sup>

Ms Seipel gave evidence that in around 2002 she became concerned about the way that Grant Davies was touching BZP. Ms Seipel saw Grant Davies sitting straddled, with BZP standing between his legs. He was running his finger up and down her abdomen from her belly button to the top of her crop top in a ‘soft, gentle, stroking fashion’.<sup>295</sup> At the same time, Grant Davies was yelling in BZP’s face about her performance.<sup>296</sup>

Ms Seipel gave evidence that, after BZP had left, Ms Rebecca Davies confronted Grant Davies about his behaviour, saying that he could not have that sort of contact with the students. Grant Davies responded that he should be able to show students that he cares and that it was how he ‘connected’ with them.<sup>297</sup>

Ms Rebecca Davies admitted that she had frequently observed Grant Davies hugging students.<sup>298</sup> She said that Grant Davies’ physical contact with students was an ‘ongoing matter’ and was a ‘sore point’ between them.<sup>299</sup>

Ms Seipel said that Ms Rebecca Davies, Ms Jennifer Davies, Mr Barnier, Grant Davies’ parents and BZB had a number of conversations regarding Grant Davies’ unacceptable behaviour.<sup>300</sup>

### **Walking into change rooms**

CAG also gave evidence that the RG Dance studio in Chiswick had a room in which the students would often change after school and after class. CAG noted that staff would enter the change room to get water or heat food. CAG said that Ms Henderson would usually knock before entering the change room.<sup>301</sup> BZH, CAG, BZP and BZM all said that Grant Davies would be in and out of the change room all of the time.<sup>302</sup> He would announce that he was coming in but then would immediately walk in without waiting for an answer.<sup>303</sup>

### **Inappropriate sexualised comments by Grant Davies to students**

Former students BZM and BZS gave evidence that Grant Davies frequently made inappropriate sexualised comments to them.

BZS described how he discussed ‘highly sexualised topics’ with Grant Davies.<sup>304</sup>

BZM told the Royal Commission that Grant Davies would talk to the students as if he was ‘one of the kids’. He wanted to know what they were all doing outside of dance – for example, who was dating whom, who had kissed whom and so forth. He also told dirty jokes and made suggestive comments during class.<sup>305</sup>

BZN, BZM’s mother, told the Royal Commission that she heard Grant Davies talk to the students as if ‘he was another teenager’ and participate in conversations that a teacher would not usually be involved in – for example, he would walk past girls and ask them ‘do you think I’m hot?’.<sup>306</sup>

### **MSN and text messages between Grant Davies and students**

Former students gave evidence to the Royal Commission that Grant Davies regularly communicated with them using MSN Messenger (also known as MSN Chat) – a messaging service which permitted users to conduct real-time ‘chat’ conversations online. The Royal Commission heard that Grant Davies logged in to MSN Messenger and chatted with the students online after dance lessons, usually around 9 pm to 10 pm.<sup>307</sup> Grant Davies also sent numerous text messages to students, which were often sexually explicit.<sup>308</sup>

BZS described how Grant Davies frequently contacted him on his mobile phone out of studio hours and would chat with him on MSN Messenger. He said that, when he could not afford to buy credit for his prepaid mobile phone, Grant Davies gave him his credit card details so that he could recharge his account.<sup>309</sup> BZS said that sometimes Grant Davies’ messages would be sexual and direct him to look at pornographic websites.<sup>310</sup>

CAG gave evidence that, from around 2004 or 2005, she became aware that Grant Davies was exchanging MSN messages with RG Dance students.<sup>311</sup> CAG told Ms Seipel about conversations she had overheard about these messages. CAG said she probably referred to Grant Davies as a ‘paedo’ when speaking to other students.<sup>312</sup>

Ms Rebecca Davies said she was aware that Grant Davies contacted students outside of studio time using MSN Messenger and text messages throughout the period of time RG Dance operated.<sup>313</sup> She said it was ‘definitely inappropriate’, as it made it difficult to maintain teacher and student boundaries. Her concern had been that it created familiarity and favouritism among the students.<sup>314</sup> She considered that the communications outside of hours were ‘boundary violations’.<sup>315</sup>

Ms Rebecca Davies accepted in her evidence that she did not place restrictions on Grant Davies and did not attempt to monitor his behaviour in messaging students out of hours.<sup>316</sup>

Ms Rebecca Davies said that, despite the fact that she repeatedly raised the issue of ‘boundary violations’ with Grant Davies, he did nothing to curb his behaviour.<sup>317</sup> Ms Rebecca Davies’ evidence was that, while she saw Grant Davies’ contact with the students to be a matter of concern,<sup>318</sup> she did not consider that the students were at serious risk, as she did not see the behaviour as criminal and she did not, at that stage, recognise the behaviour as being ‘paedophilic’ in nature.<sup>319</sup>

We are satisfied that Grant Davies repeatedly:

- entered into change rooms where students changed
- touched students in a manner indicative of a personal relationship
- exchanged inappropriate text and MSN messages with students out of hours
- made inappropriate sexualised comments about students.

Many of these acts occurred in public places within RG Dance and were witnessed by parents, teachers, administrators and students.

We are also satisfied that, when Ms Rebecca Davies became aware of these repeated acts by Grant Davies, she confronted him in an attempt to alter his behaviour, but those efforts did not prevent him from continuing his behaviour.

Ms Rebecca Davies did not place restrictions on Grant Davies’ behaviour and did not attempt to monitor his behaviour of sending messages to students out of hours.

## 2.2 Sexual abuse of students of RG Dance

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During the public hearing, three former students of RG Dance gave evidence about the sexual abuse they suffered at the hands of Grant Davies. The Royal Commission heard evidence not only of the impact of the abuse on the students but also of the impact of making disclosures about the abuse.

The Royal Commission also heard evidence from a number of the parents of former students of RG Dance about their experiences when their children disclosed the sexual abuse and the impact of the abuse on their families.

### BZS

BZS was a student of RG Dance from 2003 until 2004.<sup>320</sup> In 2002, BZS took a co-curricular dance class at his school, which was taught by Grant Davies.<sup>321</sup> At the end of the 2002 school year, Grant Davies offered BZS a role in a performance he was directing at BZS’s school.<sup>322</sup>

BZS gave evidence that, when he first met Grant Davies, BZS admired and looked up to him as a role model and a father figure. BZS did not have a stable male figure in his life.<sup>323</sup>

Grant Davies sexually abused BZS from 2003 to 2004.<sup>324</sup> BZS stopped attending dance classes and used focus on schoolwork as an excuse to leave RG Dance in late 2004.<sup>325</sup>

BZS did not disclose the sexual abuse he suffered at the time it occurred.<sup>326</sup> When BZS's mother questioned him, BZS denied that anything inappropriate occurred between him and Grant Davies. BZS did not disclose the abuse to his mother because he was worried that he had done something wrong.<sup>327</sup>

BZS came forward and reported the abuse to police following Grant Davies' arrest in May 2013.<sup>328</sup>

### **Impact of sexual abuse on BZS**

BZS gave evidence of the impact that the sexual abuse has had on him.

In 2005, he started to feel guilt and shame about the abuse and felt responsible for what happened. BZS attempted to suppress his feelings and the memories of the abuse. This was a horrendous time in BZS's life.<sup>329</sup>

In 2011, BZS sought professional help and was diagnosed with depression.<sup>330</sup> With the assistance of a psychologist BZS started to deal with what happened to him, but it took a long time for BZS to emotionally understand that he was not responsible.<sup>331</sup>

When BZS heard of Grant Davies' arrest he felt ready to report the matter to the police and had the support of his mother and girlfriend in preparing for the trial.<sup>332</sup> BZS continues to suffer the effects of abuse – from the guilt and shame he felt as a teenager to the grief he still feels for his younger self.<sup>333</sup>

BZS said he hoped that the public hearing would highlight the need for greater regulation of industries, including performing arts centres which had the care and supervision of children.<sup>334</sup>

### **BZP**

BZP started dancing before her third birthday. When she was five years old, Ms Rebecca Davies was her jazz teacher at a Parramatta dance school.<sup>335</sup> Grant Davies also taught dance where BZP took dance lessons.<sup>336</sup> BZP was one of the first students of RG Dance when it opened.<sup>337</sup> By the time that RG Dance commenced operations, BZP thought of Ms Rebecca Davies as family<sup>338</sup> and she saw Grant Davies as a father figure.<sup>339</sup> BZP and her sister, BZA, were the first students enrolled at RG Dance when it opened.<sup>340</sup>



BZP gave evidence that on one occasion in about 2001 she was with Grant Davies at his home when he dressed BZP in his wife's clothes. He then emerged from the shower dressed only in a towel and jumped on her and played a game they called 'lions and tigers'. At the time, Grant Davies' conduct did not seem strange to BZP. She was nine years old.<sup>341</sup> This incident formed part of the charges against Grant Davies to which he pleaded guilty.<sup>342</sup>

At the RG Dance end-of-year concert in 2005, Grant Davies told BZP, 'Your boobs aren't sitting right. Can I teach you a trick?'<sup>343</sup> He then put his hands down the inside of BZP's dress and placed his hands onto her breasts, lifting them up and pushing them against her chest.<sup>344</sup> At the time, BZP thought it was a normal thing for him to do.<sup>345</sup> BZP said that Ms Rebecca Davies was present at the time and was standing next to Grant Davies,<sup>346</sup> although Ms Rebecca Davies denied observing or otherwise being aware of this incident.<sup>347</sup>

BZP gave evidence that from 2005, when she was 13 years old, Grant Davies started having conversations of a sexual nature with her.<sup>348</sup> In 2006, during one of these conversations, Grant Davies repeatedly asked BZP whether she masturbated. He asked her, 'How do you do it? Do you rub yourself or do you stick your finger up there?'. BZP replied that she did not know, and Grant Davies went on to explain to her how to masturbate and asked her to try to do it that night.<sup>349</sup>

BZP gave evidence of a further conversation with Grant Davies in around September 2006, using MSN Messenger. In this conversation, Grant Davies told BZP about a dream in which he had a threesome with her and BZL, another student at RG Dance. During the online conversation, Grant Davies also told BZP that in the dream BZP was wearing a red leotard. He said he undressed her, they had sex in various positions and BZP was 'squealing and screaming when I put my penis in you'. During this online discussion, he said to BZP, 'It felt fucking awesome. Is your vagina getting wet?'. He told her that he was masturbating. He told BZP that she could never tell anyone about the conversation.<sup>350</sup>

At a sleepover in late January 2007, BZP told some of her RG Dance friends about her MSN conversations with Grant Davies.<sup>351</sup> BZP also made disclosures to her parents when Ms Seipel visited their home in February 2007 to discuss her concerns, as detailed in section 2.3 below.<sup>352</sup>

BZP gave evidence of the police investigation of Grant Davies' conduct from early 2007 until mid-2008.<sup>353</sup> BZP said she wanted to continue with her complaint against Grant Davies in 2008, but the detective told her that there was no point and it would be a waste of time.<sup>354</sup>

The Royal Commission also heard evidence from BZP's mother, BZR, and her father, BZQ. They gave evidence of BZP's disclosure to them of the sexual abuse, the steps they took to report the allegations to RG Dance and the impact that it had on their family.

BZR told the Royal Commission that she enrolled BZP in dance lessons from the age of two years and nine months.<sup>355</sup> BZA, BZP's sister, also started dancing at the age of two years. From the age of four, BZP attended three to four hours of dance lessons on Saturdays as well as gymnastic lessons.<sup>356</sup>

BZR gave evidence about the special relationship between her family and Rebecca and Grant Davies. BZR and BZQ had known Rebecca and Grant Davies before RG Dance opened and treated them as part of their family.<sup>357</sup> BZR saw Rebecca and Grant Davies as her own 'big kids'.<sup>358</sup> BZR drove Ms Rebecca Davies home after dance lessons. Both Rebecca and Grant Davies offered to teach BZP at BZR's home and at times stayed for dinner. Grant Davies took BZP for lessons in Caringbah and arranged special payment concessions for BZR. Grant Davies collected BZP around 4 pm and took her to dance lessons. He also took her to KFC or McDonalds for dinner on the way home, returning BZP around 10 pm.<sup>359</sup>

In 2005, when RG Dance commenced in Chiswick, BZP attended dance lessons six times a week, including group lessons and solo lessons with Rebecca and Grant Davies.<sup>360</sup> Grant Davies was always affectionate towards BZP. BZR did not consider there was anything out of the ordinary or inappropriate in his behaviour with BZP, as it was part of BZR's South American culture to be physically affectionate.<sup>361</sup>

BZR recollected that in February 2007 Ms Seipel visited her and BZQ and discussed that she had heard about inappropriate conversations between Grant Davies and students. Ms Seipel told BZR that female students were calling Grant Davies a 'paedophile'.<sup>362</sup> BZR and BZQ spoke with BZP, who confirmed that there had been inappropriate messages between her and Grant Davies.<sup>363</sup>

Following that conversation, BZR and BZQ raised the allegations with Rebecca and Grant Davies.<sup>364</sup> Further details of the response of RG Dance to the allegations, including meetings, phone conversations and exchanges with RG Dance and its staff, are detailed further below.

BZR said she felt that Grant Davies' family, including Ms Rebecca Davies, Ms Jennifer Davies and Mr Barnier, were sweeping matters under the carpet when she and BZQ raised the allegations concerning Grant Davies' conduct.<sup>365</sup> BZR and BZQ withdrew BZP from RG Dance and lost some of their valued friendships with other parents of RG Dance.<sup>366</sup>

BZQ also gave evidence about the closeness of his family to Grant and Rebecca Davies.<sup>367</sup>

BZQ saw that BZP and her friends often used MSN Chat after school. He knew that on some occasions Grant Davies was on MSN Chat but did not see any of the messages that were exchanged. BZQ was aware that Grant Davies was on MSN Chat after 10 pm on weeknights, as that was the time BZP returned home from dance lessons at RG Dance.<sup>368</sup>

During a visit from Ms Seipel in February 2007, BZQ and BZR discovered that Grant Davies was exchanging sexually explicit messages with BZP and other students at RG Dance.<sup>369</sup> BZQ and BZR confronted Rebecca and Grant Davies about the MSN Chat discussions about masturbation and sexual fantasies.<sup>370</sup>

BZQ gave evidence to the Royal Commission about the meetings with Grant and Rebecca Davies and the 2007 JIRT investigation of the allegations that BZP had made.<sup>371</sup> The factual dispute in relation to those meetings is addressed in section 2.3.

BZQ went to Burwood Police Station and described what had happened to BZP.<sup>372</sup> Following this, BZQ went to Parramatta JIRT in March 2007 to make a report.<sup>373</sup> BZQ said that in August 2007 the police took the computer from their home to see if it contained any evidence.<sup>374</sup>

In June 2008, BZQ decided not to press the complaint against Grant Davies because no computer evidence had been recovered and he understood there to be no other complainant besides BZP.<sup>375</sup> BZQ was not content with the outcome but understood that the police could not do any more. BZQ did not withdraw their complaint to the police.<sup>376</sup>

In 2013, the police contacted BZQ about their investigation of Grant Davies.<sup>377</sup>

### **Impact of sexual abuse on BZP and her family**

BZP gave evidence of the impact of her abuse. When BZP first disclosed her abuse by Grant Davies, she felt overwhelming sadness and was terrified of the consequences of her disclosure. She felt helpless because she lost a lot of friends. BZP said that she was not believed and rumours were spread about her. The rumours continue to circulate today.<sup>378</sup>

BZR gave evidence of the impact of the abuse on her family. BZR said that finding out about Grant Davies was very tough. She felt that Grant Davies betrayed them and that he broke something inside of BZP.<sup>379</sup> BZR said that as a family it made them stronger – they united in a different way and suffered with BZP.<sup>380</sup>

BZQ gave evidence that from 2007 to 2013 their family felt as though they had suffered a big loss in terms of what they had known, places they had gone to and friends they had made. Everything crumbled, especially for BZP.<sup>381</sup> BZQ said that he hated that BZP's friends continued to attend RG Dance after BZP had made her complaint, as it gave the impression that his family were lying and diminished the importance of BZP's complaint. He said that BZP felt guilty after she saw online chats where other RG Dance students had commented that she was trying to bring RG Dance down.<sup>382</sup>

## BZM

BZM was a student at RG Dance from the beginning of 2005 until December 2006.<sup>383</sup> She gave evidence to the Royal Commission about Grant Davies' behaviour towards her and other students.

BZM also gave evidence that Grant Davies indecently assaulted her in November 2005 by placing his hands inside the front of her leotard.<sup>384</sup>

BZM gave evidence that Grant Davies would regularly text and conduct online MSN conversations with her. He would ask her intimate questions about her relationships with boys, which made her feel uncomfortable.<sup>385</sup> Grant Davies would also send her messages saying, 'I can't go to sleep until you tell me that you love me'.<sup>386</sup> BZM gave evidence that it was common knowledge and discussed by students that Grant Davies was texting some of the students.<sup>387</sup>

BZM also gave evidence that BZP disclosed to her that Grant Davies indecently assaulted her and had had the online MSN conversation with BZP about having a threesome with BZP and another student, BZL.<sup>388</sup>

BZM recalled one conversation in which Grant Davies asked her a series of questions, including about which students at RG Dance had hair on which parts of their bodies.<sup>389</sup> Grant Davies also asked BZM which students had kissed and what the students did during a slumber party.<sup>390</sup> BZM gave evidence that she thought that Grant Davies' behaviour was inappropriate.<sup>391</sup> BZM also gave evidence that she told her mother, BZN, about these text messages around 2006 and this led to the decision to leave RG Dance.<sup>392</sup>

On 26 February 2007, BZM made a statement to the NSW Police about Grant Davies' inappropriate behaviour.<sup>393</sup> BZM said that, when she reported the abuse by Grant Davies, some people in the dance community did not believe her story and accused her of lying.<sup>394</sup>

In 2007, BZM was admitted to hospital with a spinal fluid leak and was told that BZP had withdrawn from the police investigation. BZM decided she would also withdraw from the police investigation.<sup>395</sup>

When the police contacted BZM in 2013, she assisted with the police investigation that led to Grant Davies being arrested and charged.<sup>396</sup>

At the time of the public hearing, BZM was 23 years old.<sup>397</sup>

BZN is BZM's mother.<sup>398</sup> BZN gave evidence that in around mid-2005 she and her husband found text messages on BZM's phone from Grant Davies. BZN gave examples of the types of messages sent by Grant Davies, which included 'you looked the best in that costume today' and 'I can't go to sleep until you tell me you love me'. BZN said these messages were sent late in the evenings.<sup>399</sup>

BZN said that, at the time, she and her husband sat down with BZM and discussed what constituted appropriate behaviour from a dance teacher.<sup>400</sup> BZN said she wanted to approach Grant Davies about the messages, but BZM did not want her to.<sup>401</sup>

BZN gave evidence that in November 2006 BZM showed her an MSN Messenger conversation she was having with Grant Davies. Grant Davies was asking about the girls' pretend 'waxing service' and asking which girls had hair on their bodies and whereabouts. BZN said that Grant Davies then asked about where BZL had hair on her body. BZN said that BZM had replied with body parts, such as her head, arms and so forth, and Grant Davies kept replying 'where else?' until there was nowhere else for BZM to say except for her private parts.<sup>402</sup>

BZN also gave evidence about conversations she had with Ms Rebecca Davies.<sup>403</sup> Following one conversation with Ms Rebecca Davies in around late January 2007, Grant Davies called BZN and begged her not to go to the police.<sup>404</sup> At the public hearing, Ms Rebecca Davies denied that the conversations as alleged by BZN took place.<sup>405</sup>

In late February 2007, police contacted BZN to arrange for BZM to be interviewed.<sup>406</sup> Following BZM's initial statement to the police, BZN did not want any further contact from the police.<sup>407</sup>

### **Impact of abuse on BZM and BZN**

BZM said that her experience of RG Dance made her grow up quickly. She became paranoid about men and lost trust in them.<sup>408</sup> Grant Davies made her realise how disgusting the human race can be.<sup>409</sup> BZM no longer socialises with large groups of friends but chooses a small, close group of friends. She finds it difficult to open up to people and is withdrawn until she can completely trust someone.<sup>410</sup>

BZN gave evidence that BZM and BZN lost a lot of friends because they came forward with allegations against Grant Davies in 2007. BZN said some people would avoid them because of the rumours that were spread about BZM.<sup>411</sup> BZN said the experience took away BZM's innocence.<sup>412</sup>

### **BZF and BZG**

The Royal Commission heard of the experience of two sisters, BZF and BZG, who were students of RG Dance. BZF and BZG were both sexually abused by Grant Davies. The parents of BZF and BZG gave evidence at the public hearing.

