



SPARK AND CANNON

TRANSCRIPT OF PROCEEDINGS

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THE HONOURABLE TIMOTHY FRANCIS CARMODY SC, Commissioner

MS K McMILLAN SC, Counsel Assisting
MR M COPLEY SC, Counsel Assisting

IN THE MATTER OF THE COMMISSIONS INQUIRY ACT 1950
COMMISSIONS OF INQUIRY ORDER (No. 1) 2012
QUEENSLAND CHILD PROTECTION COMMISSION OF INQUIRY

BRISBANE

..DATE 22/01/2013

Continued from 21/01/2013

DAY 13

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complaints in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

THE COMMISSION COMMENCED AT 10.04 AM

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COMMISSIONER: Good morning everybody. Mr Woodford, I might take appearances because they have changed, so can you start?

MR WOODFORD: Yes, if it pleases, my name is Woodford, initials M.J, of counsel. I appear with Mr Copley, initial M, of senior counsel.

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COMMISSIONER: Thank you. Yes, Mr Selfridge?

MR SELFRIDGE: If it please the commission, my name is Selfridge, initial J. I appear on behalf of the State of Queensland with my leader Mr Hanger.

COMMISSIONER: Thanks, Mr Selfridge. Mr Harris?

MR HARRIS: If it pleases the court, my name is Harris, initials G.L, solicitor with Family Law Doyle Keyworth and Harris and I appear on behalf of Ms Annette Macintosh and Ms Shelley Farquhar.

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COMMISSIONER: Thanks, Mr Harris. Mr Lindeberg?

MR LINDEBERG: Good morning, Mr Commissioner. My name is Kevin Lindeberg. I appear because of the authority to appear which you gave yesterday Mr Bosscher because he is caught up in other legal matters and give me permission to appear for myself until he is available.

COMMISSIONER: Yes, that's right, thank you.

MR LINDEBERG: Commissioner, could I make a submission at this point in time on a matter?

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COMMISSIONER: Yes, sure.

MR LINDEBERG: Having first appeared before you, I don't wish to start on a discordant note but I want to make a comment which I believe is in the interest of justice and fairness for everyone, including this commission.

COMMISSIONER: Yes.

MR LINDEBERG: I think, with respect, that it is onerous that we should be given a witness statement this morning particularly - and I say "particularly" - in relation to Mr Ian Peers as opposed to the other witness because Mr Peers is, I think, a very material witness in this matter and I think that by giving this to me this morning that is giving me insufficient time to know what he had to say and to give a full examination of his statement and

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LINDEBERG, MR

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therefore I would respectfully suggest that he be rescheduled. Now, I don't wish to cause any problems but I want to make sure that, you know, things are done fairly because I'm sure that you want that to be the case and I would respectfully ask that you give that consideration, please.

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COMMISSIONER: Sure.

MR LINDEBERG: Thank you.

COMMISSIONER: I will just hear from Mr Copley or Mr Woodford, whoever.

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MR COPLEY: Mr Commissioner, the statement was obtained yesterday evening. Mr Peers lives in New South Wales and there were difficulties, given the time of the year, in us being able to get a statement from him prior to now. As you are aware, I have on at least one occasion called a witness without even obtaining a statement from him and that situation will probably occur again and could even have occurred in connection with Mr Peers.

So the lateness of the statement was unavoidable. However, the fact that a statement has been obtained when there is no obligation on counsel assisting to provide a statement or proof of evidence to any person with authority to appear means that all of those with authority to appear are now in a more advantageous situation than it looked that they would be yesterday afternoon when it didn't look as though a statement could be obtained.

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So far as deferring his testimony, my submission is that that should not occur. I should be permitted to call him to testify today and to cross-examine him as far as I see fit because I am in a position to do so. Whether other parties are in a position to do so is a matter that they can make submissions to you about, but any inability on the part of anybody else to deal with the witness today should not, in my submission, prevent the commission from hearing from him today to the extent that I wish to examine or cross-examine him because he is here from Sydney and he is booked to go back tomorrow.

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COMMISSIONER: Did we bring him up or was he already here for some other reason and we just took advantage of his presence?

