



RESTRICTED PUBLICATION ORDER UNDER SECTION 73(1) OF THE INQUIRIES ACT 2014 (VIC)

Date of order: 11 January 2024

THE BOARD OF INQUIRY NOTES THAT:

- A. By Order in Council dated 28 June 2023, the Governor in Council, on the recommendation of the Premier, appointed Kathleen Foley SC to constitute a Board of Inquiry into Historical Child Sexual Abuse in Beaumaris Primary School and Certain Other Government Schools (**Board of Inquiry**) under section 53(1) of the *Inquiries Act 2014* (Vic) (**Act**).
- B. In making this Order, the Board of Inquiry is satisfied that it is appropriate and necessary to prohibit or restrict the publication of the information set out in this Order given the matters set out in section 73(2) of the Act, including that prejudice or hardship might be caused to any person, the nature and subject matter of the information is sensitive, there is a possibility of prejudice to legal proceedings, and the conduct of the proceedings would be more efficient and effective.
- C. Under section 88(1) of the Act, it is an indictable offence for a person (including a body corporate) to knowingly or recklessly contravene an order under section 73(1).¹
- D. The Board of Inquiry made a restricted publication order:
- (a) on 23 October 2023, prohibiting the publishing of any information or evidence given to the Board of Inquiry by Timothy Courtney which may enable the identity of the person to be known as 'Wayne' to be ascertained (**October 2023 Order**);
 - (b) on 15 November 2023, prohibiting the publishing of any information or evidence given by the Board of Inquiry which may identify the individuals who the Board of Inquiry referred to by the pseudonyms in Schedule 1 to that order, including 'Lachlan', 'Noah' and 'Samuel' (**First November 2023 Order**); and
 - (c) on 15 November 2023, prohibiting the publishing of any information or evidence given by the Board of Inquiry which may identify the individual who the Board of Inquiry referred to by the pseudonym 'Wyatt' (**Second November 2023 Order**).

THE BOARD OF INQUIRY ORDERS THAT:

- 1 Under section 73(1) of the Act, any information or evidence given by the Board of Inquiry which may identify the individuals who the Board of Inquiry refers to by the pseudonyms 'Wayne', 'Lachlan', 'Noah', 'Samuel' and 'Wyatt' is not to be published other than in accordance with the Chairperson's directions and:
- (a) in accordance with the October 2023 Order, First November 2023 Order or Second November 2023 order (as applicable);
 - (b) by the Board of Inquiry to any individual for the purposes of seeking that individual's response to the Board of Inquiry's draft report prepared in accordance with section 75 of the Act (**draft report**), including any response sought in accordance with section 76 of the Act; or

¹ Penalty: 600 penalty units or imprisonment for 5 years.



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- (c) to any Counsel or lawyer retained by an individual identified in paragraph (b) for the purposes of responding to the draft report.
- 2 The October 2023 Order, First November 2023 Order and Second November 2023 Order otherwise remain in force.
- 3 For the avoidance of doubt, this Order does not prevent Timothy Courtney or the individual who the Board of Inquiry refers to by the pseudonym 'Samuel' from publishing the information or evidence that given individual has provided to the Board of Inquiry should they wish to do so.
- 4 A copy of this order is to be published to the Board of Inquiry's website.

Kathleen Foley SC

Chairperson of the Board of Inquiry