BZH is the mother of BZF and BZG.<sup>413</sup>

BZH gave evidence about her online communications with Grant Davies from 2009. BZH said that Grant Davies promised to turn her daughters into 'stars'.<sup>414</sup>

BZH said that Grant Davies started asking for pictures and videos of BZF and BZG.<sup>415</sup> In October 2009, BZH sent Grant Davies a video of BZF in a G-string.<sup>416</sup>

Grant Davies convinced BZH to move the girls to RG Dance, and they started to attend in around February 2010.<sup>417</sup> From that time, Grant Davies requested more explicit photos and videos of BZF and BZG, which BZH sent to him.<sup>418</sup> It reached its worst point in 2012.<sup>419</sup>

BZH gave evidence that, through texts and Facebook, Grant Davies would often use her as an intermediary to talk to the girls, relay information and communicate with them.<sup>420</sup> BZH said she later became aware that BZF and BZG would use her phone to send pictures and videos of themselves to Grant Davies at his request.<sup>421</sup>

BZH said that Grant Davies threatened to destroy her and her daughters if she did not respond and give him what he wanted.<sup>422</sup>

BZE is the husband of BZH and the father of BZF and BZG.<sup>423</sup>

BZE gave evidence of how his wife and daughters started to change after they met Grant Davies and joined RG Dance in 2010.<sup>424</sup>

BZE gave evidence that in 2010 he confronted his wife, BZH, about an inappropriate video of BZF that was taken on his wife's phone in October 2009. BZH told him that 'everything is alright'. He said the thought of paedophilia never occurred to him.<sup>425</sup>

BZE said that on a number of occasions he caught his other daughter, BZG, communicating with Grant Davies on Facebook late at night. He thought it was inappropriate and asked his wife to put a stop to it.<sup>426</sup>

BZE gave evidence that on 24 May 2013, when he questioned his daughters after Grant Davies' arrest, BZF told him about an incident with Grant Davies in Broken Hill in May 2012 (discussed further in section 2.5).<sup>427</sup> BZF and BZG also told BZE that Grant Davies would ask them to wear G-strings to classes. On a number of occasions he asked them to take their clothes off so he could photograph them. BZF and BZG also told their father that Grant Davies would put his hand down their pants and touch their private parts.<sup>428</sup>

BZE gave evidence that his daughters, BZF and BZG, told him that Grant Davies constantly asked them to send naked photographs of themselves. During the conversation, BZH said that if the girls did not send photographs then Grant Davies would contact her and want to know why the girls were not sending him naked photographs.<sup>429</sup>

BZE said that, although his daughters tried to protect their mother, he went to Burwood Police Station on 20 May 2013 and gave them a USB stick of the content he had downloaded from his wife's and daughters' computers.<sup>430</sup>

During the course of its investigation, NSW Police recovered thousands of text messages and instant messages sent between Grant Davies and BZH, BZF and BZG. Many of the messages and images police recovered were pornographic in nature. The messages, which were produced to the Royal Commission, demonstrated the close relationship that Grant Davies had formed with BZH, BZF and BZG and the power that he exerted over them. Mr Erooga, an expert in creating child-safe organisations and child grooming, considered an extract of these text messages while preparing his report for the Royal Commission.<sup>431</sup>

In 2013, BZH was charged with producing, possessing and disseminating child abuse material relating to her daughters, BZF and BZG. She pleaded guilty and served a prison term of 18 months.<sup>432</sup> BZH said that she knew what she was doing was wrong and that she deeply regrets it.<sup>433</sup>

### **Impact of sexual abuse on the family of BZF and BZG**

When BZE learned of Grant Davies' criminal behaviour, he was enraged. When BZE learned of his wife's involvement, he went through many emotions and initially wanted BZH out of his and his children's lives. BZE then took a look at himself, his conscience and his beliefs. BZE decided to stick by BZH in the interest of his daughters, who were very distraught without their mother.<sup>434</sup>

BZE said that the impact on his sons has been very different. They have suffered as a result of the lack of their mother's presence in their lives since their sisters commenced at RG Dance.<sup>435</sup> All of BZE's children are in counselling to help them come to terms with everything that has happened, and it will take a long time for the family to heal and move on.<sup>436</sup> BZE felt that his family was now in a much better place. They appreciate each other much more and do not take things for granted.<sup>437</sup>

BZH also gave evidence of the impact of the abuse on her family.<sup>438</sup> Following BZH's plea of guilty and her imprisonment, she was unable to see her children. At the time of the public hearing, she had restrictions on seeing them while on parole.<sup>439</sup> BZH continues to feel ashamed to be known as a child sex offender and to be put on a register and monitored.

BZF has told BZH that she wishes she could just get Grant Davies out of her mind and that sometimes she has nightmares about him. BZG is quieter and more secretive and, for that reason, BZH believes BZG is more deeply affected.<sup>440</sup>

BZH said that it was a very difficult experience for her to tell her story to the Royal Commission because of the shame and guilt she feels and the worry about what people must think of her. BZH wants to try and forget the terrible things that she did but knows that it will always haunt her. BZH hoped that her story would assist to bring about change in the dance sector to make it enjoyable and safe for children so that nothing like this will ever happen again.<sup>441</sup>

## 2.3 Response of RG Dance to child sexual abuse

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### Allegations of sexual abuse of BZP reported to RG Dance

In February 2007, Ms Seipel overheard a rumour that Grant Davies had acted inappropriately towards a number of RG Dance students.<sup>442</sup> She made contact with the students' parents, including BZR and BZQ (BZP's parents).

BZR and BZQ spoke with BZP. BZP subsequently disclosed to her parents that Grant Davies had sent her a message via MSN about his sex dream. The dream involved Grant Davies, BZP and another RG Dance student being in a threesome.<sup>443</sup> She also mentioned that two other friends at RG Dance had received similar messages from Grant Davies.<sup>444</sup>

Shortly after the meeting with Ms Seipel, BZR arranged to meet face-to-face with Rebecca and Grant Davies. A meeting was arranged for the following evening at RG Dance.<sup>445</sup>

There is a conflict in the evidence about what information was disclosed to Ms Rebecca Davies at that meeting and in its aftermath about the nature of Grant Davies' communications with BZP. The evidence of the relevant witnesses is set out below.

### Evidence of BZP's family

BZQ gave evidence that, on or around 8 February 2007, he and his wife went to the RG Dance premises. Grant Davies was there with Ms Rebecca Davies. BZQ told Grant Davies, 'I have heard some serious allegations that I wanted to discuss with you'.<sup>446</sup>

BZQ then confronted Grant Davies about whether he had had a sexual dream about BZP. BZQ said, 'Did you have a dream about BZP?' Davies replied that he had. BZQ continued, 'Where you described to her what she was wearing, how you had sex with her in all these different positions?' Davies said, 'Yes I did. I am very sorry about it. It was a long time ago'.<sup>447</sup>

BZQ then said, 'You also asked them whether they were horny, whether they got wet. How can you ask them these things? Didn't you even realise they didn't know what you were talking about?' Grant Davies denied asking these questions.<sup>448</sup>

BZQ said that Grant Davies' admission about the online sex dream conversation occurred in the presence of Ms Rebecca Davies.<sup>449</sup> BZQ said that Ms Jennifer Davies attended the meeting but was not there when Grant Davies made the admission.<sup>450</sup>



BZR's evidence of the 8 February 2007 meeting was broadly consistent with the evidence of her husband, BZQ.<sup>451</sup> Their accounts were not identical. For example, when BZR made her statement to the Royal Commission, she did not recall that her husband had raised with Grant Davies BZP's disclosure about conversations relating to both the sex dream and BZP masturbating. She only recalled her husband raising with Grant Davies the discussion about the sex dream.<sup>452</sup>

In oral evidence BZR accepted that it was possible that BZQ had mentioned both matters.<sup>453</sup>

BZP gave evidence that, when her parents returned from the meeting at RG Dance, they told her that Grant Davies had admitted to his behaviour, that he was seeking help and that Grant Davies was no longer going to be a part of the studio.<sup>454</sup>

### **Evidence of Ms Rebecca Davies**

Ms Rebecca Davies accepted that she was present at the meeting on 8 February 2007. However, her evidence was that neither BZQ nor BZR disclosed in her presence the details of the sex dream conversation or the conversation about BZP masturbating and that Grant Davies did not make admissions about the sex dream conversation in her presence.<sup>455</sup>

In her statement to the Royal Commission, Ms Rebecca Davies stated that BZR told her that there was an inappropriate conversation and that it had occurred over an electronic medium.<sup>456</sup> She did not recall whether BZQ was present. She recalled the meeting involved Grant Davies and BZR discussing the matter and herself observing and listening to their discussions.<sup>457</sup> Ms Rebecca Davies gave evidence that she did not ask her brother or BZR for details of the inappropriate conversation.<sup>458</sup>

Ms Rebecca Davies told the Royal Commission that she was close to BZR and BZQ and that she trusted them as people.<sup>459</sup> Ms Rebecca Davies said that BZP was a high-performance dancer with RG Dance.<sup>460</sup> Ms Rebecca Davies was asked why BZQ and BZR might now say that she had been informed of the details of the allegations against Grant Davies during the meeting.<sup>461</sup> She responded that, during the 2013 investigations, Detective Sergeant Aaron Power (DS Power) had told her that 'the parents backed out at the time and now they are scapegoating because they feel guilt'.<sup>462</sup>

### **Evidence of Ms Jennifer Davies**

Ms Jennifer Davies gave evidence that she was contacted by her cousin, Ms Fiona Gage, who was also a teacher at RG Dance and was in the process of taking a class. Ms Gage said, 'I'm still at the studio. Grant is in a meeting with BZQ. It doesn't seem to be going well and I don't want to leave them here on their own. Can you come down?' Ms Jennifer Davies then went to the studio.<sup>463</sup>

Ms Jennifer Davies gave evidence that when she arrived at the RG Dance studio she went upstairs and met Ms Gage. She believes Ms Gage told her that there was an allegation of inappropriate communication between Grant Davies and BZP.<sup>464</sup>

Ms Jennifer Davies said that her knowledge of what was discussed during the meeting was that Grant Davies had told BZP of his dream that involved BZP dancing so beautifully that he had been ‘aroused’ and that this had been disclosed to a number of students during a slumber party.<sup>465</sup>

### **Ms Rebecca Davies’ knowledge of BZP’s abuse**

Counsel Assisting submitted that it was available for the Royal Commission to find that on 8 February 2007 BZQ advised Grant Davies of BZP’s allegation that Grant Davies told BZP in an internet message that he had had a sex dream about her and that he asked her whether she masturbated; that Grant Davies admitted the sex dream allegation; and that admission occurred in Ms Rebecca Davies’ presence.

Counsel for Ms Rebecca Davies submitted that the evidence of BZQ and BZR should not be given more weight than the evidence of Ms Rebecca Davies.<sup>466</sup> The basis for the submissions was that even honest witnesses can be mistaken. Counsel gave an example of an inconsistency between BZQ’s statement to the police in 2007 and his statement to the Royal Commission in 2016 about whether BZQ learned of the 20 February 2007 meeting for parents at RG Dance by email from Grant and Rebecca Davies or through another parent. BZR gave evidence that she came to know of the meeting through another parent at RG Dance. The submissions on behalf of Ms Rebecca Davies identified this as a critical issue.

Submissions in reply on behalf of BZQ, BZR and BZP were made to the Royal Commission. The matter of how BZQ and BZR came to know of the meeting was submitted to be an ancillary issue of no importance.<sup>467</sup>

BZQ was an impressive witness in the public hearing. He had no motive to give untruthful evidence. The suggestion made by Ms Rebecca Davies that he may be motivated by a concern he had not done more to raise the matter<sup>468</sup> is rejected. The evidence the Royal Commission heard disclosed that BZQ and BZR were very diligent in protecting their daughter’s interests. That was the view expressed by Ms Deidre Mulkerin, the Deputy Secretary (Western Cluster, Operations) Department of Family and Community Services, formerly Department of Community Services (DoCS).<sup>469</sup>

BZR was also an impressive witness with no motive to give untruthful evidence. Counsel for Ms Jennifer Davies suggested to her during cross-examination that her evidence was influenced by her husband’s evidence.<sup>470</sup> BZR rejected that in a way which we found to be persuasive.<sup>471</sup>

Both BZQ and BZR had an actual recollection of the events<sup>472</sup> and, having regard to the nature of what occurred, they had good reason to remember them.<sup>473</sup>

There was unchallenged evidence that the day before the 8 February 2007 meeting between her parents and Rebecca and Grant Davies, BZP had told her parents about both the sex dream conversation and the masturbation conversation.<sup>474</sup> BZQ and BZR arranged the meeting for the sole purpose of raising those allegations with Rebecca and Grant Davies.<sup>475</sup>

We are satisfied that, in the meeting of 8 February 2007, BZQ and BZR did discuss the details of the conversations that Grant Davies had with BZP and that Grant Davies made an admission about the dream's content. We are also satisfied that this admission occurred in Ms Rebecca Davies' presence. There was a clear purpose in BZQ and BZR requesting the meeting with Rebecca and Grant Davies. To the extent that there were inconsistencies between the recollections of BZQ and BZR about the precise nature of the matters discussed or how they discovered the 20 February 2007 meeting for parents was to occur, it does not detract from the substance or credibility of their evidence.

### The Davies family meeting

The Davies family met shortly after the 8 February 2007 meeting. It is necessary to set out some of the evidence about that meeting, because it is relevant to the factual dispute about events of 8 February 2007.

Mr Barnier said that he attended the meeting along with Grant Davies; Ms Rebecca Davies; their parents, Mrs Susan Davies and Mr Robert Davies; BZB (Grant Davies' wife) and Ms Jennifer Davies (Mr Barnier's wife).<sup>476</sup> He said that there was discussion about the details of the sex dream and that Grant Davies 'accepted [that] allegation'.<sup>477</sup>

Ms Rebecca Davies gave evidence that she was not able to recall the meeting but accepted Mr Barnier's version of events.<sup>478</sup> Mr Barnier's evidence was that in February 2007 he had a telephone conversation with Ms Seipel during which she told him of a conversation she had overheard between RG Dance students about Grant Davies telling a student he had a dream about her being in a threesome with him.<sup>479</sup>

Mr Barnier also gave evidence that, following his phone conversation with Ms Seipel, he spoke to Ms Rebecca Davies. They agreed that Grant Davies should cease teaching immediately until the matter was resolved.<sup>480</sup> Ms Rebecca Davies accepted that she and Mr Barnier decided to suspend Grant Davies.<sup>481</sup>

Mr Barnier gave a police statement dated 24 May 2013 concerning these events.<sup>482</sup> He stated that it was agreed at the family meeting that Grant Davies should not resume teaching unless a psychologist had assessed him and had assured the family that Grant Davies was mentally fit to return to teaching and was not a danger to children.<sup>483</sup>

Ms Rebecca Davies also accepted that the family agreed that the appropriate action was for Grant Davies to undertake counselling and that he be assessed by a psychologist, who was to assure the family that Grant Davies was fit to return to teaching.<sup>484</sup>

Counsel Assisting submitted that, by the time of the Davies family meeting shortly after 8 February 2007, Grant Davies admitted in Ms Rebecca Davies' presence that he had told BZP about a sex dream involving her. In response, counsel for Ms Rebecca Davies submitted that she, Ms Rebecca Davies, conceded the possibility that this was raised at the family meeting. Ms Rebecca Davies did not connect the matter of the threesome dream allegation raised by Ms Seipel with the inappropriate conversation admitted by Grant Davies in relation to BZP.<sup>485</sup> The submission is in contrast to the evidence of Ms Rebecca Davies set out below in response to questions from Counsel Assisting:

Q. When you say 'discussions of the dream', did you know by this time that one of the things that was the subject of this 'inappropriate conversation' was that Grant Davies had told a student that he'd had a sex dream about her?

A. That was – we had been talking about that, yes.

Q. And that the sex dream included him raising with that student the prospect of having a threesome with her and another student?

A. That had been discussed after Tracie-Marie [Seipel] brought it to John Barnier.<sup>486</sup>

Critically, and as noted in the evidence of Mr Barnier, at the family meeting which occurred shortly after 8 February 2007, the details of the sex dream were discussed and Grant Davies accepted the allegation.<sup>487</sup>

Mr Barnier was a frank and impressive witness whose evidence on this issue was not challenged. We accept his evidence. Discussion of the details of BZP's disclosure, at least about the sex dream, is consistent with the matter having been raised in Ms Rebecca Davies' presence on 8 February 2007.

On the evidence of Mr Barnier, Ms Rebecca Davies knew at least by the time of the family meeting that there had been a conversation between Grant Davies and BZP in which Grant Davies had mentioned the sex dream. Ms Rebecca Davies accepted the possibility this was discussed.<sup>488</sup>

As noted above, we accept the evidence of BZQ and BZR that the nature of the sex dream was discussed at the meeting they had on 8 February 2007 and that Grant Davies admitted the content of that dream in the presence of Ms Rebecca Davies.

## Email on 16 February 2007

Ms Rebecca Davies gave evidence that on 16 February 2007 she sent an email,<sup>489</sup> on her own and her brother's behalf, in response to an email she had received from a parent on 14 February 2007.<sup>490</sup> The email subject was 'concerns'. Ms Rebecca Davies' email stated:

We know you understand that the welfare and happiness of all our students and families is of major importance to us and appreciate you approaching us in this direct manner.

On one occasion a family has approached us with concerns and the matter has been dealt with to their complete satisfaction. This family has requested that their confidentiality and privacy is respected.

We have heard that there are all sorts of inappropriate and untrue rumours floating around and we ask that people do not participate in them for the benefit of the studio and the team.

Thank you

Rebecca and Grant<sup>491</sup>

In her evidence, Ms Rebecca Davies denied that, by 'rumours floating around', she meant the details of Grant Davies' admission that he had an inappropriate conversation with a student about the threesome dream as raised by BZR and BZQ.<sup>492</sup> She said that she intended it to refer to Ms Seipel's allegations.<sup>493</sup> It is evident that, by sending the email referring to 'untrue rumours', Ms Rebecca Davies misrepresented to the recipient of the email (a parent of RG Dance) that the allegations of Grant Davies sending sexual or inappropriate messages to students were no more than 'rumours floating around'.

In that email, Ms Rebecca Davies said, 'This family has requested that their confidentiality and privacy is respected'. In evidence, Ms Rebecca Davies accepted that she had 'assumed' this to be the case, as BZR had said that they did not want to take the matter further. She accepted that BZP's family had not told her to keep the matter confidential and that the sentence in her email was 'quite possibly' inaccurate.<sup>494</sup>

Counsel for Ms Rebecca Davies submitted that the email was sent to one parent and not the parent body of RG Dance.<sup>495</sup> That is factually correct.

We are satisfied that Ms Rebecca Davies sent an email on 16 February 2007 to a parent of RG Dance which referred to 'untrue rumours'. This email misrepresented two matters:

- It misrepresented the serious allegations made against Grant Davies of him having inappropriate conversations with BZP about a sex dream.

- It stated that the family that raised the allegations had requested that their privacy and confidentiality be respected when this was not true.

### Parent meeting at RG Dance on 20 February 2007

Around the same time that concerns about Grant Davies were being discussed with Ms Rebecca Davies, a parent meeting was arranged at RG Dance for 20 February 2007.

Rebecca and Grant Davies sent an email to the parent body of RG Dance on 19 February 2007 stating:

It has come to our attention that there are some damaging rumours that have been circulating around the studio, among the senior students and parents. We feel that it is appropriate to address any concerns that parents may have and will be holding a parent meeting tomorrow night ...<sup>496</sup>

BZR and BZQ gave evidence that they were informed about the meeting by another RG Dance mother.<sup>497</sup> BZQ and BZR decided to attend the meeting to protect BZP's interests.<sup>498</sup>

BZR gave evidence that she and BZQ waited outside in the car until the meeting started. They were worried that if they walked in early and Ms Rebecca Davies or Grant Davies saw them then the meeting might be cancelled.<sup>499</sup>

The meeting was held in one of the small studios. Rebecca and Grant Davies were there, along with Ms Jennifer Davies, Mr Barnier, BZB, CAH (Grant Davies' young daughter) and Mrs Susan Davies (Grant Davies' mother). Dance teachers Ms Hocking and Ms Henderson were also present.<sup>500</sup>

Ms Rebecca Davies gave evidence that she could not recall Grant Davies being present at the meeting but accepted that he may have been.<sup>501</sup> Ms Rebecca Davies gave evidence that she witnessed BZP's parents being upset and shouting but she did not enquire why they were upset or shouting.<sup>502</sup>

At the meeting, Ms Rebecca Davies said or heard others say that the rumours had to stop and that the rumours were not true.<sup>503</sup> At this meeting, Ms Rebecca Davies did not convey to the parents that Grant Davies had made admissions to inappropriate conversations with BZP.<sup>504</sup>

Ms Rebecca Davies accepted that the only investigation she made of the allegations put by BZP which came to her attention was to attend the family meeting. She acknowledged that she failed to properly investigate the matter.<sup>505</sup>

Counsel for Ms Rebecca Davies submitted that parents were given sufficient information concerning Grant Davies on 20 February 2007 and, in fact, a number of parents duly acted upon that information by withdrawing students.<sup>506</sup> This submission is in contrast to the statement provided by Ms Rebecca Davies to the Royal Commission to the effect that a number of parents (with the

exception of BZP) withdrew their children from RG Dance in early 2007 for reasons unrelated to the allegations made against Grant Davies in the meeting of 20 February 2007 or for reasons she no longer recalled.<sup>507</sup>

We accept the submissions of BZQ and BZR that parents were not given sufficient information at this meeting concerning the allegations against Grant Davies.<sup>508</sup> We are satisfied that, at the meeting on 20 February 2007, parents in attendance were not informed that Grant Davies posed a risk to their children. In particular, parents were not informed that:

- Grant Davies had made an admission to having inappropriate conversations with BZP about having sex with BZP and another student of RG Dance
- Mr Barnier and Ms Rebecca Davies decided to suspend Grant Davies after RG Dance received Ms Seipel's allegations and then reversed that decision
- the Davies family had met and agreed that, before Grant Davies returned to RG Dance, he would undertake counselling and be assessed by a psychologist to ensure that he was fit to return to teaching.

### Email of 27 February 2007

On 27 February 2007, Ms Rebecca Davies sent an email to a parent who had informed her that they would be withdrawing their daughter from RG Dance.<sup>509</sup> In the email, Ms Rebecca Davies wrote:

I would like to advise you that due to the damaging rumours and people making sweeping assumptions based on these Mr Grant is taking a leave of absence.<sup>510</sup>

Ms Rebecca Davies conceded that the effect of this email was to say that Grant Davies had taken a leave of absence because people had been making 'sweeping assumptions', which was misleading.<sup>511</sup> She said that in her mind she had separated the information she had received from BZR and the rumours which were circulating about inappropriate communication.<sup>512</sup> She accepted that she should have conducted more thorough investigations and that the mere knowledge of Grant Davies having inappropriate conversations made it essential for her to find out whether similar conversations had occurred with other students.<sup>513</sup>

### Reporting to the police and complaint handling

Ms Rebecca Davies accepted in her evidence that, if she knew about the contents of the communications between BZP and Grant Davies as alleged by BZP, she was obliged to report the matter to the police.<sup>514</sup> Counsel for Ms Rebecca Davies submitted that her acceptance that she had an obligation to report the matter to the police does not mean she had a legal obligation to do so.<sup>515</sup> We accept this.

Ms Rebecca Davies also accepted that, when she communicated with the police in March 2007, she did not tell them what she knew about Grant Davies' admission concerning BZP's allegations. She accepted that she 'certainly could have told them so much more'.<sup>516</sup> The admission was consistent with her statement to the Royal Commission, which stated:

I now see that the fact that Grant Davies was my older brother affected and indeed impaired my judgment and my objectivity, particularly in relation to the 2007 incident.<sup>517</sup>

We accept that Ms Rebecca Davies did not report to the police concerning the admission that Grant Davies made about the sex dream conversation with BZP.