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MR COPLEY: My understanding is that he had personal reasons of his own to come but the timing of his visit was a combination of his own personal reasons for coming and the need to see us so I'm not sure exactly at whose expense he's here or anything like that.

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COPLEY, MR

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COMMISSIONER: No, I wasn't worried about the expense. I was just worrying about whether it was opportune or whether - so it seems that it was sort of partly - - -

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MR COPLEY: Commission staff effectively, as far as they could, met his convenience.

COMMISSIONER: Yes, all right. Mr Lindeberg, what I'm inclined to do is allow the witness to give his evidence, for Mr Copley or Mr Woodford to lead the evidence, to cross-examine him, and then if you, having heard what he has got to say, feel that you want more time, I will give it to you, but just to explain, you will be better off if you hear what he has got to say now and then defer your own cross-examination because then you will have not only the statement but supplemented by oral testimony so that you will be better placed than if I deferred him altogether and you had to hear what he has got to say for the first time when you had already prepared your cross-examination. So what do you say about that?

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MR LINDEBERG: I'm not here to make life difficult, Mr Commissioner. I'm here to assist the commission and I don't want it to be inferred otherwise.

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COMMISSIONER: No, it's now; it's not. I understand your position.

MR LINDEBERG: I just want to be clear in what you're saying because I'm not indisposed to cross-examining Mr Peers today, but the point being that I don't want him to be exhausted today because I say that he is a material witness.

COMMISSIONER: Why don't we just wait and see? You might surprise yourself. You might actually exhaust yourself, your questions, because his answers may well take you in a direction that was unexpected. So let's leave it on this basis: we will call him. Everyone who wants to ask him any questions today can do so and if anybody feels they need more time to think about whether they need to get him back, I will give it to them and if it is appropriate to get him back or take his evidence in some other way, we will do it.

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MR LINDEBERG: I appreciate that, commissioner. I will accept that.

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COMMISSIONER: Okay.

MR LINDEBERG: Thank you very much.

COMMISSIONER: Thanks. Now, Mr Woodford?

MR WOODFORD: Thank you, Mr Commissioner. We have a statement from a Mr Stephen Richard Jeanneret, J-e-a-n-n-e-r-e-t, dated 14 December 2012. That witness is not required by any of those given leave to appear at this Commission of Inquiry and therefore will not be called. We will, however, tender his statement. 1

COMMISSIONER: Is that the case with Mr Lindeberg as well?

MR WOODFORD: Yes, as I understand it, Mr Lindeberg - - -

MR LINDEBERG: Yes, I accept that, commissioner. 10

COMMISSIONER: In that case the statement of Stephen Richard Jeanneret dated 14 December 2012 will be admitted and marked exhibit 266 and it will be published.

ADMITTED AND MARKED: "EXHIBIT 266"

MR WOODFORD: Yes, thank you, as is.

COMMISSIONER: As it is, thank you.

MR WOODFORD: I call Rosalie Annetta Kennedy by telephone. 20

KENNEDY, ROSALIE ANNETTA sworn:

ASSOCIATE: For recording purposes please state your full name and your occupation?---My full name is Rosalie Annetta Kennedy and my occupation is the social work manager in a major hospital in New South Wales.

Thank you. I will now pass you over to Mr Woodford?
---Thank you.

COMMISSIONER: Yes, Mr Woodford? 30

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MR WOODFORD: Thank you, Mr Commissioner. 1

Mrs Kennedy, can you hear me okay?---Yes, I can.

My name is Woodford. I'm one of the counsel assisting this inquiry?---Yes.

Do you have with you a copy of a four-page statement?
---Yes, I'm just opening it now on my desktop.

Is it open now?---Just a second. Sorry, I did bring that up. 10

Are you right to go yet, Mrs Kennedy?---Yes, I've got it open now. Right to go.

Terrific. Just going to the last page of your statement, that carries your signature?---Yes, it does.

It says, "This written statement by me dated 18 December 2012"?---Yes.

I have some questions for you this morning about the John Oxley Youth Centre. From your statement is it correct that we understand you commenced employment there in late 1989? ---Yes. 20

You were working at the centre as a social worker?---Yes.

Your employment at the centre lasted around about nine months. is that correct?---Yes. Yes, that's correct.