Mr Barnier gave evidence that Grant Davies agreed to see a psychologist and that he would only return to work after receiving clearance from a psychologist.<sup>518</sup> Mr Barnier understood that Grant Davies did see a psychologist, but he could not recall seeing any evidence of this.<sup>519</sup> Mr Barnier conceded that he did not recall any discussion about the psychologist Grant Davies was proposing to see and he was not asked to check the qualifications of Mr Martin Hunter-Jones, a relationship counsellor Grant Davies had seen.<sup>520</sup>

Mr Barnier also gave evidence that, when Grant Davies returned to teaching, Mr Barnier had not requested a report from the psychologist; he accepted from someone else in the Davies family that Grant Davies had seen a psychologist and had been given the all-clear.<sup>521</sup> Mr Barnier also noted that, to his knowledge, there were no procedures put in place regarding Grant Davies' contact with children once he returned to teaching.<sup>522</sup>

Ms Rebecca Davies said she did not see any report from a psychologist relating to Grant Davies' fitness to return to teaching before he returned to RG Dance.<sup>523</sup> She did not remember a discussion but said that she recalled him 'coming in and [stating] flippantly "Oh, yeah, I'm fine"'. She said that she did not press Grant Davies on this point.<sup>524</sup> She accepted that she should have made inquiries as to whether Grant Davies had seen a counsellor or obtained a report<sup>525</sup> and that failing to do so was a serious failure on her part which exposed the students at RG Dance to serious risk of harm.<sup>526</sup> She also stated that she should have made sure that she was aware of the outcome of the 2007 police investigation. She described this failure as a 'huge mistake'.<sup>527</sup>

Ms Rebecca Davies gave this evidence at the public hearing:

Q. Do you accept that in failing to make any inquiries about whether he'd seen a psychologist or psychiatrist, or making any inquiries about what the assessment of that individual was, if he'd seen them, that was a serious failure on your part?

A. Yes, absolutely.



Q. And that in failing to take those steps to see that those conditions you've identified were fulfilled, what you did was expose the students at your dance studio to a serious risk of harm?

A. Yes.<sup>528</sup>

Ms Rebecca Davies also accepted Counsel Assisting's proposition that the failure to ensure that the conditions were fulfilled led directly to the sexual abuse of a number of other students at the studio between 2007 and 2013.<sup>529</sup> When asked to reflect upon this failure, she said it was 'absolutely foolish, absolutely ridiculous'.<sup>530</sup> She accepted that she had failed students in her paramount duty to protect them.<sup>531</sup>

Submissions on behalf of Ms Rebecca Davies noted that on a balance of probabilities it was not proven that there was a causal link between Ms Rebecca Davies' failure to ensure that the conditions were fulfilled and the future sexual abuse of children at RG Dance.<sup>532</sup> We accept this submission.

We accept Ms Rebecca Davies' evidence that she did not make inquiries as to whether Grant Davies had seen a counsellor before permitting him to return to RG Dance and she did not make any inquiries about the outcome of the 2007 police investigation. We also accept Ms Rebecca Davies' evidence that, in not making those inquiries, she failed to act protectively towards her students.

### Assistance of a counsellor

BZB gave evidence of how she and Grant Davies had been seeing Mr Hunter-Jones about their marital issues.<sup>533</sup> BZB understood that Mr Hunter-Jones was a marriage counsellor and a hypnotherapist. BZB did not believe that Mr Hunter-Jones was a psychologist or a psychiatrist.<sup>534</sup> BZB gave evidence that she understood the counselling which Grant Davies received following the events of February 2007 was limited to seeing Mr Hunter-Jones.<sup>535</sup> Grant Davies did not mention to BZB that he saw someone who was a qualified psychologist or psychiatrist.<sup>536</sup>

The Royal Commission received a statement from Mr Hunter-Jones, which was tendered into evidence, and he was not called to give oral testimony.<sup>537</sup> Mr Hunter-Jones stated that he was a counsellor and hypnotherapist with an undergraduate degree in psychology and a master's degree in adult education.<sup>538</sup>

In or around 2007, Mr Hunter-Jones said he recalled that there had been a complaint made about Grant Davies and the police had seized Grant Davies' laptop. Grant Davies then approached Mr Hunter-Jones for support and for individual sessions. In the course of those sessions they spoke about various matters.<sup>539</sup> Mr Hunter-Jones stated that he had a recollection that in 2007 Grant Davies took some time away from RG Dance but that he did not at any time tell Grant Davies to take time away from RG Dance as a result of a student's family making a complaint about a message sent to their daughter.<sup>540</sup> Mr Hunter-Jones stated:

I did not at any time say to Grant that it is fine for him to go back to work or that Grant was better and could return to work. It is not my business or role to say that to clients. My interactions with Grant Davies and my role was to support him through his feelings of anxiousness not to determine his fitness for work.<sup>541</sup>

## 2.4 Institutional response of Parramatta JIRT to the allegations against Grant Davies: 2007–2008

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The first report of the allegations made by BZP and the other students to any agency was to a DoCS helpline on 12 February 2007. This report was passed onto Bankstown JIRT.<sup>542</sup> As previously stated, JIRT conducts investigations using a joint model, drawing officers from DoCS, the NSW Police and NSW Health.

Detective Sergeant Kirsty Hales (DS Hales) of the NSW Police gave evidence that she had 12 years of experience in the Sex Crimes Squad and Child Abuse Squad.<sup>543</sup> DS Hales described JIRT as an interagency model. One of its key features is information sharing between the three agencies, permitting each of the agencies to be armed with the information held by the other.<sup>544</sup> According to DS Hales, the JIRT model as at 2007 was at the ‘cutting edge’ of the investigation of child sexual abuse crimes in Australia.<sup>545</sup>

The 12 February 2007 report contained allegations of inappropriate MSN messages and text messages from Grant Davies, including discussion of sex dreams and his asking questions about where students had hair on their bodies.<sup>546</sup> Detective Sergeant Palmer, of Bankstown JIRT, recorded that all students involved had reported inappropriate messaging and conversations with Grant Davies. No sexual assaults had been disclosed.<sup>547</sup>

As the report did not include an allegation of sexual assault, it did not meet the criteria for JIRT to investigate. Therefore, the matter was referred to the Burwood Local Area Command for investigation.<sup>548</sup> DS Hales gave evidence that, to meet JIRT criteria, there must be an allegation of a contact sexual offence or a serious physical or serious neglect element.<sup>549</sup> A grooming offence alone would not meet JIRT criteria.<sup>550</sup> The criteria remain the same today.<sup>551</sup>

On 27 February 2007, in addition to the allegations about sexually explicit online and text messages, BZP disclosed to the police an allegation of a child sexual contact offence – namely, an aggravated indecent assault by Grant Davies.<sup>552</sup> BZP made a signed statement. The incident that BZP described was the occasion in 2005 when Grant Davies touched her breasts.<sup>553</sup>

On or around early March 2007, Mr Robert Davies (Grant Davies’ father) contacted Burwood police investigators and inquired whether any investigation was currently underway in relation to Grant Davies.<sup>554</sup> Mr Robert Davies was advised that the matter was confidential but that Grant

Davies would need to be spoken to at some stage about a report that had been made. Mr Robert Davies advised that CAF, a mother of RG Dance students, had informed Grant Davies that a police investigation had commenced.<sup>555</sup>

On 8 March 2007, the investigation of Grant Davies was transferred to Parramatta JIRT, as BZP's allegation of indecent assault of a minor met JIRT criteria for a child sexual offence.<sup>556</sup> The officer in charge of the JIRT investigation was Detective Senior Constable Jason Madsen (DSC Madsen).<sup>557</sup> DSC Madsen joined Parramatta JIRT in 2006. He received training about the interagency model for conducting investigations of child sexual abuse crimes. He was supervised by DS Hales. DSC Madsen worked on the matter with Ms Mary Jane Carzano from DoCS.

On 28 March 2007, a DoCS file note record stated:

Person of interest went overseas on Wed morning and came back Thursday afternoon. They have stopped the arrest at this stage as he has gone to Hamilton Island for the weekend.<sup>558</sup>

The DoCS file note suggests that its author believed that Grant Davies' arrest had been stopped because he had travelled to Hamilton Island. DS Hales gave evidence that she did not accept the accuracy of the DoCS file note record, because it was not uncommon in JIRT matters for DoCS to make a record of their perception of a conversation or their understanding of something they may have overheard. To support that view, DS Hales pointed to an inaccuracy in another part of the DoCS file note based on the relevant charge being described by DoCS as 'aggravated sexual assault' rather than as 'indecent sexual assault'.<sup>559</sup>

In addition to BZP's evidence, by 26 February 2007 NSW Police also had a statement from BZM disclosing the internet conversation between Grant Davies and BZM in which Grant Davies had asked about where other students had hair on their bodies.<sup>560</sup> After giving that statement, BZM and her mother told the police that, while they could use the statement, they did not otherwise wish to be involved.<sup>561</sup>

By 9 March 2007, BZP had been interviewed a second time in an audiovisual interview. She confirmed her allegations of both the assault and the messages.<sup>562</sup> Her father, BZQ, also provided a signed statement to the police on this date.<sup>563</sup>

By 29 March 2007, six weeks after the initial report to DoCS was made,<sup>564</sup> there is the first record of a step taken by the NSW Police to obtain a search warrant in order to obtain Grant Davies' computer.<sup>565</sup>

On 30 March 2007, DSC Madsen, who was handling the investigation, attended Grant Davies' home and work to obtain addresses for the proposed search warrant.<sup>566</sup>

Parramatta JIRT executed the Commonwealth search warrant on the RG Dance premises and Grant Davies' home on 14 May 2007.<sup>567</sup> This was approximately six weeks after DSC Madsen attended

Grant Davies' home and the RG Dance premises. DSC Madsen accepted that, at the time of the execution of the search warrant, it was apparent that Grant Davies had retained a lawyer and he was not cooperating with the police.<sup>568</sup> DSC Madsen said that during the execution of the search warrant he did not have a heightened sense of suspicion that Grant Davies may have removed incriminating material from his computer.<sup>569</sup>

The Royal Commission heard unchallenged evidence that Grant Davies disposed of his computer before the police executed a search warrant.<sup>570</sup>

DS Hales gave evidence about a discussion she had with Grant Davies while executing the search warrant. The discussion was about a new computer box that was in Grant Davies' apartment when the search warrant was executed.<sup>571</sup> Referring to the box, DS Hales said to Grant Davies, 'This computer appears new to me'. Grant Davies declined to answer.<sup>572</sup> DS Hales then said, 'Can you tell me when you purchased it?' Grant Davies declined to answer.<sup>573</sup>

BZB gave evidence that in May 2007, at the time the police executed the search warrant, there was an AVO in place that the police had obtained in December 2006.<sup>574</sup> The AVO was put in place to protect BZB and her child from Grant Davies.<sup>575</sup>

DSC Madsen was asked about the AVO that was in existence at the time the search warrant was executed.<sup>576</sup> His evidence was that it was very likely that he would have known of this before attending the premises to execute the search warrant.<sup>577</sup> During the execution of the search warrant on 14 May 2007, DSC Madsen said BZB said nothing to him about her husband having disposed of his computer.<sup>578</sup> DSC Madsen accepted that, if BZB was minded to disclose what she knew, in his experience as a police officer that disclosure was unlikely to happen in Grant Davies' presence.<sup>579</sup> However, there was no impediment to DSC Madsen attempting to speak to BZB or attempting to obtain a statement from her.<sup>580</sup> DSC Madsen accepted that this did not occur.<sup>581</sup>

If the 2007 police investigation had included a statement from BZB containing information that Grant Davies had given to her about disposing of his computer, it may have strengthened the evidence available to the police about Grant Davies' guilty mind.<sup>582</sup> DSC Madsen accepted this.<sup>583</sup> BZB told the Royal Commission that, had she known there was more to the allegations than what Grant Davies had told her, she would not have supported him.<sup>584</sup> BZB also stated that, if police had told her more – including that there was a suggestion that a number of girls at RG Dance had received sexual messages from Grant Davies and that one student had made an allegation of indecent sexual assault – she would have told police, if they had asked her for a statement, that Grant Davies admitted to her that he had a sexually explicit conversation about a threesome with students.<sup>585</sup>

In August 2007, DSC Madsen sought to examine BZP's computer. When asked why he waited until then and why he did not obtain BZP's computer in March 2007, he responded that he thought there was 'no risk of her destroying that evidence, and obviously with workload, once again,

and other things that we had planned for the job'.<sup>586</sup> DS Hales was asked whether the delay in Parramatta JIRT taking steps to obtain BZP's computer was acceptable.<sup>587</sup> Her response was that it was acceptable given the circumstances of the investigation and the prioritisation of other matters being investigated.<sup>588</sup>

Police records indicate that police did not obtain a warrant to examine BZM's computer or mobile phone. From an early stage of the police investigation, BZM had informed the police that Grant Davies had texted her saying such things as 'I'm so hot – don't you think so' and 'I can't go to bed until you tell me you love me'.<sup>589</sup> In addition, BZM had informed the police of the MSN Messenger conversation about other girls' body hair.<sup>590</sup>

The computer recovered during the execution of the search warrant was analysed by NSW Police in March 2008 – about 10 months after it was recovered. No evidence of the inappropriate exchanges between Grant Davies, BZP and BZM was found.<sup>591</sup> The police also analysed BZP's computer, but it did not record the history of the exchanges on MSN.<sup>592</sup>

On 26 September 2007, a DoCS file note of a conversation between Ms Carzano and DS Hales recorded that:<sup>593</sup>

the police have been quite busy at the moment ... the case is still in brief with the barrister and waiting on further forensic evidence and is taking longer than we like but nothing has eventuated as a result. Mary Jane spoke with Team Leader, Sgt Kirsty Hales and unfortunately they understand where we are coming from but they need to think and make sure they do not do anything to jeopardise the case and are not ready to approach Grant at this stage. Mary Jane advised that if we do have to approach him as a result of allegations or approach victims that when we are talking to them not to mention anything else, Mary Jane advised that they are just as frustrated as we are but this is the advice they have been given. They cannot act unless they have all the evidence. They are little bit understaffed at the moment and it is difficult to get a hold of anyone.<sup>594</sup>

Ms Mulkerin gave evidence that by September 2007 the police and DoCS workers were concerned to ensure that the police gathered evidence to enable them to charge Grant Davies. Both agencies became frustrated with the length of time it was taking.<sup>595</sup> Ms Mulkerin gave evidence that DoCS could not approach Grant Davies, as police did not want any evidence to be compromised by contact with him.<sup>596</sup> From the point of view of DoCS, it was important for the police investigations to be done quickly.<sup>597</sup>

A DoCS file note dated 19 December 2007 recorded that the computer analysis was not complete.<sup>598</sup> DSC Madsen advised that DoCS may approach Grant Davies but not discuss the details of the case.<sup>599</sup>

On 4 January 2008, DoCS assessed the situation. In a DoCS note bearing that date, the following statement is made:

it is obviously very concerning that this person still has access to children on a daily basis. However, Burwood CSC is unable to take further action until Police formally charge him and he is convicted. JIRT have substantiated the sexual abuse of BZP and therefore is clear that Mr Davies does pose a risk to the children he comes into contact with.<sup>600</sup>

The adequacy of a number of features of the police investigations were explored during the public hearing:

- whether the police should have moved more quickly to obtain and execute a search warrant
- whether the police should have arrested Grant Davies
- whether the police should have interviewed more witnesses.

We have set out our findings about these matters below.

## Search warrant

DSC Madsen gave evidence that while he was at Parramatta JIRT he did his best to prioritise competing risks to children according to the potential harm that each may suffer. He said that he tried to ensure that the job was done.<sup>601</sup>

We accept that evidence is clear that DSC Madsen (and the other officers at the Parramatta JIRT) had significant workloads and had to manage competing priorities, and that managing these competing priorities was difficult. Both DSC Madsen and DS Hales gave evidence about significant competing work pressures in March 2007.<sup>602</sup>

DSC Madsen also gave evidence that other cases presented immediate risk and had priority over potential risk to other students at RG Dance.<sup>603</sup> In relation to BZP, he said that she was in the care of two supportive parents who withdrew her from RG Dance and that, consequently, Parramatta JIRT concentrated on the care and protection of the other cases and other victims as they came in.<sup>604</sup>

Counsel Assisting asked DSC Madsen about the period of time taken to obtain a search warrant once Parramatta JIRT became involved in March 2007. There was this exchange:

Q. Can you explain why it is that there was an approximately six-week delay, or maybe seven-week delay, between when you first spoke to SEEB [the State Electronic Evidence Branch] and the execution of the search warrant?

A. Going off my memory now and the last couple of days reading over it, it was organising a mutual time with SEEB operatives to come out with us, and also getting advice in relation to the Commonwealth search warrants, and applying for the – obviously the search warrants and completing the operational orders in conjunction with all the other duties we did day to day.

Q. Do you remember at the time – that is, between March and May 2007 – at Parramatta JIRT, whether that was a usual delay between the point at which obtaining a search warrant was identified as being a good idea, and the execution of it? Was that usual, for a six- or seven-week delay between the two?

A. It's not usual, but it can occur.

Q. But do you think it's good practice when it occurs, a delay of that magnitude?

A. No, I don't think it's good, but it – due to circumstances, these things do happen.<sup>605</sup>

And there was this further exchange:

Q. Can I just put this to you, Detective – and if you can't answer it, say so: it was common practice – I'll deal with it at the time – at 2007, for specialists in the area of child sexual abuse crimes within the police force, with information that there might be recorded on a computer belonging to a person of interest things such as child pornography or sexually explicit material involving children, for the police to act very promptly to secure that evidence. Do you accept that as a general proposition?

A. Yes, generally, yes.

Q. And going back and looking at the circumstances here, where you come into the matter on 8 March, with the information I've taken you to, and the execution of a search warrant on 14 May – do you accept that that falls short of what would be expected and usual as good practice?

A. At the time, considering what was going on and around, I would say that was acceptable for that particular time period. However, I can see where you're going.

Q. Well, perhaps don't worry about where I'm going and just focus on the question. Do you think that at the time, for Parramatta JIRT – perhaps limit it to that – a delay of that sort, in these circumstances, was the usual thing?

A. Around that time it was, yes. We were quite busy.

Q. Do you think that that's acceptable?

A. What I think – I don't think that really matters in relation to it. That's what happened, due to workload.

Q. It might matter to this Commission. What do you think about whether that was acceptable?

A. It probably wasn't acceptable.<sup>606</sup>

DS Hales gave evidence on the time taken to obtain a search warrant. She thought that there was insufficient evidence available by late February or early March 2007 to obtain a search warrant.<sup>607</sup>

The State of New South Wales (the State) made detailed submissions on the steps that police took to obtain a search warrant.<sup>608</sup> The investigation by police between 12 February 2007 and 8 March 2007 concerned the Bankstown JIRT making an assessment and an investigation by Burwood Local Area Command. The public hearing did not have the benefit of hearing from witnesses from Bankstown JIRT or from Burwood Local Area Command concerning this time period. The State submitted that, since those with responsibility for the investigation between 12 February 2007 and 8 March 2007 were not called as witnesses, it would be unfair to make any adverse findings in relation to this specific time period of the investigation.<sup>609</sup>

The State submitted that, given that Grant Davies disposed of his computer during a trip to Hamilton Island between 4 and 9 March 2007, there was no practical opportunity for the police to seize the computer following the transfer of the investigation to Parramatta JIRT (specifically, its Child Abuse Squad) on 8 March 2007.<sup>610</sup> In summary, the State submitted that the timing of the search warrant would not materially have affected the likelihood of the police obtaining forensic evidence in support of the Commonwealth offences.<sup>611</sup>

The State also submitted that there was insufficient evidence to successfully obtain a search warrant as at 8 March 2007 on the basis of BZP's signed police statement and without the JIRT audiovisual recorded interview.<sup>612</sup> The State relied on the fact that DSC Madsen was focused on conducting JIRT interviews with BZP and BZM during this time and DS Hales' opinion that more than the signed statement of BZP was required to obtain a search warrant.<sup>613</sup> In relation to the concession made by DSC Madsen that the delay was not acceptable, the State submitted that DS Hales' opinion should be preferred on the basis of her lengthy experience.<sup>614</sup>

The State submitted that the issue of whether sufficient evidence was available for a search warrant is a subjective assessment for police officers. Further, the decision to grant a search warrant is a subjective assessment of a magistrate or other authorised officer.<sup>615</sup> We accept that this is correct. However, this submission does not address the issue that was before the Royal Commission – namely, whether the police officers took adequate steps to seek a search warrant from a magistrate, having obtained a signed statement from BZP which made allegations of child sexual assault.

The State submitted that DSC Madsen applied for a search warrant within a reasonable period, given that he had a heavy workload and that other matters were prioritised above BZP's case because those cases involved an immediate risk of sexual abuse and BZP's did not.<sup>616</sup>



We accept the State's submissions that it would be unfair to make any findings about the delay between 12 February and 8 March 2007. Accordingly, we make no findings in respect of that period.

In respect of the period between 8 March and 14 May 2007, we accept DSC Madsen's evidence. We find that the delay in obtaining and executing a search warrant was not acceptable. We find that the police should have moved more promptly to obtain a search warrant.

## Laying charges

The Royal Commission heard evidence about whether the police gave consideration to arresting and laying charges against Grant Davies during its investigation and, in particular, in early March 2007.

DS Hales did not accept in her evidence that there was sufficient material available by March 2007 to justify arresting Grant Davies.<sup>617</sup> Significant weight should be given to her evidence because of her experience as a police officer for 20 years, 12 of which have been in the Sex Crimes Squad or Child Abuse Squad.<sup>618</sup> DSC Madsen gave evidence that he was not aware of any decision having been made to arrest Grant Davies before 8 March 2007.<sup>619</sup>

The Royal Commission received into evidence a DoCS file note which referred to the police delaying a proposed arrest of Grant Davies due to him having gone to Hamilton Island in March 2007.<sup>620</sup>

The State made submissions that there was an insufficient basis to find that police had enough evidence to arrest and/or charge Grant Davies by the time of his trip to Hamilton Island in early March 2007.<sup>621</sup> DS Hales also gave evidence questioning the accuracy of the file note. We accept the State's submission. We are not satisfied that there was sufficient information available in March 2007 to arrest Grant Davies. In the absence of any other supporting evidence, the DoCS file note does not establish that the police had determined to arrest Grant Davies. It is not a documentary record made by a police officer.

## Police inquiries

DSC Madsen gave evidence about whether Parramatta JIRT should have taken further steps in the investigation. By the time the search warrant was executed on 14 May 2007, Grant Davies' wife, BZB, knew that Grant Davies had disposed of his computer.<sup>622</sup> BZB was cross-examined by senior counsel for the State as to why she did not warn the police when they were executing the search warrant that Grant Davies had disposed of the computer.<sup>623</sup> In response, BZB gave evidence that she did not warn the police because she was afraid of Grant Davies and afraid 'to do anything that would aggravate him'.<sup>624</sup> DSC Madsen accepted it would be unlikely that BZB (as somebody on whose behalf the police had taken out an AVO to protect her from Grant Davies in December 2006) would volunteer adverse information in Grant Davies' presence.<sup>625</sup>

DSC Madsen accepted that no attempt was made to interview BZB<sup>626</sup> and that she had relevant information to provide.<sup>627</sup> Further, BZB gave evidence that, if interviewed and given the relevant facts known to police, she would probably have volunteered that information.<sup>628</sup> We are satisfied that Parramatta JIRT should have interviewed BZB as part of their investigation.

### Ms Rebecca Davies

No attempt was made to interview Ms Rebecca Davies. DSC Madsen accepted that this ‘wasn’t a very good decision’.<sup>629</sup>

Ms Rebecca Davies said that, when she was made aware of Grant Davies’ ‘paedophilic behaviours’, she supported and accompanied BZB to the police station to make the complaint. She also said that she stopped Grant Davies from teaching at RG Dance and cooperated with police, including by giving evidence to the police.<sup>630</sup>

The State submitted that, if Ms Rebecca Davies had been interviewed in 2007, she would not have provided relevant information. The State relied on the evidence of DSC Madsen.<sup>631</sup> His evidence in response to Counsel Assisting’s question regarding whether he had interviewed Ms Rebecca Davies was:

A. Rebecca Davies was in a relationship with another lady that worked at the premises. That relationship broke down in 2004/5, and in 2006 she made allegations that there was vexatious complaints going around, and that the relationship had broken down, so there was – at that stage it wasn’t known whose situation she was following, whether she was more for Grant, because she’d actually seen material on a computer before and she hadn’t brought that to anyone’s attention.

Q. Is it reasonable to think that a way to find out whether she was going to be helpful to the police was to invite her in, interview her and take a statement?

A. At that stage we were still trying to gather evidence in relation to who was on what side.

Q. But wasn’t it important, in order to work out whether she could give you helpful evidence, essentially, as I understand your evidence, being on the police side, to bring her in and interview her?

A. There were decisions made at that point that it wasn’t, so I can’t comment now.

Q. I suppose what I am putting to you, Detective, is that that wasn’t a very good decision. Do you accept that?

A. Yes, I accept that.<sup>632</sup>

We are satisfied that Parramatta JIRT should have taken steps to interview Ms Rebecca Davies as part of their investigation in 2007.

### Contacting other RG Dance students

There were significant delays in the State Electronic Evidence Branch's (SEEB's) analysis of the material seized during the execution of the search warrants in May 2007.<sup>633</sup> It is clear that the delay was of concern to DoCS, because in January 2008 DoCS made an assessment to this effect:

it is obviously very concerning that this person still has access to children on a daily basis, however, Burwood CSC was unable to take further action until Police formally charge him and is convicted. JIRT have substantiated the sexual abuse of BZP and therefore is clear that Mr Davies does pose a risk to the children that he comes into contact with.<sup>634</sup>

It is clear that DoCS' assessment was that Grant Davies did pose a risk to the students at RG Dance in 2007 and 2008, and there was evidence that the student numbers around that time were approximately 230.<sup>635</sup> In May 2008, information came from SEEB that the analysis of the computers did not reveal any evidence that supported or corroborated BZP's allegations. DSC Madsen was asked about whether it was satisfactory at that point to fail to conduct investigations such as speaking to other students from the dance school to obtain their accounts in light of SEEB's inability to recover information from Grant Davies' computer. DSC Madsen gave evidence as follows:

Q. Do you think, having regard to that, that it was satisfactory to not conduct other investigations, including the ones I have asked you about, speaking to other students, in or around June of 2008, when it was clear that you couldn't get corroborative material from the SEEB analysis?

A. No, I don't believe so.<sup>636</sup>

The State submitted that, having regard to DSC Madsen's evidence, he did not intend to make any concession in his evidence as set out above.<sup>637</sup>

DS Hales said in her statement to the Royal Commission that NSW Police does not generally 'cold-call' potential victims of sexual assault unless information is received that the child has made a disclosure of sexual abuse. She accepted that there are exceptions to this general position.<sup>638</sup>

The State submitted that there is no evidence of an established practice within the NSW Police, or other investigatory agencies, of cold-calling other potential victims of sexual assault, and the advice from victims' support groups is that it must be the victim's choice to approach the police. The State also submitted that the JIRT Local Contact Point Protocol presently provides a framework for the public dissemination of approved information; it does not provide that NSW Police officers should

approach all students or children that an alleged offender may currently have, or previously had, access to within an institutional setting.

This issue is under consideration in the Royal Commission's work on criminal justice.

### SEEB investigation and report: 2007–2008

In the latter half of 2007, there were a number of communications from Parramatta JIRT to SEEB seeking information on the progress in the analysis of the computers.<sup>639</sup> SEEB told DSC Madsen that it was still likely that there would be very lengthy delays and that it would be months before the analysis would be complete.<sup>640</sup> Documentary evidence suggests that the computer devices seized were not forensically examined until the following year, between March and June 2008.<sup>641</sup>

DSC Madsen gave evidence that delaying the investigation for the length of time that it took for the SEEB analysis to return was appropriate because Grant Davies' computer had been linked to the investigation.<sup>642</sup>

On 1 May 2008, SEEB told DSC Madsen that they had not recovered any relevant data from the computers and no information was found to corroborate the victims' allegations.<sup>643</sup> On 8 July 2008, SEEB gave a Certificate of Expert Evidence confirming that SEEB had not discovered anything of utility from the computers seized.<sup>644</sup> DSC Madsen gave evidence that SEEB did not identify the first date on which there was activity on the computer.<sup>645</sup>

### Discontinuation of the JIRT investigation in 2008

In around mid-2008, the police attended at BZR's home. They explained that the computers that they had seized from Grant Davies had not yielded any evidence and that they could not proceed further with the investigation. They also informed BZR that the other families were not assisting the police, leaving BZP as the only complainant. BZR was told that it would be BZP's word against Grant Davies'.<sup>646</sup> BZQ gave evidence that DSC Madsen attended their home on this occasion.<sup>647</sup>

BZP gave evidence that she was keen to continue with the prosecution. She believed that the jury would believe her and wanted to 'give it a shot'.<sup>648</sup> Despite this, BZP and her family decided not to press on with her complaint.<sup>649</sup> BZQ gave evidence that he was not content with the outcome but understood that the police could not do any more.<sup>650</sup> Around that time the police investigation was closed.

Grant Davies remained at RG Dance until his arrest in May 2013. Between the time the police investigation concluded in 2008 and his arrest in 2013, he committed a number of further sexual assaults on students at RG Dance.<sup>651</sup>

## JIRT priorities and systems

DSC Madsen gave evidence of the competing work pressures he faced in 2007 and 2008 as a reason for the delay in obtaining a Commonwealth search warrant.<sup>652</sup> At that time, DSC Madsen was the officer in charge of two other child abuse matters which required his urgent attention.<sup>653</sup> The first matter concerned ‘full sexual assault penetration’ of a 14-year-old female by an 18-year-old male student where there was a direct risk of further abuse of the victim. The second matter concerned an eight-year-old intellectually disabled female and involved ongoing sexual abuse by a neighbour.<sup>654</sup>

DS Hales gave evidence that at the time there were five officers in Parramatta JIRT investigating child abuse and that the other JIRT officers were likely to have been just as busy as DSC Madsen.<sup>655</sup> DS Hales stated that matters were prioritised to ensure primacy of child protection and children at immediate risk.<sup>656</sup>

DS Hales gave evidence that the majority of child abuse matters that JIRT investigated involve a person known to the family or someone in the family and that the interagency model is equipped to address the immediate risk to children in an intra-familial setting.<sup>657</sup> She said that 70 to 80 per cent of the child abuse matters referred to JIRT were in an intra-familial setting.<sup>658</sup> DS Hales accepted that the situation presented by RG Dance was unusual to JIRT Parramatta. There was this exchange between DS Hales and Justice Jennifer Coate:

Q. So was this an unusual situation that you were presented with?

A. Unusual in terms of, I guess, because it’s a dance school. Yes, your Honour.

Q. It wasn’t something that had been specifically within the contemplation of this tripartite agency arrangement that you would have to be dealing with such a situation?

A. I think, your Honour, to answer, it’s more about the fact that we manage risk on the basis of what is known, or what has been reported by the subject child.

Q. If I can just get you to come back to my question, though, that wasn’t something that was particularly the focus of the development of this interagency collaboration?

A. No.

Q. Am I right about that?

A. It’s an unusual case. It is certainly something we may have had before, whether it be possibly from a school or a religious organisation, but in terms of that being a different community, yes.<sup>659</sup>

When asked how DoCS would presently handle a situation where no criminal proceedings had been commenced about 11 months after the first report of child sexual abuse, Ms Mulkerin said that ‘there are a number of things that are in place today that weren’t in place when this was occurring’. Ms Mulkerin gave evidence that:<sup>660</sup>

- the JIRT Referral Unit was created in 2009 as a central triage unit for all JIRT matters. The purpose of the team is to coordinate and triage all matters that are referred to all JIRTs across the state, DoCS, NSW Police and NSW Health
- the JIRT Local Contact Point Protocol was implemented in 2014 as a result of the Royal Commission’s *Report of Case Study No 2: YMCA NSW’s response to the conduct of Jonathan Lord*.<sup>661</sup> Since its implementation in 2014, there have been 10 matters that have utilised the protocol. The protocol allows information of a general nature in relation to the child protection matter or concern and specific advice on the protection of children to be provided to parents
- escalation within agencies has been improved. As a result of changed arrangements inside DoCS and DoCS’ relationship with police, there are points of escalation that Ms Mulkerin expected would result in workers escalating matters up the chain for faster resolution.

Ms Mulkerin was an impressive witness and we accept her evidence.

The JIRT Local Contact Point Protocol was implemented to address the concerns of parents of children in institutional settings where a class of children are at risk. The protocol details criteria that JIRT agencies will refer to when considering whether to utilise the protocol. Staff are provided with operational guidelines as to the provision of information and support to parents, concerned community members, broader community groups and relevant stakeholders.<sup>662</sup>

In some respects, the protocol presents a balance to the general ‘no cold-call’ practice of NSW Police, as it provides for the dissemination of information to students, teachers, parents and community members, who in turn may provide corroborative material or avenues for investigation to the police. This issue is under consideration in the Royal Commission’s work on criminal justice.

The State submitted that the protocol is a significant development in the dissemination of information to the public concerning allegations made in an institutional context.<sup>663</sup> The State accepted that, had the protocol been available at the time, JIRT agencies would have been considerably assisted in dealing with the allegations against Grant Davies in 2007 and 2008. JIRT agencies would also have been better equipped to manage the competing considerations of dissemination of appropriate information to other persons who were potentially affected and preservation of the integrity of the criminal investigation.<sup>664</sup>

We are satisfied that since 2007–2008, JIRT agencies have developed more detailed systems and procedures to respond to abuse in an institutional setting where an alleged perpetrator has access to a large number of students and criminal proceedings have not yet commenced. We accept that, in 2007 and 2008, JIRT agencies would have been assisted in dealing with Grant Davies had the JIRT

Local Contact Point Protocol been available. We also accept that the protocol would have better equipped JIRT agencies to manage the competing considerations of disseminating appropriate information to other, potentially affected, students of RG Dance whilst still preserving the integrity of the criminal investigation.

## 2.5 Allegations and offences involving Grant Davies: 2012–2013

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### Email to RG Dance parents and teachers in March 2012

On 1 March 2012, an email was sent to RG Dance and was circulated widely in the dance community. It was sent by a 'Bryan Jones', which Mr Barnier believed to be a pseudonym.<sup>665</sup> The email contained a number of serious allegations. Although it did not name RG Dance specifically, it was clear that it referred to RG Dance. The email included allegations about the sex dream which was the subject of BZP's allegations against Grant Davies in 2007. The email also suggested that a 'male director' of RG Dance had recently indecently assaulted a 13-year-old girl at an eisteddfod and noted that the police had seized the 'male director's' computers.<sup>666</sup>

Ms Rebecca Davies gave evidence that she recalled receiving the email on 1 March 2012.<sup>667</sup> She believed that the allegation of the threesome referred to the allegations in 2007.<sup>668</sup> Ms Rebecca Davies did not further investigate the allegation that Grant Davies sexually assaulted a 13-year-old girl at an eisteddfod by running his hand down the female's front to 'check' her costume.<sup>669</sup> She conceded that she should have investigated the allegations of child sexual abuse contained in the email.<sup>670</sup>

### Trip to Broken Hill in May 2012

BZH gave evidence that, in around May 2012, her daughter, BZF, travelled to Broken Hill in New South Wales with Grant Davies. They were accompanied by Ms Rebecca Davies. BZH said that BZF called her from Broken Hill crying and told her that, while Ms Rebecca Davies was in the shower, Grant Davies came into her room and 'did something'. BZF then told BZH that, as soon as Ms Rebecca Davies came out of the shower, Grant Davies ran out of her room.<sup>671</sup>

BZE gave evidence that on 24 May 2013 he received a call from another RG Dance father, who told him he had heard about an incident that had occurred at Broken Hill on 27 May 2012 which related to his wife and daughters.<sup>672</sup>

Ms Rebecca Davies gave evidence that she recalled the trip to Broken Hill and accepted that there was evidence that Grant Davies had assaulted BZF while Ms Rebecca Davies was in the shower. Ms Rebecca Davies said that she was not aware that anything had gone on and she thought that BZF had had an enjoyable experience.<sup>673</sup>

BZH recalls discussing what BZF had told her with a former RG Dance teacher, Ms Dimos. BZH gave evidence that, other than listen, Ms Dimos did not offer her any other advice or assistance. At the end of 2012, Ms Dimos took her daughters out of RG Dance and left.<sup>674</sup> BZH never heard from her after this.<sup>675</sup>

Ms Dimos gave evidence that in November 2012 BZH told her about a trip that Grant Davies had taken with BZF. Her version of events was consistent with BZH's recall of the Broken Hill trip.<sup>676</sup>

### Grant Davies exposing his penis in December 2012.

BZH gave evidence that, around the end of 2012, BZF told her about a recent trip she had taken with her sister, BZG, and Grant and Rebecca Davies for a workshop in Forster, New South Wales.<sup>677</sup>

BZF told BZH that, while Grant Davies was driving her and BZG, he pulled his penis out and asked BZF if she wanted to touch it.<sup>678</sup>

BZH gave evidence that towards the end of 2012 she had a conversation with Ms Dimos and said:

Grant is being really inappropriate, he showed his penis to BZF in the car. I'm upset because I thought Rebecca would be with them at the time but she took her own car. I never wanted my daughters to be alone with him ever again.<sup>679</sup>

Ms Dimos said 'you need to tell your husband'.<sup>680</sup>

On or around 20 January 2013, Ms Dimos had a teleconference with Grant Davies, Ms Rebecca Davies and Ms Jennifer Davies to advise them of her decision to leave RG Dance.<sup>681</sup> Ms Dimos attempted to recount what she had been told, but Grant Davies cut her off and said, very loudly, 'Are you calling me a paedophile?' and 'Everyone is just out to get us – it's the tall poppy syndrome'.<sup>682</sup>

Ms Rebecca Davies gave evidence about this teleconference and she accepted Ms Dimos' account,<sup>683</sup> but she did not recall Ms Jennifer Davies being involved in the teleconference.<sup>684</sup> She accepted that she did not investigate the matter Ms Dimos had attempted to raise.<sup>685</sup>

## 2.6 Events leading to Grant Davies' arrest

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BZB gave evidence that on the evening of 9 April 2013 she heard Grant Davies' computer click and she decided to look at his instant messages.<sup>686</sup> Grant Davies was not at home. She found that she was able to access his iMessages without a password.<sup>687</sup> She read through the messages between Grant Davies and a 12-year-old dance student from Perth (BZD) and her mother (BZC). The messages were sexually explicit.<sup>688</sup> Grant Davies had sent a message to BZD saying, 'Delete the messages so your mum doesn't see', and referred to kissing.<sup>689</sup> BZB saw images of BZD wearing a G-string.<sup>690</sup> It appeared to BZB that Grant Davies was grooming BZD.<sup>691</sup>



BZB printed the message stream and went to speak to Ms Rebecca Davies.<sup>692</sup> BZB gave evidence that Ms Rebecca Davies was supportive.<sup>693</sup> The printed message stream was discussed between BZB, Mrs Susan Davies, Mr Robert Davies, Ms Rebecca Davies and Ms Rebecca Davies' partner.<sup>694</sup> Ms Rebecca Davies' partner and BZB then left to collect Grant Davies' computer.<sup>695</sup> BZB spent the night at Ms Rebecca Davies' house and the following day she met with Ms Jennifer Davies and Mr Barnier.<sup>696</sup> BZB said that Mrs Susan Davies and Mr Robert Davies did not necessarily feel this was a matter that needed to be taken to the police.<sup>697</sup> Following the meeting, BZB, Ms Rebecca Davies and her partner went to Burwood Police Station and took the computer.<sup>698</sup>

Ms Rebecca Davies gave evidence that there was never any question of whether it should be reported and that the family was adamant it was to be reported.<sup>699</sup>

Ms Rebecca Davies gave evidence that for a period of about a month after this discovery she had to carry on as normal, as the police had requested, to enable police to investigate the allegations without Grant Davies becoming aware of what they were doing.<sup>700</sup>

The Royal Commission received a statement from DS Power, who led the police investigation in 2013. His evidence outlined the circumstances in which Burwood police detectives became aware of the volume of material relating to child sexual abuse and grooming in Grant Davies' possession.<sup>701</sup> DS Power gave evidence about the police investigation, which identified 10 known victims of Grant Davies. Victims were identified through coming forward; being identified through Grant Davies' computer and thumb drive; an examination of text messages; and 'community historical remembrance of past suspected offences'.<sup>702</sup>

As a result of the 2013 police investigation, on 17 May 2013 Grant Davies was arrested and charged with 63 offences relating to child sexual abuse.<sup>703</sup>

In September 2015 he pleaded guilty to 28 counts on the indictment and to 19 other child sexual offences. Fifteen of the counts on the indictment related to offences committed before 2008.<sup>704</sup> The charges all related to various acts of child sexual abuse committed over a period of 13 years and involving nine complainants, of whom eight were RG Dance students. The remaining complainant was another child dancer (BZD) whom Grant Davies had met through RG Dance. The offences to which Grant Davies pleaded guilty included:

- aggravated sexual intercourse without consent
- sexual intercourse with a child between 10 and 14
- grooming a child for unlawful sexual activity
- producing, disseminating or possessing child abuse material
- aggravated indecent assault.

On 21 October 2016, Grant Davies was sentenced to 24 years imprisonment, with a non-parole period of 18 years.<sup>705</sup>

## 3 Working with Children Checks and Reporting to the Department of Community Services

### 3.1 RG Dance's compliance with Working with Children Checks

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The Royal Commission received evidence from Ms Kerry Boland, the NSW Children's Guardian, about RG Dance's compliance with the WWCC regime in New South Wales.<sup>706</sup>

Ms Boland gave evidence that from 3 July 2000 RG Dance, as a child-related employer, was required to register as an employer and submit background checks on behalf of prospective child-related employees.<sup>707</sup> RG Dance did not meet these requirements.<sup>708</sup>

Ms Boland gave evidence that she had caused a search to be conducted of an archived version of the Commissioner for Children and Young People (CCYP) Employment Screening System (ESS). The ESS holds details of all persons checked under the previous WWCC scheme and registration details of employers who have conducted a WWCC on behalf of their potential employee.<sup>709</sup> Ms Boland gave evidence that this search did not reveal any records under the name 'RG Dance', which suggests that RG Dance had not registered as a child-related employer and had not submitted any background checks on behalf of their employees.<sup>710</sup> The ESS database recorded three entries for Grant Davies and one for Ms Rebecca Davies, none of which related to their employment at RG Dance.<sup>711</sup>

Further, Ms Boland gave evidence that, from May 2011, self-employed people were required to apply for a Certificate for Self Employed Persons (CSEP) for child-related employment.<sup>712</sup> Ms Boland gave evidence that a search of the CSEP database did not reveal any information in relation to Grant Davies or Ms Rebecca Davies.<sup>713</sup>

Ms Rebecca Davies gave evidence that during the period of RG Dance's operation she believed that teaching and administration staff were subject to WWCC requirements.<sup>714</sup> However, she had no recollection of teaching and administration staff being asked to confirm whether they were 'prohibited persons' for working with children.<sup>715</sup> Ms Rebecca Davies stated that she was not aware of RG Dance providing any child protection training.<sup>716</sup> She also outlined the practice that had been developed by 2011 for parents who were volunteering backstage to complete 'prohibited persons employment declarations'.<sup>717</sup>

In respect of RG Dance, Mr Barnier gave evidence that he was not involved with the hiring of staff or their vetting regarding prohibited employment or WWCCs.<sup>718</sup>

Ms Rebecca Davies gave evidence that she did not recall what the requirements were, if there were any, for checking incoming staff.<sup>719</sup> She outlined some email correspondence from Child Safe Organisations that RG Dance had received, which provided instructions. She recalled being confused, as she thought that there was a 'checking process in place'.<sup>720</sup>

There was evidence before us that RG Dance was not the only dance school which did not have proper WWCC systems in place.<sup>721</sup> The Royal Commission received evidence from a number of

dance teachers concerning their observations about WWCC requirements when teaching in dance studios in New South Wales.<sup>722</sup>

Ms Dimos stated that before 2007 she had been employed on a casual basis at six dance schools.<sup>723</sup> At each of the schools, she was not required to produce a WWCC and was not advised of any reporting procedures in respect of complaints or allegations of child sexual abuse.<sup>724</sup>

BZP gave evidence that she has worked in a number of dance studios in and around Sydney.<sup>725</sup> In 2010, BZP obtained a Certificate IV in Performing Arts, which is a training qualification for persons working in a wide variety of dance performance contexts.<sup>726</sup> The qualification requires one year of full-time study, which she completed in dance, singing and acting.<sup>727</sup> Certificate IV is not a teaching qualification and does not include components related to teaching children or codes of behaviour.<sup>728</sup>

BZP gave evidence that before 2010 dance studios rarely, if ever, asked for training certificates or a WWCC. Since Grant Davies was arrested in mid-2013, BZP has noticed that dance studios that she has worked with have asked for a WWCC and documentation before employing her.<sup>729</sup>

Ms Rebecca Davies gave evidence that she has continued to work as a dance teacher in Australia since RG Dance closed. During that time she has worked in over 50 different dance organisations on a permanent, part-time or casual basis.<sup>730</sup> She said that on no occasion has she ever been asked to provide proof of a WWCC or make any declaration about her criminal history.<sup>731</sup>

Ms Boland also gave evidence regarding compliance with WWCC requirements in the dance sector more generally. Ms Boland stated that she caused a search of the number of employers registered with 'dance' or 'dancing' in their names.<sup>732</sup> Ms Boland explained that during a 2011–12 audit of the compliance of private tuition programs with WWCC requirements, the Office of the Children's Guardian (OCG) identified that a gap existed in the knowledge of small businesses (including among dance tuition providers) about the WWCC.<sup>733</sup>

Ms Boland further gave evidence on programs provided to educate institutions in the dance sector on child protection and WWCC compliance.<sup>734</sup>

In evidence, Ms Boland stated that the OCG believes that, although it is not mandatory, child-related organisations, including within the dance sector, should implement policies and procedures which are centred on children's rights, participation and risk management strategies.<sup>735</sup> Ms Boland considered that future legislative reforms to the WWCC frameworks could consider improving information-sharing protocols between states to assist sectors, such as the dance sector, that operate across state borders.<sup>736</sup>

In 2007, there was no requirement for self-employed persons to undergo a WWCC. Ms Mulkerin gave evidence that it was her understanding that at the time it was not a requirement for self-employed persons who were in private dance studios and other similar organisations.

Ms Boland gave evidence that, from 3 July 2000 to 14 June 2005, prospective employers were required to apply to the CCYP or an Approved Screening Agency (ASA) for a WWCC.<sup>737</sup> The requirement applied only to prospective employees, and there was no requirement that employers submit background checks on behalf of existing employees.<sup>738</sup> A new WWCC was required each time a person took a new child-related job.<sup>739</sup> Following an application, the CCYP or ASA would either issue an unqualified clearance or conduct a risk assessment, resulting in a risk assessment rating (high, medium or low) being provided to the prospective employer.<sup>740</sup> Ms Boland also noted that a different regime applied in New South Wales under the *Child Protection (Working with Children) Act 2012* (NSW) from 15 June 2013 to date, requiring applications for WWCCs to be made by individuals rather than employers.<sup>741</sup>

Counsel Assisting submitted that during its operation RG Dance did not take steps to register as a child-related employer and did not conduct any background checks for Grant Davies, Ms Rebecca Davies, its teachers or its administration staff. Ms Rebecca Davies was aware that teaching and administration staff were subject to WWCC requirements but did not take steps to comply with its requirements during the operation of RG Dance. Ms Rebecca Davies accepted this submission as being correct.<sup>742</sup>

We are satisfied that during its period of operation RG Dance did not take steps to register as a child-related employer and did not conduct any background checks for Grant Davies, Ms Rebecca Davies, its teachers or its administration staff. Ms Rebecca Davies was aware that teaching and administration staff were subject to WWCC requirements but did not take steps to comply with those requirements during the operation of RG Dance.

## 3.2 Reporting to the Department of Community Services

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Ms Mulkerin's statement to the Royal Commission outlined the development of the *Children and Young Persons (Care and Protection) Act 1998* (NSW) (Care Act). As at 1 January 2001, the definition of 'children's services' specifically excluded a number of services, including services that were concerned with the provision of lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or private tutoring.<sup>743</sup>

It is Ms Mulkerin's understanding and the practice within DoCS that paid employees providing lessons to children in dance, drama or music are not mandatory reporters.<sup>744</sup> On 1 January 2012, legislative amendments, including the repeal of the definition of 'children's service', meant that the use of the phrase in section 27 of the Care Act (dealing with mandatory reporting) is not defined.<sup>745</sup> The DoCS practice and Ms Mulkerin's understanding is that the position remains that paid employees providing lessons to children in dance, drama or music are not mandatory reporters.<sup>746</sup>

Ms Mulkerin stated that there may be an opportunity to clarify what is within the scope of a ‘children’s service’ in the legislation and the application of the mandatory reporting framework to paid employees providing lessons to children in dance, drama or music to ensure the community is given clear guidance about who is required to make a mandatory report.<sup>747</sup>

Ms Mulkerin identified that persons engaged in child-related work have other legislative obligations or responsibilities relating to the safety of the children with whom they work, including requirements for a WWCC.<sup>748</sup> The onus is on the employer to ensure that their employees have a current WWCC.<sup>749</sup> Ms Mulkerin also noted that people who provide lessons or coaching in dance would be able to report concerns about risk of significant harm to a child on the Kids Helpline in the same way members of the community may generally report.<sup>750</sup> Campaigns and educational material on the work and purpose of the Kids Helpline and how to access it have been and continue to be delivered in the educational programs delivered by DoCS and other agencies/non-government organisations.<sup>751</sup>

The Royal Commission published a report on WWCCs on 17 August 2015.

### 3.3 Peak body for the dance industry

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The Royal Commission examined more broadly the organisational structure of dance institutions in New South Wales and whether there are any relevant codes of conduct or child protection policies in place. The Royal Commission also heard evidence about the need for oversight within the dance industry.

The Royal Commission received evidence on this issue from Ms Boland, the NSW Children’s Guardian, on this issue. Ms Boland stated that the establishment of a peak body for the dance sector would assist the OCG in disseminating information on child-safe organisations in an efficient manner.<sup>752</sup> Ms Boland also stated that a peak body could identify systemic issues and promote standards within the dance sector.<sup>753</sup>

Ms Seipel gave evidence that, after Grant Davies was arrested, many of her peers began to call for a regulated industry.<sup>754</sup>

This case study demonstrated to the Royal Commission the importance of a governing peak body and the dissemination of codes of conduct to the large number of institutions offering dance lessons and holding eisteddfods for children.<sup>755</sup> The absence of a code of conduct made it difficult for RG Dance parents and teachers to communicate about what constitutes a child-safe environment and to challenge Grant Davies’ behaviour.

## 4 Grooming

The Royal Commission heard evidence from a number of witnesses about the techniques that Grant Davies employed which allowed him to exploit his circumstances to groom children in order to commit child sexual abuse offences. They are detailed in this report. The subject of grooming will be dealt with in the Royal Commission's final report.

### 4.1 Targeting vulnerable students

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BZS gave evidence that Grant Davies was friendly and charismatic.<sup>756</sup> As their relationship developed, Grant Davies gave BZS birthday presents.<sup>757</sup> BZS said that he considered Grant Davies to be like a big brother or father figure, as he did not have a stable male figure in his life.<sup>758</sup>

BZN gave evidence that she noticed Grant Davies would focus his attention on students whose fathers did not attend eisteddfods or did not pick their children up after lessons at RG Dance.<sup>759</sup> BZN gave the examples of BZU, whose father worked overseas and was away a lot; and BZL, whose father was not her biological father and whose parents were having marital issues.<sup>760</sup>

BZM gave evidence that Grant Davies focused the majority of his attention on students who did not have men around and the mothers who did not have a male partner. BZM said that her father was not around.<sup>761</sup>

### 4.2 Use of social media and communication devices by Grant Davies

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The Royal Commission received evidence of extracts of a large number of text messages which were exchanged between Grant Davies and BZH, BZF and BZG.<sup>762</sup> Within the text messages between Grant Davies and BZF and BZG there were a number of examples of inappropriate behaviours, and they also illustrate aspects of grooming.<sup>763</sup>

Grant Davies implemented a number of 'strategies' (which may or may not have been conscious) which allowed a pattern to form which facilitated the sexual abuse.<sup>764</sup> These were illustrated in 'themes' such as:

- engendering a sense of intimacy and a special relationship by exchanging messages at a time when the young person is more likely to be alone – in Grant Davies' case, around 10 pm<sup>765</sup>
- normalising an intimate, sexual relationship by expressing interest in the non-sexual aspects of a student's life<sup>766</sup>
- expressing affection<sup>767</sup>
- using explicit sexual content to normalise a sexual relationship between an adult and a young person<sup>768</sup>
- overcoming potential victim inhibitions by progression/escalation of the explicitness of text messages.<sup>769</sup>

BZH gave evidence that she met Rebecca and Grant Davies when she went to one of RG Dance's shows.<sup>770</sup> After that, both Rebecca and Grant Davies requested BZH and her daughters, BZF and BZG, be their 'friends' on Facebook.<sup>771</sup>

BZH gave evidence that between 2009 and 2010 Grant Davies regularly communicated with her online.<sup>772</sup>

BZH said that initially Grant Davies' conversations focused on the girls' dancing.<sup>773</sup> She gave evidence that Grant Davies then started asking BZH for pictures and videos of BZF and BZG.<sup>774</sup> From time to time, Grant Davies sent pictures of himself and sometimes his daughter having fun. Following this, Grant Davies would ask, 'What are BZF and BZG doing? Where are they? What are they wearing?'. If BZH questioned his interest in her daughters he would respond, 'I just love kids', and it made BZH feel silly for asking. He would then ask BZH to send pictures and videos of the girls.<sup>775</sup>

### 4.3 Difficulties in reporting at the time

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BZS gave evidence that around the middle of 2004 he started to feel that what was happening between him and Grant Davies was inappropriate.<sup>776</sup> BZS's mother asked him whether anything inappropriate was happening between him and Grant Davies, but he told her that nothing inappropriate had occurred.<sup>777</sup> BZS told Grant Davies about the discussion with his mother and Grant Davies told him, 'People who are convicted of abusing children and sent to gaol can have knives shoved up their assholes by fellow inmates'. BZS described that he felt 'emotionally blackmailed' by Grant Davies.<sup>778</sup>

#### Accused of telling lies

Ms Seipel gave evidence that after she had reported the allegations against Grant Davies she was labelled a 'troublemaker' and received abusive calls from colleagues that she had known for years accusing her of telling lies.<sup>779</sup>

BZM gave evidence that people within the RG Dance community treated her poorly once she reported the abuse. Rebecca and Grant Davies called her a 'toxic person'.<sup>780</sup>

BZN gave evidence that after she and BZM went to the police, Rebecca and Grant Davies began circulating rumours about BZM and BZP, saying that they were jealous, horrible and nasty girls.<sup>781</sup> BZN said that she found Ms Rebecca Davies' actions confusing in light of the telephone conversations that they were having. She had thought that Ms Rebecca Davies was 'on the kid's side'.<sup>782</sup>

BZP gave evidence of being shunned and called a liar and could not understand the response she received when she raised allegations against Grant Davies.<sup>783</sup>

## Grooming of parents and caregivers

We are satisfied that reports of child sexual abuse were not made in a timely manner or were otherwise hindered because:

- Grant Davies' standing and position within RG Dance intimidated students
- students felt emotionally blackmailed by Grant Davies or were otherwise afraid of him
- students and parents felt a strong desire to succeed in dance and feared that non-compliance with Grant Davies' behaviour would have a negative impact on the students' dance careers
- students and teachers were accused of telling lies or labelled as 'troublemakers'
- parents were groomed to comply with Grant Davies' wishes.

Grant Davies used a number of strategies to groom RG Dance students and parents over social media and electronic communication devices, such as:

- engendering a sense of intimacy and a special relationship by exchanging messages at a time when the student is more likely to be alone
- normalising an intimate, sexual relationship by expressing interest in the non-sexual aspects of a student's life
- expressing affection
- using explicit sexual content to normalise a sexual relationship between an adult and a student
- overcoming potential victim inhibitions by progression/escalation of the explicitness of text messages.



## 5 Systemic Issues

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

In particular, the systemic issues arising from this case study were:

- understanding the scope and impact of child sexual abuse
- whether performing arts institutions are particularly vulnerable to offending and the basis for any such vulnerability
- what environments encourage or facilitate offending
- Working with Children Checks and prohibited employment screening to identify and exclude persons who pose a risk to children in performing arts institutions
- building safeguards for children
- supervision of, performance management of and disciplinary processes for persons working with children in performing arts institutions
- training and professional development of staff in performing arts institutions who are working with children
- developing, promoting and monitoring compliance with child-safe policies and procedures or codes of conduct
- arrangements within performing arts institutions to facilitate and receive reports or disclosure of child sexual abuse or concerning conduct and to apply the outcomes of investigations to systems improvement
- arrangements within performing arts institutions to respond to victims and their families and to the relevant community
- arrangements within performing arts institutions to respond to those accused of child sexual abuse
- arrangements such as Working with Children Checks to identify and exclude known offenders or persons who pose a risk to children
- reporting to Department of Community Services and awareness of this reporting regime within performing arts institutions
- Working with Children Checks and awareness of this regulatory regime within performing arts institutions
- NSW Police practices.

# Appendix A: Terms of Reference

## Letters Patent dated 11 January 2013

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,  
Mr Robert Atkinson,  
The Honourable Justice Jennifer Ann Coate,  
Mr Robert William Fitzgerald AM,  
Dr Helen Mary Milroy, and  
Mr Andrew James Marshall Murray

GREETING

WHEREAS all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those sexually abused as a child in an Australian institution can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the Royal Commissions Act 1902 and every other enabling power, appoint you to be a Commission of inquiry, and require and authorise you, to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- a. what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
- b. what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- c. what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;
- d. what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND We direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- e. the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;
- f. the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;
- g. the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- h. changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND We further declare that you are not required by these Our Letters Patent to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and We authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

- i. the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with section 6P of the *Royal Commissions Act 1902* or any other relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences;
- j. the need to establish investigation units to support your inquiry;
- k. the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;

- l. the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;
- m. the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND We appoint you, the Honourable Justice Peter David McClellan AM, to be the Chair of the Commission.

AND We declare that you are a relevant Commission for the purposes of sections 4 and 5 of the *Royal Commissions Act 1902*.

AND We declare that you are authorised to conduct your inquiry into any matter under these Our Letters Patent in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by any of Our Governors of the States or by the Government of any of Our Territories.

AND We declare that in these Our Letters Patent:

**child** means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

**government** means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

**institution** means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

- i. includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and
- ii. does not include the family.

***institutional context***: child sexual abuse happens in an institutional context if, for example:

- i. it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- ii. it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or
- iii. it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

***law*** means a law of the Commonwealth or of a State or Territory.

***official***, of an institution, includes:

- i. any representative (however described) of the institution or a related entity; and
- ii. any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- iii. any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and
- iv. any other person who you consider is, or should be treated as if the person were, an official of the institution.

***related matters*** means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

AND We:

- n. require you to begin your inquiry as soon as practicable, and
- o. require you to make your inquiry as expeditiously as possible; and
- p. require you to submit to Our Governor-General:

- i. first and as soon as possible, and in any event not later than 30 June 2014 (or such later date as Our Prime Minister may, by notice in the *Gazette*, fix on your recommendation), an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date, not later than 31 December 2015, to be fixed for the submission of your final report; and
- ii. then and as soon as possible, and in any event not later than the date Our Prime Minister may, by notice in the *Gazette*, fix on your recommendation, your final report of the results of your inquiry and your recommendations; and
- q. authorise you to submit to Our Governor-General any additional interim reports that you consider appropriate.

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS Quentin Bryce, Governor-General of the Commonwealth of Australia.

Dated 11th January 2013  
Governor-General  
By Her Excellency's Command  
Prime Minister

## Letters Patent dated 13 November 2014

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,  
Mr Robert Atkinson,  
The Honourable Justice Jennifer Ann Coate,  
Mr Robert William Fitzgerald AM,  
Dr Helen Mary Milroy, and  
Mr Andrew James Marshall Murray

GREETING

WHEREAS We, by Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia, appointed you to be a Commission of inquiry, required and authorised you to inquire into certain matters, and required you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 31 December 2015.

AND it is desired to amend Our Letters Patent to require you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 15 December 2017.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the *Royal Commissions Act 1902* and every other enabling power, amend the Letters Patent issued to you by omitting from subparagraph (p)(i) of the Letters Patent “31 December 2015” and substituting “15 December 2017”.

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS General the Honourable Sir Peter Cosgrove AK MC (Ret’d), Governor-General of the Commonwealth of Australia.

Dated 13th November 2014  
Governor-General  
By His Excellency’s Command  
Prime Minister



## APPENDIX B: Public Hearing

<b>The Royal Commission</b>	Justice Peter McClellan AM (Chair)
	Justice Jennifer Coate
	Mr Bob Atkinson AO APM
	Mr Robert Fitzgerald AM
	Professor Helen Milroy
	Mr Andrew Murray
<b>Commissioners who presided</b>	Justice Jennifer Coate
	Mr Bob Atkinson AO APM
	Professor Helen Milroy
<b>Date of hearing</b>	2 March to 11 March 2016
<b>Legislation</b>	<i>Royal Commissions Act 1902 (Cth)</i>
	<i>Royal Commissions Act 1923 (NSW)</i>
<b>Leave to appear</b>	Professor Victor Makarov
	Professor Ian Bofinger
	Dr Raffaele Marcellino
	BZP
	BZR
	BZQ
	BZH
	BZE
	CAG
	BZM
	BZN
	Rebecca Davies
	Grant Davies

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**Leave to appear**

John Barnier

Jennifer Davies

Sarajane Heather McKinnon

Diana Dimos

Tracie-Marie Seipel

Sarah Henderson

Joanne Hocking-Joaquim

Rebecca Squires

BZB

Bernard Brassil

State of New South Wales

NSW Office of the Children's Guardian

The Hon. Paul Keating

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**Legal representation**

D Lloyd, Counsel Assisting the Royal Commission

F Coyne, instructed by M Hammond of Hammond Nguyen Turnbull, appearing for Professor Victor Makarov

J Giles SC, instructed by J Dalzell of Gadens, appearing for Professor Ian Bofinger

P Gray SC, instructed by K Harrison of Gilbert and Tobin, appearing for the Hon. Paul Keating

L Jardim, appearing for Dr Raffaele Marcellino, BZP, BZR and BZQ

P David, appearing for BZH

J Gallagher, appearing for BZE

H White, appearing for CAG

RW Hood, appearing for BZM

RW Hood, appearing for BZN

A George of Doogue O'Brien George, appearing for Rebecca Davies

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<b>Legal representation</b>	<p>P O'Brien of O'Brien Solicitors, appearing for Grant Davies</p> <p>S Hall, appearing for John Barnier</p> <p>M Fernando, appearing for Jennifer Davies</p> <p>T Hammond, appearing for Sarajane Heather McKinnon</p> <p>D O'Sullivan, instructed by S Boatswain and D Tran of Eakin McCaffery Cox, appearing for Diana Dimos</p> <p>Dr M Marich, instructed by S Exner, appearing for Tracie-Marie Seipel</p> <p>M Gerace, appearing for Sarah Henderson</p> <p>J Gallagher, appearing for Joanne Hocking-Joaquim</p> <p>A Kernaghan of Kernaghan &amp; Associates Lawyers, appearing for Rebecca Squires</p> <p>A Kernaghan of Kernaghan &amp; Associates Lawyers, appearing for BZB</p> <p>P Murphy, appearing for Bernard Brassil</p> <p>D Jordon SC and C McGorey, instructed by Crown Solicitors Office, appearing for State of New South Wales</p> <p>S Niles of NSW Office of the Children's Guardian, appearing for Kerry Boland</p>
<b>Pages of transcript</b>	928
<b>Summons to Appear issued under <i>Royal Commissions Act 1902 (Cth)</i></b>	27 summonses
<b>Notices to Produce documents issued under <i>Royal Commissions Act 1902 (Cth)</i> and documents produced</b>	39 notices, producing approximately 4,464 documents
<b>Summons to Produce documents issued under the <i>Royal Commission Act 1923 (NSW)</i> and documents produced</b>	17 summonses, producing approximately 6,189 documents

<b>Number of exhibits</b>	37 exhibits consisting of a total of 249 documents tendered at the hearing
<b>Witnesses</b>	<p><b>CAA</b> Former student, AIM</p> <p><b>CAD</b> Father of CAA</p> <p><b>Professor Ian Bofinger</b> Executive Dean, AIM</p> <p><b>Dr Raffaele Marcellino</b> Former Principal, AIM</p> <p><b>BZS</b> Former student and survivor, RG Dance</p> <p><b>BZM</b> Former student and survivor, RG Dance</p> <p><b>BZN</b> Mother of BZM</p> <p><b>BZP</b> Former student and survivor, RG Dance</p> <p><b>BZR</b> Mother of BZP</p> <p><b>BZQ</b> Father of BZP</p> <p><b>Tracie-Marie Seipel</b> Former dance instructor, RG Dance</p> <p><b>BZE</b> Father of BZF and BZG</p> <p><b>BZH</b> Mother of BZF and BZG</p> <p><b>CAG</b> Former student, RG Dance</p> <p><b>Diana Dimos</b> Former dance instructor, RG Dance</p>

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**Witnesses**

**BZB**

Ex-wife of Grant Davies

**BZE**

Father of BZF and BZG

**BZH**

Mother of BZF and BZG

**John Barnier**

Former Company Secretary, RG Dance

**Rebecca Davies**

Former Director, RG Dance

**Deidre Mulkerin**

Deputy Secretary, NSW Department of Family and  
Community Services

**Jennifer Davies**

Former teacher, RG Dance

**Detective Senior Constable Jason Madsen**

NSW Police

**Detective Sergeant Kirsty Hales**

NSW Police

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# Endnotes

- 1 We refer to Grant Davies by his full name, as several members of the Davies family are mentioned in this report.
- 2 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [4].
- 3 Exhibit 37-0009, Case Study 37, OMB.0012.003.0357\_R.
- 4 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16632:22–28.
- 5 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [4]; Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0333\_R.
- 6 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0333\_R.
- 7 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [4].
- 8 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0333\_R.
- 9 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0337\_R; Exhibit 37-0009, Case Study 37, AIMU.0001.001.0050\_R.
- 10 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0337.
- 11 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0333; Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [59].
- 12 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0333\_R.
- 13 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0333\_R.
- 14 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0333\_R.
- 15 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0335\_R.
- 16 Australian Institute of Music, *About AIM*, [www.aim.edu.au/about-aim](http://www.aim.edu.au/about-aim) (viewed 14 November 2016).
- 17 Australian Institute of Music, *About AIM*, [www.aim.edu.au/about-aim](http://www.aim.edu.au/about-aim) (viewed 14 November 2016).
- 18 Australian Institute of Music, AIM Sydney, [www.aim.edu.au/future-students/domestic-sydney](http://www.aim.edu.au/future-students/domestic-sydney) (viewed 14 November 2016).
- 19 Australian Charities and Not-for-profits Commission, *The Australian Institute of Music Limited*, [www.acnc.gov.au/RN52B75Q?ID=11EAAA6E-E714-4BC0-BE07-8A812A30423D&noleft=1](http://www.acnc.gov.au/RN52B75Q?ID=11EAAA6E-E714-4BC0-BE07-8A812A30423D&noleft=1) (viewed 18 November 2016).
- 20 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0335\_R.
- 21 Exhibit 37-0009, Case Study 37, OMB.0012.002.0278\_R at 0282\_R.
- 22 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [1].
- 23 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0336\_R.
- 24 Exhibit 37-0009, Case Study 37, OMB.0012.002.0278\_R at 0282\_R.
- 25 Exhibit 37-0003, 'Statement of I Bofinger', Case Study 37, STAT.0851.001.0001\_R at [1].
- 26 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0335\_R.
- 27 *Ombudsman Act 1974* (NSW), s 25B.
- 28 *Ombudsman Act 1974* (NSW), s 25B.
- 29 *Ombudsman Act 1974* (NSW), s 25C(3).
- 30 *Ombudsman Act 1974* (NSW), s 25C.
- 31 *Ombudsman Act 1974* (NSW), s 25G(5).
- 32 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0335\_R.
- 33 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [38], [43], [53].
- 34 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [7].
- 35 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [13].
- 36 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [32].
- 37 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [33].
- 38 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [33].
- 39 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [36].
- 40 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [39]–[41].
- 41 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [42].
- 42 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.0001.0001\_R at [43], [53].
- 43 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [53].
- 44 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [48]–[52].
- 45 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [51].
- 46 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [48].

47 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [56].  
 48 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [59].  
 49 Exhibit 37-0002, 'Statement of CAD', Case Study 37, STAT.0876.001.0001\_R at [32]–[34].  
 50 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [62].  
 51 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [64].  
 52 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [75].  
 53 Exhibit 37-0002, 'Statement of CAD', Case Study 37, STAT.0876.001.0001\_R at [40]–[43].  
 54 Exhibit 37-0002, 'Statement of CAD', Case Study 37, STAT.0876.001.0001\_R at [42].  
 55 Exhibit 37-0002, 'Statement of CAD', Case Study 37, STAT.0876.001.0001\_R at [44].  
 56 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [87].  
 57 Exhibit 37-0001, 'Statement of CAA', Case Study 37, STAT.0871.001.0001\_R at [88]–[90].  
 58 Exhibit 37-0002, 'Statement of CAD', Case Study 37, STAT.0876.001.0001\_R at [67].  
 59 Exhibit 37-0002, 'Statement of CAD', Case Study 37, STAT.0876.001.0001\_R at [68].  
 60 Exhibit 37-0002, 'Statement of CAD', Case Study 37, STAT.0876.001.0001\_R at [71].  
 61 Exhibit 37-0002, 'Statement of CAD', Case Study 37, STAT.0876.001.0001\_R at [71].  
 62 Exhibit 37-0002, 'Statement of CAD', Case Study 37, STAT.0876.001.0001\_R at [45].  
 63 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [5].  
 64 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [5].  
 65 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [6].  
 66 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [6].  
 67 Exhibit 37-0002, 'Statement of CAD', Case Study 37, STAT.0876.001.0001\_R at [47].  
 68 Exhibit 37-0002, 'Statement of CAD', Case Study 37, STAT.0876.001.0001\_R at [47];  
 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [6].  
 69 Exhibit 37-0002, 'Statement of CAD', Case Study 37, STAT.0876.001.0001\_R at [48].  
 70 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [7].  
 71 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [7];  
 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16635:43–16636:5.  
 72 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [11].  
 73 Exhibit 37-0002, 'Statement of CAD', Case Study 37, STAT.0876.001.0001\_R at [53].  
 74 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [12];  
 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0006\_R at 0007\_R.  
 75 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [12];  
 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0006\_R at 0007\_R.  
 76 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [12];  
 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0006\_R at 0007\_R.  
 77 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0338.  
 78 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0338.  
 79 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0338.  
 80 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0006\_R at 0008\_R; Transcript of R Marcellino,  
 Case Study 37, 3 March 2016 at 16637:19–22.  
 81 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16637:24–28.  
 82 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16637:35–39.  
 83 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [13].  
 84 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0006\_R at 0008\_R.  
 85 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0006\_R at 0008\_R–0009\_R.  
 86 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16638:16–37.  
 87 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [14]–[15].  
 88 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16639:35–38.  
 89 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16639:16–21.  
 90 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16639:40–43.  
 91 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16639:45–16640:6.  
 92 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16639:45–16640:6.

93 Exhibit 37-0009, Case Study 37, NSW.2052.003.0231\_R.  
 94 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [9].  
 95 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0006\_R at 0010\_R; Exhibit 37-0004,  
 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [15].  
 96 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [16];  
 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0006\_R at 0010\_R.  
 97 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16639:45–16640:22.  
 98 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [8];  
 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16640:33–41.  
 99 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16641:5–8.  
 100 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16640:43–16641:3.  
 101 Exhibit 37-0004, 'Statement of R Marcellino', Case Study 37, STAT.0855.001.0001\_R at [16].  
 102 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16641:15–17.  
 103 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16641:10–16642:16.  
 104 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16642:11–16.  
 105 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0006\_R at 0010\_R.  
 106 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0006\_R at 0010\_R.  
 107 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0006\_R at 0010\_R;  
 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16643:6–13, 30–37.  
 108 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0006\_R at 0010\_R.  
 109 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16643:15–21.  
 110 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16643:18–21.  
 111 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16643:39–42.  
 112 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16643:44–16644:2.  
 113 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0340\_R.  
 114 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0340\_R.  
 115 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0340\_R.  
 116 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0340\_R.  
 117 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0340–0341.  
 118 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0032\_R.  
 119 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0032\_R.  
 120 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16646:25–26.  
 121 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0032\_R.T.  
 122 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16646:38–42.  
 123 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16645:46–16646:4.  
 124 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16647:2–14.  
 125 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16647:16–25.  
 126 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16647:27–32.  
 127 Submissions of Professor Victor Makarov, Case Study 37, SUBM.1037.002.0001 at 0007.  
 128 Submissions of Professor Victor Makarov, Case Study 37, SUBM.1037.002.0001 at 0007.  
 129 Transcript of I Bofinger, Case Study 37, 3 March 2016 at 16624:20–34.  
 130 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0334\_R.  
 131 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0334\_R.  
 132 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0006\_R at 0012\_R.  
 133 Exhibit 37-0009, Case Study 37, OMB.0012.003.0161\_R.  
 134 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16647:43–16648:3.  
 135 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0006\_R at 0012\_R.  
 136 Exhibit 37-0009, Case Study 37, NSW.2052.014.0028\_R at 0029\_R–0032\_R.  
 137 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0006\_R at 0013\_R.  
 138 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0006\_R at 0013\_R.  
 139 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0006\_R at 0013\_R.  
 140 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0036.



141 Exhibit 37-0009, Case Study 37, OMB.0012.002.0278\_R at 0290\_R.  
 142 Transcript of I Bofinger, Case Study 37, 3 March 2016 at 16624:42–16626:2.  
 143 Transcript of I Bofinger, Case Study 37, 3 March 2016 at 16626:4–12.  
 144 Transcript of I Bofinger, Case Study 37, 3 March 2016 at 16626:14–17.  
 145 Transcript of I Bofinger, Case Study 37, 3 March 2016 at 16627:16–31.  
 146 Transcript of I Bofinger, Case Study 37, 3 March 2016 at 16627:33–16628:7.  
 147 Submissions of Professor Victor Makarov, Case Study 37, SUBM.1037.002.0001 at 0007.  
 148 Exhibit 37-0004, ‘Statement of R Marcellino’, Case Study 37, STAT.0855.001.0001\_R at [17].  
 149 Exhibit 37-0004, ‘Statement of R Marcellino’, Case Study 37, STAT.0855.001.0001\_R at [17].  
 150 Exhibit 37-0004, ‘Statement of R Marcellino’, Case Study 37, STAT.0855.001.0001\_R at [19].  
 151 Exhibit 37-0004, ‘Statement of R Marcellino’, Case Study 37, STAT.0855.001.0001\_R at [19].  
 152 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R.  
 153 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0357\_R.  
 154 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0357\_R; Transcript of I Bofinger,  
 Case Study 37, 3 March 2016 at 16628:19–16629:9.  
 155 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0001\_R at 0016.  
 156 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0001\_R at 0017.  
 157 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0001\_R at 0017.  
 158 Exhibit 37-0009, Case Study 37, AIMU.0001.001.0001\_R at 0017.  
 159 Exhibit 37-0009, Case Study 37, NSW.2052.004.0269\_R at 0270\_R.  
 160 Exhibit 37-0009, Case Study 37, NSW.2052.004.0269\_R at 0270\_R.  
 161 Submissions of Professor Victor Makarov, Case Study 37, SUBM.1037.002.0001 at 0002.  
 162 Exhibit 37-0009, Case Study 37, NSW.2052.004.0269\_R at 0271\_R.  
 163 Exhibit 37-0009, Case Study 37, NSW.2052.004.0269\_R at 0271\_R.  
 164 Exhibit 37-0009, Case Study 37, NSW.2052.004.0269\_R at 0271\_R.  
 165 Exhibit 37-0009, Case Study 37, NSW.2052.004.0269\_R at 0272\_R.  
 166 Exhibit 37-0009, Case Study 37, NSW.2052.004.0269\_R at 0272\_R.  
 167 Exhibit 37-0009, Case Study 37, NSW.2052.004.0269\_R at 0272\_R.  
 168 Exhibit 37-0009, Case Study 37, NSW.2052.004.0269\_R at 0273\_R.  
 169 Exhibit 37-0009, Case Study 37, NSW.2052.004.0269\_R at 0274\_R.  
 170 Submissions of Professor Victor Makarov, Case Study 37, SUBM.1037.002.0001 at 0003.  
 171 Exhibit 37-0001, ‘Statement of CAA’, Case Study 37, STAT.0871.001.0001\_R at [85].  
 172 Exhibit 37-0002, ‘Statement of CAD’, Case Study 37, STAT.0876.001.0001\_R at [56].  
 173 Exhibit 37-0002, ‘Statement of CAD’, Case Study 37, STAT.0876.001.0001\_R at [59].  
 174 Exhibit 37-0002, ‘Statement of CAD’, Case Study 37, STAT.0876.001.0001\_R at [56].  
 175 Exhibit 37-0002, ‘Statement of CAD’, Case Study 37, STAT.0876.001.0001\_R at [60].  
 176 Transcript of CAD, Case Study 37, 3 March 2016 at 16613:21–29.  
 177 Transcript of CAD, Case Study 37, 3 March 2016 at 16613:30–37.  
 178 Exhibit 37-0002, ‘Statement of CAD’, Case Study 37, STAT.0876.001.0001\_R at [61]–[66].  
 179 Exhibit 37-0002, ‘Statement of CAD’, Case Study 37, STAT.0876.001.0001\_R at [62].  
 180 Exhibit 37-0002, ‘Statement of CAD’, Case Study 37, STAT.0876.001.0001\_R at [62].  
 181 Exhibit 37-0002, ‘Statement of CAD’, Case Study 37, STAT.0876.001.0001\_R at [62], [65]–[66].  
 182 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16645:18–30.  
 183 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16633:46–16634:8.  
 184 Exhibit 37-0009, Case Study 37, OMB.0012.002.0493.  
 185 Exhibit 37-0009, Case Study 37, OMB.0012.004.0332\_R at 0358\_R.  
 186 Transcript of R Marcellino, Case Study 37, 3 March 2016 at 16634:10–19.  
 187 Exhibit 37-0003, ‘Statement of Professor Ian Bofinger’, Case Study 37, STAT.0851.001.0001\_R at [15].  
 188 Exhibit 37-0009, Case Study 37, AIMU.0002.001.0073.  
 189 Exhibit 37-0009, Case Study 37, AIMU.0002.001.0073 at 0137.  
 190 Exhibit 37-0009, Case Study 37, AIMU.0002.001.0073 at 0137.  
 191 Exhibit 37-0009, Case Study 37, AIMU.0002.001.0073 at 0137.

192 Exhibit 37-0009, Case Study 37, AIMU.0002.001.0073 at 0137.  
 193 Exhibit 37-0009, Case Study 37, AIM.0002.001.0491.  
 194 Exhibit 37-0009, Case Study 37, AIM.0002.001.0491.  
 195 Exhibit 37-0009, Case Study 37, AIM.0002.001.0491.  
 196 Exhibit 37-0027, 'Statement of J Barnier', Case Study 37, STAT.0862.001.0001\_R at [10];  
 Exhibit 37-0026, 'Statement of R Davies', Case Study 37, STAT.0867.001.0001\_R at [6].  
 197 Exhibit 37-0009, Case Study 37, 'NSW Police Statement of J Barnier', NPF.0005.002.0100\_R at [9];  
 Exhibit 37-0026, 'Statement of R Davies', Case Study 37, STAT.0867.001.0001\_R at [11], [13].  
 198 Exhibit 37-0009, Case Study 37, NPF.0005.002.0100\_R at 0102\_R; Exhibit 37-0026,  
 'Statement of R Davies', Case Study 37, STAT.0867.001.0001\_R at [10].  
 199 Exhibit 37-0025, 'Statement of BZB', Case Study 37, STAT.0868.001.0001\_R at [16].  
 200 Exhibit 37-0031, 'Statement of J Davies' Case Study 37, STAT.0919.001.0001\_R at [6]-[11].  
 201 Exhibit 37-0009, Case Study 37, IND.0354.001.0108\_R at 0118\_R; Exhibit 37-0027,  
 'Statement of J Barnier', Case Study 37, STAT.0862.001.0001\_R at [30].  
 202 Exhibit 37-0031, 'Statement of J Davies', Case Study 37, STAT.0919.001.0001\_R at [8].  
 203 Exhibit 37-0027, 'Statement of J Barnier', Case Study 37, STAT.0862.001.0001\_R at [7].  
 204 Exhibit 37-0027, 'Statement of J Barnier', Case Study 37, STAT.0862.001.0001\_R at [18].  
 205 Exhibit 37-0017, 'Statement of TM Seipel', Case Study 37, STAT.0890.001.0001\_R at [14].  
 206 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [9].  
 207 Exhibit 37-0027, 'Statement of J Barnier', Case Study 37, STAT.0862.001.0001\_R at [23].  
 208 Exhibit 37-0027, 'Statement of J Barnier', Case Study 37, STAT.0862.001.0001\_R at [26].  
 209 Exhibit 37-0009, Case Study 37, WEB.0100.001.0001\_R at 0002\_R.  
 210 Exhibit 37-0027, 'Statement of J Barnier', Case Study 37, STAT.0862.001.0001\_R at [28].  
 211 Exhibit 37-0009, Case Study 37, WEB.0100.001.0001\_R at 0005\_R; Exhibit 37-0027,  
 'Statement of J Barnier', Case Study 37, STAT.0862.001.0001\_R at [10].  
 212 Exhibit 37-0027, 'Statement of J Barnier', Case Study 37, STAT.0862.001.0001\_R at [30].  
 213 Exhibit 37-0027, 'Statement of J Barnier', Case Study 37, STAT.0862.001.0001\_R at [10], [41].  
 214 Exhibit 37-0009, Case Study 37, WEB.0100.001.0001\_R at 0002\_R.  
 215 Transcript of J Barnier, Case Study 37, 10 March 2016 at 17166:13–16.  
 216 Exhibit 37-0026, 'Statement of R Davies', Case Study 37, STAT.0867.001.0001\_R at [9].  
 217 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [19].  
 218 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [14].  
 219 Exhibit 37-0017, 'Statement of TM Seipel', Case Study 37, STAT.0890.001.0001\_R at [44].  
 220 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [12]; Exhibit 37-0006,  
 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [20].  
 221 Transcript of R Davies, Case Study 37, 9 March 2016 at 17073:35.  
 222 Exhibit 37-0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [8].  
 223 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [15].  
 224 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [14].  
 225 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [16].  
 226 Exhibit 37-0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [8], [50].  
 227 Exhibit 37-0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [18].  
 228 Exhibit 37-0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [19].  
 229 Exhibit 37-0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [25].  
 230 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [29].  
 231 Exhibit 37-0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [26].  
 232 Exhibit 37-0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [27].  
 233 Exhibit 37-0017, 'Statement of TM Seipel', Case Study 37, STAT.0890.001.0001\_R at [47].  
 234 Exhibit 37-0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [28].  
 235 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [21].  
 236 Transcript of TM Seipel, Case Study 37, 8 March 2016 at 16986:30–16987:1.  
 237 Exhibit 37-0017, 'Statement of TM Seipel', Case Study 37, STAT.0890.001.0001\_R at [53].

- 238 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [28].
- 239 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [28].
- 240 Transcript of R Davies, Case Study 37, 9 March 2016 at 17078:11–26.
- 241 Transcript of R Davies, Case Study 37, 9 March 2016 at 17078:11–20.
- 242 Transcript of R Davies, Case Study 37, 9 March 2016 at 17078:28–31.
- 243 Exhibit 37-0026, 'Statement of R Davies', Case Study 37, STAT.0867.001.0001\_R at [94].
- 244 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [39].
- 245 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [40].
- 246 Transcript of TM Seipel, Case Study 37, 8 March 2016 at 16987:38–43.
- 247 Transcript of TM Seipel, Case Study 37, 8 March 2016 at 16988:1–27.
- 248 Transcript of R Davies, Case Study 37, 9 March 2016 at 17077:17–43.
- 249 Transcript of R Davies, Case Study 37, 9 March 2016 at 17083:8–17.
- 250 Exhibit 37-0026, 'Statement of R Davies', Case Study 37, STAT.0867.001.0001\_R at [95].
- 251 Exhibit 37-0009, Case Study 37, NSW.2067.001.0001\_E\_R.
- 252 Exhibit 37-0025, 'Statement of BZB', Case Study 37, STAT.0868.001.0001\_R at [8];  
Exhibit 37-0009, Case Study 37, NPF.079.004.0001\_R at 0014\_R, 0011\_R.
- 253 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [15].
- 254 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [26].
- 255 Exhibit 37-0007, 'Statement of BZN', Case Study 37, STAT.0884.001.0001\_R at [17].
- 256 Exhibit 37-0017, 'Statement of TM Seipel', Case Study 37, STAT.0890.001.0001\_R at [17].
- 257 Exhibit 37-0017, 'Statement of TM Seipel', Case Study 37, STAT.0890.001.0001\_R at [50].
- 258 Exhibit 37-0017, 'Statement of TM Seipel', Case Study 37, STAT.0890.001.0001\_R at [49].
- 259 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [15].
- 260 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [15].
- 261 Exhibit 37-0025, 'Statement of BZB', Case Study 37, STAT.0868.001.0001\_R at [21].
- 262 Exhibit 37-0025, 'Statement of BZB', Case Study 37, STAT.0868.001.0001\_R at [22].
- 263 Exhibit 37-0025, 'Statement of BZB', Case Study 37, STAT.0868.001.0001\_R at [51].
- 264 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [24].
- 265 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [23].
- 266 Exhibit 37-0007, 'Statement of BZN', Case Study 37, STAT.0884.001.0001\_R at [25].
- 267 Exhibit 37-0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [17].
- 268 Exhibit 37-0017, 'Statement of TM Seipel', Case Study 37, STAT.0890.001.0001\_R at [40].
- 269 Exhibit 37-0025, 'Statement of BZB', Case Study 37, STAT.0868.001.0001\_R at [10].
- 270 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [27].
- 271 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [38].
- 272 Exhibit 37-0027, 'Statement of J Barnier', Case Study 37, STAT.0862.001.0001\_R at [27].
- 273 Exhibit 37-0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [12].
- 274 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [21];  
Exhibit 37-0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [11];  
Exhibit 37-0007, 'Statement of BZN', Case Study 37, STAT.0884.001.0001\_R at [13];  
Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [37].
- 275 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [81].
- 276 Exhibit 37-0015, 'Statement of BZE', Case Study 37, STAT.0891.001.0001\_R at [47].
- 277 Exhibit 37-0009, Case Study 37, NSW.2067.001.0001\_E\_R at 0001\_E\_R–0002\_E\_R.
- 278 Exhibit 37-0009, Case Study 37, NSW.2067.001.0001\_E\_R at 0002\_E\_R; Exhibit 37-0030,  
'Statement of A Power', Case Study 37, STAT.0895.001.0001\_R at [15].
- 279 Exhibit 37-0009, Case Study 37, NSW.2067.001.0001\_E\_R at 0003\_E\_R–0026\_E\_R.
- 280 C Blumer and L Casben, *Grant Davies: Sydney dancing teacher sentenced for child pornography and sex abuse*, [www.abc.net.au/news/2016-10-21/grant-davies-sydney-dance-teacher-sentenced-child-pornography/7953554](http://www.abc.net.au/news/2016-10-21/grant-davies-sydney-dance-teacher-sentenced-child-pornography/7953554), 21 October 2016 (viewed 28 November 2016).
- 281 Exhibit 37-0029, 'Statement of M Erooga', Case Study 37, STAT.0892.001.0001\_R.
- 282 Exhibit 37-0029, 'Statement of M Erooga', Case Study 37, STAT.0892.001.0001\_R at [32].

283 Exhibit 37-0029, 'Statement of M Erooga', Case Study 37, STAT.0892.001.0001\_R at [33].  
 284 Exhibit 37-0029, 'Statement of M Erooga', Case Study 37, STAT.0892.001.0001\_R at [40].  
 285 Exhibit 37-0029, 'Statement of M Erooga', Case Study 37, STAT.0892.001.0001\_R at [37]–[38].  
 286 Exhibit 37-0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [31]–[32].  
 287 Exhibit 37-0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [32].  
 288 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [62].  
 289 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [23].  
 290 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [23].  
 291 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [42]–[43].  
 292 Exhibit 37-0017, 'Statement of TM Seipel', Case Study 37, STAT.0890.001.0001\_R at [35].  
 293 Exhibit 37-0017, 'Statement of TM Seipel', Case Study 37, STAT.0890.001.0001\_R at [34]–[36].  
 294 Exhibit 37-0017, 'Statement of TM Seipel', Case Study 37, STAT.0890.001.0001\_R at [36].  
 295 Transcript of TM Seipel, Case Study 37, 8 March 2016 at 16944:36–16945:10.  
 296 Exhibit 37-0017, 'Statement of TM Seipel', Case Study 37, STAT.0890.001.0001\_R at [26];  
 Transcript of TM Seipel, Case Study 37, 8 March 2016 at 16944:36–16945:10.  
 297 Transcript of TM Seipel, Case Study 37, 8 March 2016 at 16945:12–22.  
 298 Transcript of R Davies, Case Study 37, 9 March 2016 at 17080:8–11.  
 299 Exhibit 37-0026, 'Statement of R Davies', Case Study 37, STAT.0867.001.0001\_R at [54].  
 300 Transcript of TM Seipel, Case Study 37, 8 March 2016 at 16946:39–45.  
 301 Exhibit 37-0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [15].  
 302 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [45];  
 Exhibit 37-0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [16];  
 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [26];  
 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [31]–[32], [35].  
 303 Exhibit 37-0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [16].  
 304 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [20].  
 305 Exhibit 37-0006, 'Statement of BZM', STAT.0887.001.0001\_R at [32]–[33].  
 306 Exhibit 37-0007, 'Statement of BZN', Case Study 37, STAT.0884.001.0001\_R at [18].  
 307 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [38];  
 Exhibit 37-0006, 'Statement of BZM', STAT.0887.001.0001\_R at [42].  
 308 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [38],  
 [43]–[46], [52]–[56]; Exhibit 37-0006, 'Statement of BZM', STAT.0887.001.0001\_R at [44]–[45].  
 309 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [17].  
 310 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [18].  
 311 Exhibit 37-0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [39].  
 312 Exhibit 37-0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [41].  
 313 Transcript of R Davies, Case Study 37, 9 March 2016 at 17081:1–8.  
 314 Transcript of R Davies, Case Study 37, 9 March 2016 at 17081:10–39.  
 315 Transcript of R Davies, Case Study 37, 9 March 2016 at 17081:36–39.  
 316 Transcript of R Davies, Case Study 37, 9 March 2016 at 17123:13–17124:14.  
 317 Transcript of R Davies, Case Study 37, 9 March 2016 at 17124:22–30, 17125:1–12.  
 318 Transcript of R Davies, Case Study 37, 9 March 2016 at 17080:43–46.  
 319 Transcript of R Davies, Case Study 37, 9 March 2016 at 17124:22–30, 17125:1–12.  
 320 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [12], [23].  
 321 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [6].  
 322 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [9].  
 323 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [15].  
 324 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [16].  
 325 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [23].  
 326 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [26].  
 327 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [24].  
 328 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [30]–[31].

329 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [34].  
 330 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [35].  
 331 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [35].  
 332 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [36].  
 333 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [37].  
 334 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [38].  
 335 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [13].  
 336 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [13].  
 337 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [14].  
 338 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [15].  
 339 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [16].  
 340 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [16].  
 341 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [22].  
 342 Exhibit 37-0009, Case Study 37, NSW.2067.001.0001\_E\_R at 0013\_E\_R.  
 343 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [36].  
 344 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [37].  
 345 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [37].  
 346 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [36]–[37].  
 347 Transcript of R Davies, Case Study 37, 9 March 2016 at 17089:7–26.  
 348 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [31].  
 349 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [44]–[46].  
 350 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [50]–[57].  
 351 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [64].  
 352 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [65]–[66].  
 353 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [76]–[81].  
 354 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [79].  
 355 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [9].  
 356 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [10].  
 357 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [28].  
 358 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [14].  
 359 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [15].  
 360 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [36].  
 361 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [37].  
 362 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [47].  
 363 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [48].  
 364 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [48]–[75].  
 365 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [87].  
 366 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [87].  
 367 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [7].  
 368 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [8].  
 369 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [10]–[13].  
 370 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [24]–[45].  
 371 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [24]–[45]; [74]–[82].  
 372 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [74].  
 373 Exhibit 37-0013, Case Study 37, NPF.0005.002.0585\_R.  
 374 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [77]–[78].  
 375 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [82].  
 376 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [82].  
 377 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [83].  
 378 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [83].  
 379 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [98].  
 380 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [99].



381 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [86].  
 382 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [88].  
 383 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [9]–[10].  
 384 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [55].  
 385 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [40].  
 386 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [46].  
 387 Transcript of BZM, Case Study 37, 4 March 2016 at 16683:15–18; Exhibit 37-0006,  
 'Statement of BZM', STAT.0887.001.0001\_R at [48].  
 388 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [58].  
 389 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [44]–[45].  
 390 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [32], [44].  
 391 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [32].  
 392 Transcript of BZM, Case Study 37, 4 March 2016 at 16683:6–13.  
 393 Exhibit 37-0036, Case Study 37, NPF.0005.002.0572; Exhibit 37-0006,  
 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [62].  
 394 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [64].  
 395 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [65].  
 396 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [68]–[70].  
 397 Exhibit 37-0007, 'Statement of BZN', Case Study 37, STAT.0884.001.0001\_R at [4].  
 398 Exhibit 37-0007, 'Statement of BZN', Case Study 37, STAT.0884.001.0001\_R at [6].  
 399 Exhibit 37-0007, 'Statement of BZN', Case Study 37, STAT.0884.001.0001\_R at [32].  
 400 Exhibit 37-0007, 'Statement of BZN', Case Study 37, STAT.0884.001.0001\_R at [32].  
 401 Exhibit 37-0007, 'Statement of BZN', Case Study 37, STAT.0884.001.0001\_R at [34].  
 402 Exhibit 37-0007, 'Statement of BZN', Case Study 37, STAT.0884.001.0001\_R at [35].  
 403 Exhibit 37-0007, 'Statement of BZN', Case Study 37, STAT.0884.001.0001\_R at [42]–[46], [49].  
 404 Exhibit 37-0007, 'Statement of BZN', Case Study 37, STAT.0884.001.0001\_R at [47].  
 405 Transcript of R Davies, Case Study 37, 9 March 2016 at 17113:3–46, 17121:18–28.  
 406 Exhibit 37-0007, 'Statement of BZN', Case Study 37, STAT.0884.001.0001\_R at [48].  
 407 Exhibit 37-0009, Case Study 37, NSW.COMS.561.001.0165\_R.  
 408 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [71].  
 409 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [71].  
 410 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [72].  
 411 Exhibit 37-0007, 'Statement of BZN', Case Study 37, STAT.0884.001.0001\_R at [59].  
 412 Exhibit 37-0007, 'Statement of BZN', Case Study 37, STAT.0884.001.0001\_R at [60].  
 413 Exhibit 37-0015, 'Statement of BZE', Case Study 37, STAT.0891.001.0001\_R at [6]–[9].  
 414 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [19].  
 415 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [60].  
 416 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [61].  
 417 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [23]–[24].  
 418 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [62].  
 419 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [68].  
 420 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [67].  
 421 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [69].  
 422 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [65].  
 423 Exhibit 37-0015, 'Statement of BZE', Case Study 37, STAT.0891.001.0001\_R at [6]–[7].  
 424 Exhibit 37-0015, 'Statement of BZE', Case Study 37, STAT.0891.001.0001\_R at [19]–[22].  
 425 Exhibit 37-0015, 'Statement of BZE', Case Study 37, STAT.0891.001.0001\_R at [31]–[32].  
 426 Exhibit 37-0015, 'Statement of BZE', Case Study 37, STAT.0891.001.0001\_R at [35].  
 427 Exhibit 37-0015, 'Statement of BZE', Case Study 37, STAT.0891.001.0001\_R at [45].  
 428 Exhibit 37-0015, 'Statement of BZE', Case Study 37, STAT.0891.001.0001\_R at [46]–[47].  
 429 Exhibit 37-0015, 'Statement of BZE', Case Study 37, STAT.0891.001.0001\_R at [48].  
 430 Exhibit 37-0015, 'Statement of BZE', Case Study 37, STAT.0891.001.0001\_R at [49].

431 Exhibit 37-0009, Case Study 37, NPF.0005.002.3708\_E\_R, NPF.0005.002.3052\_E\_R, NPF.0005.002.1802\_E\_R.  
 432 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [110].  
 433 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [68].  
 434 Exhibit 37-0015, 'Statement of BZE', Case Study 37, STAT.0891.001.0001\_R at [51].  
 435 Exhibit 37-0015, 'Statement of BZE', Case Study 37, STAT.0891.001.0001\_R at [52].  
 436 Exhibit 37-0015, 'Statement of BZE', Case Study 37, STAT.0891.001.0001\_R at [53].  
 437 Exhibit 37-0015, 'Statement of BZE', Case Study 37, STAT.0891.001.0001\_R at [57].  
 438 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [109]–[113].  
 439 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [110].  
 440 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [113].  
 441 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [118].  
 442 Exhibit 37-0017, 'Statement of TM Seipel', Case Study 37, STAT.0890.001.0001\_R at [64]–[68].  
 443 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [48].  
 444 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [49].  
 445 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [51].  
 446 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [24].  
 447 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [25].  
 448 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [25].  
 449 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [24]–[29].  
 450 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [36].  
 451 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [53]–[65];  
 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [24]–[43];  
 Exhibit 37-0013, Case Study 37, NPF.0005.002.0585\_R at [12]–[25].  
 452 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [53]–[65].  
 453 Transcript of BZR, Case Study 37, 7 March 2016 at 16813:6–33.  
 454 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [71].  
 455 Transcript of R Davies, Case Study 37, 9 March 2016 at 17098:36–17100:19.  
 456 Transcript of R Davies, Case Study 37, 9 March 2016 at 17098:17–34.  
 457 Exhibit 37-0026, 'Statement of R Davies', Case Study 37, STAT.0867.001.0001\_R at [19].  
 458 Transcript of R Davies, Case Study 37, 9 March 2016 at 17105:4–9.  
 459 Transcript of R Davies, Case Study 37, 9 March 2016 at 17105:24–31.  
 460 Transcript of R Davies, Case Study 37, 9 March 2016 at 17105:33–35.  
 461 Transcript of R Davies, Case Study 37, 9 March 2016 at 17105:37–17106:4.  
 462 Transcript of R Davies, Case Study 37, 9 March 2016 at 17105:37–17106:9.  
 463 Exhibit 37-0031, 'Statement of J Davies', Case Study 37, STAT.0919.001.0001\_R at [13];  
 Transcript of J Davies, Case Study 37, 10 March 2016 at 17199:3–20.  
 464 Exhibit 37-0031, 'Statement of J Davies', Case Study 37, STAT.0919.001.0001\_R at [14].  
 465 Exhibit 37-0031, 'Statement of J Davies', Case Study 37, STAT.0919.001.0001\_R at [24].  
 466 Submissions of R Davies, Case Study 37, SUBM.1037.005.0001 at [24]–[30].  
 467 Submissions in Reply of BZQ, BZR and BZP, Case Study 37, SUBM.1037.009.0001 at [3]–[8].  
 468 Transcript of R Davies, Case Study 37, 9 March 2016 at 17105:37–17106:4.  
 469 Transcript of D Mulkerin, Case Study 37, 10 March 2016 at 17259:8–32, 17262:22–30.  
 470 Transcript of BZR, Case Study 37, 10 March 2016 at 17220:46–17224:24.  
 471 Transcript of BZR, Case Study 37, 10 March 2016 at 17223:5–11.  
 472 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [25]–[30];  
 Transcript of BZR, Case Study 37, 7 March 2016 at 16812:26–16820:25.  
 473 Transcript of BZR, Case Study 37, 7 March 2016 at 16830:37–47.  
 474 Transcript of BZP, Case Study 37, 7 March 2016 at 16772:40–16773:23.  
 475 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [21]; Exhibit 37-0011,  
 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [50]–[52].  
 476 Exhibit 37-0027, 'Statement of J Barnier', Case Study 37, STAT.0862.001.0001\_R at [50].  
 477 Transcript of J Barnier, Case Study 37, 10 March 2016 at 17171:21–39.

478 Exhibit 37-0026, 'Statement of R Davies', Case Study 37, STAT.0867.001.0001\_R at [40].  
 479 Exhibit 37-0027, 'Statement of J Barnier', Case Study 37, STAT.0862.001.0001\_R at [43].  
 480 Exhibit 37-0027, 'Statement of J Barnier', Case Study 37, STAT.0862.001.0001\_R at [49].  
 481 Transcript of R Davies, Case Study 37, 9 March 2016 at 17120:27–31.  
 482 Exhibit 37-009, Case Study 37, NPF.0005.002.0100\_R.  
 483 Exhibit 37-009, Case Study 37, NPF.0005.002.0100\_R at [11].  
 484 Transcript of R Davies, Case Study 37, 9 March 2016 at 17109:25–45, 17120:25–45.  
 485 Submissions for R Davies, Case Study 37, SUBM.1037.005.0001 at [31]–[34].  
 486 Transcript of R Davies, Case Study 37, 9 March 2016 at 17108:37–41.  
 487 Transcript of J Barnier, Case Study 37, 10 March 2016 at 17171:21–27, 17171:34–39.  
 488 Transcript of R Davies, Case Study 37, 9 March 2016 at 17108:30–17109:8.  
 489 Exhibit 37-0009, Case Study 37, IND.0354.001.0227\_E\_R.  
 490 Transcript of R Davies, Case Study 37, 9 March 2016 at 17115:19–34.  
 491 Exhibit 37-0009, Case Study 37, IND.0354.001.0227\_E\_R at 0227\_E\_R–0228\_E\_R.  
 492 Transcript of R Davies, Case Study 37, 9 March 2016 at 17117:21–17118:32.  
 493 Transcript of R Davies, Case Study 37, 9 March 2016 at 17118:24–32.  
 494 Transcript of R Davies, Case Study 37, 9 March 2016 at 17116:24–44; Exhibit 37-0009,  
 Case Study 37, IND.0354.001.0227\_E\_R.  
 495 Submissions for R Davies, Case Study 37, SUBM.1037.005.0001 at [40].  
 496 Exhibit 37-0009, Case Study 37, IND.0344.001.0028\_E\_R at 0028\_E\_R–0029\_E\_R.  
 497 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [75d];  
 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [59].  
 498 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [76];  
 Exhibit 37-0012, 'Statement of BZQ', Case Study 37, STAT.0879.001.0001\_R at [59]–[60].  
 499 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [77].  
 500 Exhibit 37-0011, 'Statement of BZR', Case Study 37, STAT.0878.001.0001\_R at [78].  
 501 Transcript of R Davies, Case Study 37, 9 March 2016 at 17118:38–43.  
 502 Transcript of R Davies, Case Study 37, 9 March 2016 at 17119:16–35.  
 503 Transcript of R Davies, Case Study 37, 9 March 2016 at 17118:45–17119:14.  
 504 Transcript of R Davies, Case Study 37, 9 March 2016 at 17119:16–26.  
 505 Transcript of R Davies, Case Study 37, 9 March 2016 at 17107:43–17108:11. Submissions made by Counsel  
 Assisting and on behalf of Ms Rebecca Davies supported a finding that Ms Rebecca Davies did not properly  
 investigate the allegations made by BZP in February 2007: Submissions of Counsel Assisting, Case Study 37,  
 SUBM.0037.001.0001 at [297]; Submissions for R Davies, Case Study 37, SUBM.1037.005.0001 at [2].  
 506 Submissions for R Davies, Case Study 37, SUBM.1037.005.0001 at [48].  
 507 Exhibit 37-0026, 'Statement of R Davies', Case Study 37, STAT.0867.001.0001\_R at [69]–[87].  
 508 Submissions in reply on behalf of BZQ, BZR and BZP, Case Study 37, SUBM.1037.009.0001 at [10]–[13];  
 Exhibit 32-0009, 'Statement of BZQ', Case Study 37 at [63]–[64]; Exhibit 32-0011, 'Statement of BZR', Case  
 Study 37 at [81], [86]–[87].  
 509 Exhibit 37-0009, Case Study 37, IND.0354.001.0241\_E\_R.  
 510 Exhibit 37-0009, Case Study 37, IND.0354.001.0241\_E\_R.  
 511 Transcript of R Davies, Case Study 37, 9 March 2016 at 17120:33–43.  
 512 Transcript of R Davies, Case Study 37, 9 March 2016 at 17117:21–29.  
 513 Transcript of R Davies, Case Study 37, 9 March 2016 at 17120:45–17121:1.  
 514 Transcript of R Davies, Case Study 37, 10 March 2016 at 17149:24–31.  
 515 Submissions for R Davies, Case Study 37, SUBM.1037.005.0001 at [50]–[54].  
 516 Transcript of R Davies, Case Study 37, 9 March 2016 at 17149:33–38.  
 517 Exhibit 37-0026, 'Statement of R Davies', Case Study 37, STAT.0867.001.0001\_R at [60].  
 518 Transcript of J Barnier, Case Study 37, 10 March 2016 at 17173:30–40.  
 519 Transcript of J Barnier, Case Study 37, 10 March 2016 at 17173:30–40.  
 520 Transcript of J Barnier, Case Study 37, 10 March 2016 at 17174:6–15.  
 521 Transcript of J Barnier, Case Study 37, 10 March 2016 at 17174:24–17175:9.



522 Exhibit 37-0027, 'Statement of J Barnier', Case Study 37, STAT.0862.001.0001\_R at [54].  
 523 Transcript of R Davies, Case Study 37, 9 March 2016 at 17110:21–27.  
 524 Transcript of R Davies, Case Study 37, 9 March 2016 at 17110:34–40.  
 525 Transcript of R Davies, Case Study 37, 9 March 2016 at 17110:42–47.  
 526 Transcript of R Davies, Case Study 37, 9 March 2016 at 17111:2–6.  
 527 Exhibit 37-0026, 'Statement of R Davies', Case Study 37, STAT.0867.001.0001\_R at [60].  
 528 Transcript of R Davies, Case Study 37, 9 March 2016 at 17110:42–17111:6.  
 529 Transcript of R Davies, Case Study 37, 9 March 2016 at 17111:8–18.  
 530 Transcript of R Davies, Case Study 37, 9 March 2016 at 17111:31–41.  
 531 Transcript of R Davies, Case Study 37, 9 March 2016 at 17112:2–8.  
 532 Submissions for R Davies, Case Study 37, SUBM.1037.005.0001 at [56]–[64].  
 533 Transcript of BZB, Case Study 37, 9 March 2016 at 17040:37–40.  
 534 Transcript of BZB, Case Study 37, 9 March 2016 at 17040:42–17041:1.  
 535 Transcript of BZB, Case Study 37, 9 March 2016 at 17041:3–7.  
 536 Transcript of BZB, Case Study 37, 9 March 2016 at 17041:9–12.  
 537 Exhibit 37-0022, 'Statement of M Hunter-Jones', Case Study 37, STAT.0902.001.0001\_R.  
 538 Exhibit 37-0022, 'Statement of M Hunter-Jones', Case Study 37, STAT.0902.001.0001\_R at [5]–[6].  
 539 Exhibit 37-0022, 'Statement of M Hunter-Jones', Case Study 37, STAT.0902.001.0001\_R at [11]–[12].  
 540 Exhibit 37-0022, 'Statement of M Hunter-Jones', Case Study 37, STAT.0902.001.0001\_R at [20].  
 541 Exhibit 37-0022, 'Statement of M Hunter-Jones', Case Study 37, STAT.0902.001.0001\_R at [20].  
 542 Exhibit 37-0034, 'Statement of K Hales', Case Study 37, STAT.0885.001.0001\_R at [6].  
 543 Transcript of K Hales, Case Study 37, 11 March 2016 at 17319:31–33.  
 544 Transcript of K Hales, Case Study 37, 11 March 2016 at 17321:33–39.  
 545 Transcript of K Hales, Case Study 37, 11 March 2016 at 17321:28–31.  
 546 Exhibit 37-0009, Case Study 37, NSW.COMS.561.001.0304\_R at 0306\_R.  
 547 Exhibit 37-0034, 'Statement of K Hales', Case Study 37, STAT.0885.001.0001\_R at [6].  
 548 Exhibit 37-0009, Case Study 37, NPF.079.004.0001\_R at 0018\_R.  
 549 Transcript of K Hales, Case Study 37, 11 March 2016 at 17322:24–43.  
 550 Transcript of K Hales, Case Study 37, 11 March 2016 at 17322:45–46.  
 551 Transcript of K Hales, Case Study 37, 11 March 2016 at 17322:34–40.  
 552 Exhibit 37-0034, 'Statement of K Hales', Case Study 37, STAT.0885.001.0001\_R at [9].  
 553 Exhibit 37-0038, Case Study 37, NPF.0005.002.0525\_R at 0575.  
 554 Exhibit 37-0009, Case Study 37, NPF.079.004.0001\_R at 0012\_R.  
 555 Exhibit 37-0009, Case Study 37, NPF.079.004.0001\_R at 0012\_R.  
 556 Exhibit 37-0009, Case Study 37, NPF.079.004.0001\_R at 0012\_R; Exhibit 37-0034,  
 'Statement of K Hales', Case Study 37, STAT.0885.001.0001\_R at [10].  
 557 Exhibit 37-0034, 'Statement of K Hales', Case Study 37, STAT.0885.001.0001\_R at [10].  
 558 Transcript of K Hales, Case Study 37, 11 March 2016 at 17331:9–15; Exhibit 37-0009,  
 Case Study 37, NSW.COMS.561.001.0277\_R.  
 559 Transcript of K Hales, Case Study 37, 11 March 2016 at 17331:30–17332:8.  
 560 Exhibit 37-0036, Case Study 37, NPF.0005.002.0572\_R at 0575\_R.  
 561 Exhibit 37-0009, Case Study 37, NPF.079.004.0001\_R at 0008\_R.  
 562 Exhibit 37-0009, Case Study 37, NPF.079.004.0001\_R at 0009\_R–0011\_R.  
 563 Exhibit 37-0013, Case Study 37, NPF.0005.002.0585\_R.  
 564 Exhibit 37-0028, Case Study 37, NSW.2083.001.0171\_R.  
 565 Exhibit 37-0009, Case Study 37, NPF.079.004.0001\_R at 0007\_R–0008\_R.  
 566 Exhibit 37-0009, Case Study 37, NPF.079.004.0001\_R at 0026\_R.  
 567 Exhibit 37-0009, Case Study 37, NPF.079.004.0001\_R at 0006\_R.  
 568 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17287:32–43.  
 569 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17287:45–17288:5.  
 570 Exhibit 37-0021, 'Statement of G Davies', Case Study 37, STAT.0906.001.0001 at [16].  
 571 Transcript of K Hales, Case Study 37, 11 March 2016 at 17336:19–40.

572 Transcript of K Hales, Case Study 37, 11 March 2016 at 17336:19–40.  
 573 Transcript of K Hales, Case Study 37, 11 March 2016 at 17336:19–40.  
 574 Transcript of BZB, Case Study 37, 9 March 2016 at 17066:11–17.  
 575 Exhibit 37-0025, ‘Statement of BZB’, STAT.0868.001.0001\_R at [34].  
 576 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17290:11–24.  
 577 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17290:11–24.  
 578 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17291:4–7.  
 579 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17291:14–26.  
 580 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17291:28–31.  
 581 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17291:33–17292:21.  
 582 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17292:1–18.  
 583 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17291:33–17292:18.  
 584 Transcript of BZB, Case Study 37, 9 March 2016 at 17043:36–40.  
 585 Transcript of BZB, Case Study 37, 9 March 2016 at 17043:42–17044:6.  
 586 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17273:24–17274:11.  
 587 Transcript of K Hales, Case Study 37, 11 March 2016 at 17328:17–20.  
 588 Transcript of K Hales, Case Study 37, 11 March 2016 at 17328:28–42.  
 589 Exhibit 37-0009, Case Study 37, NPF.079.004.0001\_R at 0017\_R.  
 590 Exhibit 37-0009, Case Study 37, NPF.079.004.0001\_R at 0017\_R.  
 591 Exhibit 37-0009, Case Study 37, NPF.0010.001.0001\_R.  
 592 Exhibit 37-0010, ‘Statement of BZP’, Case Study 37, STAT.0889.001.0001\_R at [76].  
 593 Exhibit 37-0009, Case Study 37, NSW.COMS.562.001.0086.  
 594 Exhibit 37-0009, Case Study 37, NSW.COMS.562.001.0086.  
 595 Transcript of D Mulkerin, Case Study 37, 10 March 2016 at 17244:20–33.  
 596 Transcript of D Mulkerin, Case Study 37, 10 March 2016 at 17245:8–20.  
 597 Transcript of D Mulkerin, Case Study 37, 10 March 2016 at 17245:22–28.  
 598 Exhibit 37-0009, Case Study 37, NSW.COMS.562.001.0084\_R.  
 599 Exhibit 37-0009, Case Study 37, NSW.COMS.562.001.0084\_R.  
 600 Exhibit 37-0009, Case Study 37, NSW.COMS.561.001.0253\_R at 0254\_R.  
 601 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17312:42–17313:1.  
 602 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17284:22–41, 17310:6–22;  
 Transcript of K Hales, Case Study 37, 11 March 2016 at 17334:14–30, 17338:16–17339:27.  
 603 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17311:36–17312:40.  
 604 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17311:47–17313:1.  
 605 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17282:20–43.  
 606 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17282:45–17283:31.  
 607 Transcript of K Hales, Case Study 37, 11 March 2016 at 17337:9–14.  
 608 Submissions of the State of New South Wales, Case Study 37, SUBM.1037.003.0001 at [121].  
 609 Submissions of the State of New South Wales, Case Study 37, SUBM.1037.003.0001 at [121].  
 610 Submissions of the State of New South Wales, Case Study 37, SUBM.1037.003.0001 at [122].  
 611 Submissions of the State of New South Wales, Case Study 37, SUBM.1037.003.0001 at [123].  
 612 Submissions of the State of New South Wales, Case Study 37, SUBM.1037.003.0001 at [124]–[127].  
 613 Submissions of the State of New South Wales, Case Study 37, SUBM.1037.003.0001 at [127]–[128];  
 Transcript of K Hales, Case Study 37, 11 March 2016 at 17326:37–47, 17327:1–16.  
 614 Submissions of the State of New South Wales, Case Study 37, SUBM.1037.003.0001 at [130].  
 615 Submissions of the State of New South Wales, Case Study 37, SUBM.1037.003.0001 at [129].  
 616 Submissions of the State of New South Wales, Case Study 37, SUBM.1037.003.0001 at [131]–[133].  
 617 Transcript of K Hales, Case Study 37, 11 March 2016 at 17337:28–31.  
 618 Transcript of K Hales, Case Study 37, 11 March 2016 at 17319:24–33.  
 619 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17268:41–17269:1.  
 620 Exhibit 37-0009, Case Study 37, NSW.COMS.561.001.0277\_R.  
 621 Submissions of the State of New South Wales, Case Study 37, SUBM.1037.003.0001 at [135]–[175].

622 Transcript of BZB, Case Study 37, 9 March 2016 at 17041:43–45.  
 623 Transcript of BZB, Case Study 37, 9 March 2016 at 17057:32–41.  
 624 Transcript of BZB, Case Study 37, 9 March 2016 at 17060:10–17.  
 625 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17291:20–26.  
 626 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17291:28–31.  
 627 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17291:33–46.  
 628 Transcript of BZB, Case Study 37, 9 March 2016 at 17043:36–17044:6.  
 629 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17293:3–5.  
 630 Submissions for R Davies, Case Study 37, SUBM.1037.006.0001 at [8].  
 631 Submissions of the State of New South Wales, Case Study 37, SUBM.1037.003.0001 at [198].  
 632 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17292:27–17293:5.  
 633 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17299:5–13; Exhibit 37-0009, Case Study 37, NPF.079.004.0001\_R at 0003\_R.  
 634 Exhibit 37-0009, Case Study 37, NSW.COMS.561.001.0253\_R at 0254\_R.  
 635 Exhibit 37-0027, ‘Statement of J Barnier’, Case Study 37, STAT.0862.001.0001\_R at [30]; Exhibit 37-0026, ‘Statement of R Davies’, Case Study 37, STAT.0867.001.0001\_R at [13].  
 636 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17303:27–33.  
 637 Submissions of the State of New South Wales, Case Study 37, SUBM.1037.003.0001 at [201]–[206].  
 638 Exhibit 37-0034, ‘Statement of K Hales’, STAT.0885.001.0001\_R at [23].  
 639 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17298:32–44; Exhibit 37-0009, Case Study 37, NPF.079.004.0001\_R at 0003\_R–0005\_R.  
 640 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17298:40–44; Exhibit 37-0009, Case Study 37, NPF.079.004.0001\_R at 0003\_R.  
 641 Exhibit 37-0009, Case Study 37, NPF.0010.001.0001\_R at 0001\_R.  
 642 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17299:5–13.  
 643 Exhibit 37-0009, Case Study 37, NPF.079.004.0001\_R at 0002\_R.  
 644 Exhibit 37-0009, Case Study 37, NPF.0010.001.0001\_R.  
 645 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17300:39–46.  
 646 Exhibit 37-0011, ‘Statement of BZR’, Case Study 37, STAT.0878.001.0001\_R at [94].  
 647 Exhibit 37-0012, ‘Statement of BZQ’, Case Study 37, STAT.0879.001.0001\_R at [80].  
 648 Transcript of BZP, Case Study 37, 7 March 2016 at 16782:36–46.  
 649 Exhibit 37-0010, ‘Statement of BZP’, Case Study 37, STAT.0889.001.0001\_R [81]; Exhibit 37-0011, ‘Statement of BZR’, Case Study 37, STAT.0878.001.0001\_R at [95].  
 650 Exhibit 37-0012, ‘Statement of BZQ’, Case Study 37, STAT.0879.001.0001\_R at [82].  
 651 Exhibit NSW.2067.001.0043\_E\_R at 0047\_E\_R–0050\_E\_R.  
 652 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17283:19–27.  
 653 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17309:4–12.  
 654 Transcript of J Madsen, Case Study 37, 11 March 2016 at 17309:14–31.  
 655 Transcript of K Hales, Case Study 37, 11 March 2016 at 17334:14–30.  
 656 Transcript of K Hales, Case Study 37, 11 March 2016 at 17334:14–30.  
 657 Transcript of K Hales, Case Study 37, 11 March 2016 at 17335:23–41.  
 658 Transcript of K Hales, Case Study 37, 11 March 2016 at 17335:14–21.  
 659 Transcript of K Hales, Case Study 37, 11 March 2016 at 17335:43–17336:17.  
 660 Transcript of D Mulkerin, Case Study 37, 10 March 2016 at 17249:8–17250:33.  
 661 Exhibit 32-0032, ‘Statement of D Mulkerin,’ Case Study 37, STAT.0863.001.0001\_R at [188].  
 662 Exhibit 32-0032, ‘Statement of D Mulkerin,’ Case Study 37, STAT.0863.001.0001\_R at [148], [186]–[188]; Exhibit 37-0009, Case Study 37, NSW.2083.001.0002\_E at [1]–[2].  
 663 Submissions of the State of New South Wales, Case Study 37, SUBM.1037.003.0001 at [219].  
 664 Submissions of the State of New South Wales, Case Study 37, SUBM.1037.003.0001 at [222].  
 665 Exhibit 37-0027, ‘Statement of J Barnier’, Case Study 37, STAT.0862.001.0001\_R at [38].  
 666 Exhibit 37-0009, Case Study 37, IND.0354.001.0175\_E\_R.  
 667 Transcript of R Davies, Case Study 37, 10 March 2016 at 17140:47–17141:2.

668 Transcript of R Davies, Case Study 37, 10 March 2016 at 17141:19–30.  
 669 Transcript of R Davies, Case Study 37, 10 March 2016 at 17141:28–44.  
 670 Transcript of R Davies, Case Study 37, 10 March 2016 at 17150:14–20.  
 671 Exhibit 37-0016, ‘Statement of BZH’, Case Study 37, STAT.0880.001.0001\_R at [78].  
 672 Exhibit 37-0015, ‘Statement of BZE’, Case Study 37, STAT.0891.001.0001\_R at [44].  
 673 Transcript of R Davies, Case Study 37, 10 March 2016 at 17142:16–31.  
 674 Exhibit 37-0016, ‘Statement of BZH’, Case Study 37, STAT.0880.001.0001\_R at [98].  
 675 Exhibit 37-0016, ‘Statement of BZH’, Case Study 37, STAT.0880.001.0001\_R at [98].  
 676 Exhibit 37-0023, ‘Statement of D Dimos’, Case Study 37, STAT.0869.001.0001\_R at [27].  
 677 Exhibit 37-0016, ‘Statement of BZH’, Case Study 37, STAT.0880.001.0001\_R at [79].  
 678 Exhibit 37-0016, ‘Statement of BZH’, Case Study 37, STAT.0880.001.0001\_R at [79].  
 679 Exhibit 37-0016, ‘Statement of BZH’, Case Study 37, STAT.0880.001.0001\_R at [95].  
 680 Exhibit 37-0016, ‘Statement of BZH’, Case Study 37, STAT.0880.001.0001\_R at [95].  
 681 Exhibit 37-0023, ‘Statement of D Dimos’, Case Study 37, STAT.0869.001.0001\_R at [54].  
 682 Exhibit 37-0023, ‘Statement of D Dimos’, Case Study 37, STAT.0869.001.0001\_R at [55].  
 683 Transcript of R Davies, Case Study 37, 10 March 2016 at 17143:9–45.  
 684 Transcript of R Davies, Case Study 37, 10 March 2016 at 17143:25–29, 17152:13–27, 17152:33–44.  
 685 Transcript of R Davies, Case Study 37, 10 March 2016 at 17146:7–12.  
 686 Transcript of BZB, Case Study 37, 9 March 2016 at 17046:9–36.  
 687 Transcript of BZB, Case Study 37, 9 March 2016 at 17046:9–36;  
 Exhibit 37-0009, Case Study 37, NPF.0005.002.5193\_R at 5194\_R.  
 688 Transcript of BZB, Case Study 37, 9 March 2016 at 17046:9–36.  
 689 Transcript of BZB, Case Study 37, 9 March 2016 at 17046:9–36.  
 690 Transcript of BZB, Case Study 37, 9 March 2016 at 17046:9–36.  
 691 Exhibit 37-0025, ‘Statement of BZB’ Case Study 37, STAT.0868.001.0001\_R at [69].  
 692 Transcript of BZB, Case Study 37, 9 March 2016 at 17047:10–20.  
 693 Transcript of BZB, Case Study 37, 9 March 2016 at 17047:26–28.  
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 695 Transcript of BZB, Case Study 37, 9 March 2016 at 17048:1–10.  
 696 Transcript of BZB, Case Study 37, 9 March 2016 at 17048:17–23.  
 697 Transcript of BZB, Case Study 37, 9 March 2016 at 17048:30–37.  
 698 Transcript of BZB, Case Study 37, 9 March 2016 at 17049:10–16.  
 699 Transcript of R Davies, Case Study 37, 10 March 2016 at 17146:44–17147:6.  
 700 Transcript of R Davies, Case Study 37, 10 March 2016 at 17147:39–17148:9.  
 701 Exhibit 37-0030, ‘Statement of A Power’, Case Study 37, STAT.0895.001.0001\_R at [4]–[9].  
 702 Exhibit 37-0030, ‘Statement of A Power’, Case Study 37, STAT.0895.001.0001\_R at [11]–[20].  
 703 Exhibit 37-0030, ‘Statement of A Power’, Case Study 37, STAT.0895.001.0001\_R at [15].  
 704 Exhibit 37-0009, Case Study 37, NSW.2067.001.0043\_E\_R.  
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 706 Exhibit 37-0033, ‘Statement of K Boland’, Case Study 37, STAT.0856.001.0001\_R.  
 707 Exhibit 37-0033, ‘Statement of K Boland’, Case Study 37, STAT.0856.001.0001\_R at [21]–[23], [53].  
 708 Exhibit 37-0033, ‘Statement of K Boland’, Case Study 37, STAT.0856.001.0001\_R at [43].  
 709 Exhibit 37-0033, ‘Statement of K Boland’, Case Study 37, STAT.0856.001.0001\_R at [42].  
 710 Exhibit 37-0033, ‘Statement of K Boland’, Case Study 37, STAT.0856.001.0001\_R at [43].  
 711 Exhibit 37-0033, ‘Statement of K Boland’, Case Study 37, STAT.0856.001.0001\_R at [45].  
 712 Exhibit 37-0033, ‘Statement of K Boland’, Case Study 37, STAT.0856.001.0001\_R at [24].  
 713 Exhibit 37-0033, ‘Statement of K Boland’, Case Study 37, STAT.0856.001.0001\_R at [44].  
 714 Exhibit 37-0026, ‘Statement of R Davies’, Case Study 37, STAT.0867.001.0001\_R at [8b].  
 715 Exhibit 37-0026, ‘Statement of R Davies’, Case Study 37, STAT.0867.001.0001\_R at [8b].  
 716 Exhibit 37-0026, ‘Statement of R Davies’, Case Study 37, STAT.0867.001.0001\_R at [9].

717 Exhibit 37-0026, 'Statement of R Davies', Case Study 37, STAT.0867.001.0001\_R at [8a].  
 718 Exhibit 37-0027, 'Statement of J Barnier', Case Study 37, STAT.0862.001.0001\_R at [13].  
 719 Exhibit 37-0026, 'Statement of R Davies', Case Study 37, STAT.0867.001.0001\_R at [8c].  
 720 Exhibit 37-0026, 'Statement of R Davies', Case Study 37, STAT.0867.001.0001\_R at [8c]–[8d].  
 721 Exhibit 37-0033, 'Statement of K Boland', Case Study 37, STAT.0856.001.0001\_R at [66].  
 722 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [10]; Exhibit 37-0026,  
 'Statement of R Davies', Case Study 37, STAT.0867.001.0001\_R at [109].  
 723 Exhibit 37-0023, 'Statement of D Dimos', Case Study 37, STAT.0869.001.0001\_R at [4].  
 724 Exhibit 37-0023, 'Statement of D Dimos', Case Study 37, STAT.0869.001.0001\_R at [5].  
 725 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [9].  
 726 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [9].  
 727 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [9].  
 728 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [9].  
 729 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [10].  
 730 Exhibit 37-0026, 'Statement of R Davies', Case Study 37, STAT.0867.001.0001\_R at [109].  
 731 Exhibit 37-0026, 'Statement of R Davies', Case Study 37, STAT.0867.001.0001\_R at [109].  
 732 Exhibit 37-0035, 'Statement of K Boland', Case Study 37, STAT.0944.001.0001\_R at [8]–[9].  
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 734 Exhibit 37-0033, 'Statement of K Boland', Case Study 37, STAT.0856.001.0001\_R at [69]–[70].  
 735 Exhibit 37-0033, 'Statement of K Boland', Case Study 37, STAT.0856.001.0001\_R at [91].  
 736 Exhibit 37-0033, 'Statement of K Boland', Case Study 37, STAT.0856.001.0001\_R at [92].  
 737 Exhibit 37-0033, 'Statement of K Boland', Case Study 37, STAT.0856.001.0001\_R at [21], [23].  
 738 Exhibit 37-0033, 'Statement of K Boland', Case Study 37, STAT.0856.001.0001\_R at [23].  
 739 Exhibit 37-0033, 'Statement of K Boland', Case Study 37, STAT.0856.001.0001\_R at [23].  
 740 Exhibit 37-0033, 'Statement of K Boland', Case Study 37, STAT.0856.001.0001\_R at [23].  
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 742 Submissions of Counsel Assisting the Royal Commission, Case Study 37, SUBM.0037.001.0001 at [F28];  
 Submissions of R Davies, Case Study 37, SUBM.1037.005.0001 at [2].  
 743 Exhibit 37-0032, 'Statement of D Mulkerin', Case Study 37, STAT.0863.001.0001\_R at [190]–[194].  
 744 Exhibit 37-0032, 'Statement of D Mulkerin', Case Study 37, STAT.0863.001.0001\_R at [195].  
 745 Exhibit 37-0032, 'Statement of D Mulkerin', Case Study 37, STAT.0863.001.0001\_R at [199].  
 746 Exhibit 37-0032, 'Statement of D Mulkerin', Case Study 37, STAT.0863.001.0001\_R at [199].  
 747 Exhibit 37-0032, 'Statement of D Mulkerin', Case Study 37, STAT.0863.001.0001\_R at [200].  
 748 Exhibit 37-0032, 'Statement of D Mulkerin', Case Study 37, STAT.0863.001.0001\_R at [212].  
 749 Exhibit 37-0032, 'Statement of D Mulkerin', Case Study 37, STAT.0863.001.0001\_R at [212].  
 750 Exhibit 37-0032, 'Statement of D Mulkerin', Case Study 37, STAT.0863.001.0001\_R at [213].  
 751 Exhibit 37-0032, 'Statement of D Mulkerin', Case Study 37, STAT.0863.001.0001\_R at [213].  
 752 Exhibit 37-0033, 'Statement of K Boland', Case Study 37, STAT.0856.001.0001 at [88].  
 753 Exhibit 37-0033, 'Statement of K Boland', Case Study 37, STAT.0856.001.0001 at [88].  
 754 Exhibit 37-0017, 'Statement of TM Seipel', Case Study 37, STAT.0890.001.0001\_R at [102].  
 755 Exhibit 37-0033, 'Statement of K Boland', Case Study 37, STAT.0856.001.0001\_R at [79], [88]; Exhibit 37-  
 0018, 'Statement of CAG', Case Study 37, STAT.0874.001.0001\_R at [56].  
 756 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [15].  
 757 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [15].  
 758 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [15].  
 759 Exhibit 37-0007, 'Statement of BZN', Case Study 37, STAT.0884.001.0001\_R at [25].  
 760 Exhibit 37-0007, 'Statement of BZN', Case Study 37, STAT.0884.001.0001\_R at [25].  
 761 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [25].  
 762 Exhibit 37-0009, Case Study 37, NPF.0005.002.1802\_E\_R, NPF.0005.002.3052\_E\_R, NPF.0005.002.3708\_E\_R.  
 763 Exhibit 37-0029, 'Statement of M Erooga', Case Study 37, STAT.0892.001.0001\_R at [43].  
 764 Exhibit 37-0029, 'Statement of M Erooga', Case Study 37, STAT.0892.001.0001\_R at [43].  
 765 Exhibit 37-0029, 'Statement of M Erooga', Case Study 37, STAT.0892.001.0001\_R at [45.1].



766 Exhibit 37-0029, 'Statement of M Erooga', Case Study 37, STAT.0892.001.0001\_R at [45.2].  
 767 Exhibit 37-0029, 'Statement of M Erooga', Case Study 37, STAT.0892.001.0001\_R at [45.3].  
 768 Exhibit 37-0029, 'Statement of M Erooga', Case Study 37, STAT.0892.001.0001\_R at [45.4].  
 769 Exhibit 37-0029, 'Statement of M Erooga', Case Study 37, STAT.0892.001.0001\_R at [45.5].  
 770 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [12].  
 771 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [13].  
 772 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [15].  
 773 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [19].  
 774 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [60].  
 775 Exhibit 37-0016, 'Statement of BZH', Case Study 37, STAT.0880.001.0001\_R at [60].  
 776 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [22].  
 777 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [24].  
 778 Exhibit 37-0005, 'Statement of BZS', Case Study 37, STAT.0886.001.0001\_R at [24].  
 779 Exhibit 37-0017, 'Statement of TM Seipel', Case Study 37, STAT.0890.001.0001\_R at [81].  
 780 Exhibit 37-0006, 'Statement of BZM', Case Study 37, STAT.0887.001.0001\_R at [66].  
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 782 Transcript of BZN, Case Study 37, 4 March 2016 at 16728:7–13.  
 783 Exhibit 37-0010, 'Statement of BZP', Case Study 37, STAT.0889.001.0001\_R at [80].



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