You worked under a number of managers, Mr Peter Coyne being one?---Yes.

Then later you worked for a manager who you name as Tim. Is that correct?---Yes, Tim Evans. 30

Looking at paragraph 4 of your statement and thereabouts do I understand that your experience of the John Oxley Youth Centre was that there were some staffing issues there?---Yes.

Those issues concerned two things, the staff numbers and also the management style, if you like, of Mr Coyne?---Yes.

Moving further into your statement at paragraph 9 I understand that you have an awareness that there was something called a Heiner Inquiry conducted in relation to the centre?---Yes. 40

Is it correct that you had no involvement whatsoever in that inquiry?---Absolutely true. I didn't have any involvement.

You didn't supply any statement or anything like that at all?---No. I was never requested and I did not provide any information.

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Moving then to paragraph 10 of your statement, that's a correct statement, that during your time at the John Oxley Centre you had no awareness of any sexual abuse apart from the matter that you note in paragraphs 11 and 12?---Yes.

Moving back to paragraph 8, you recall, do you, a meeting when Ruth Matchett attended the centre?---Yes.

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You were present for that meeting?---Yes.

You were told certain things at that meeting about where Mr Coyne was heading?---Yes.

Reflecting back on how the centre had been prior to that meeting, there were some staff that were content to hear that news and others that weren't?---Yes.

Now, you also note in your statement in the last paragraph, paragraph 14, about another meeting being conducted at the centre. Do you see that?---Yes.

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Did that meeting happen - that was a different meeting to when Ms Matchett came along?---Yes, it was.

Those two meetings, did they happen around the same time? Do you recall that?---I think the meeting on 14 February was after the meeting with Ruth Matchett.

I see. You make mention in your statement that Detective Herer showed you a document that seemed to record some minutes of that meeting on 14 February. Do you recall seeing that document?---Yes, I do.

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Just for my friends and Mr Commissioner, that's exhibit 160.

What I'm interested in, that document, were you the author of those minutes?---No, I wasn't.

Yes, thank you, Mrs Kennedy. I don't have any further questions but some other people may. Would you hold on? ---Okay, thank you.

COMMISSIONER: Mr Hanger?

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MR HANGER: Ms Kennedy, I appear for the state. I just wanted to ask you what are the role and duties of a case officer where you refer to it in paragraph 11? You say, "I was a case officer." What is a case officer?---A case officer is somebody who is supporting the young person who is detained for their needs, for their emotional, social and other needs, especially to do with their court

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KENNEDY, R.A. XN
KENNEDY, R.A. XXN

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appearances, if they needed reports that were going to be tabled in court. We also did one on one sessions of counselling with any problems they may have been experiencing. 1

So that was your position - - -?---That was my role as a case worker, yes.

Role, with Annette Harding?---Yes.

To counsel her, one on one, with personal matters, and I guess act as her best friend, if possible, in the centre? ---Yes, or more or less someone who is helping her towards another pathway of non-offending. 10

COMMISSIONER: Sorry, you're a case worker because you're implementing a case plan, aren't you?---Yes. Part of the case plan for the residents, some of those were to do with court orders and following various recommendations that the magistrate has made.

MR HANGER: Yes, and so you're the person to whom you would hope, if you have established rapport with them, they would bring the problems that they're having?---Yes. 20

Yes, and you would counsel them, using your social work background as to how to deal with those issues?---Yes.

COMMISSIONER: You had a workload of a number of cases, including Annette Harding?---Yes.

MR HANGER: Thank you.

COMMISSIONER: Mr Harris?

MR HARRIS: I have no questions, commissioner. 30

COMMISSIONER: Mr Lindeberg?

MR LINDEBERG: Thank you, Mr Commissioner.

Good morning, Ms Kennedy. Kevin Lindeberg is my name. I'd like to just ask you a couple of questions, if you don't mind, please, from your statement?---Yes.

Can I first of all ask you, do you have a degree in social work?---Yes, I do. 40

So to your knowledge were you aware that Mr Coyne had a similar degree?---Yes, I do.

So in that sense you might be working from the same ethos in terms of how to manage children?---Yes.

Can I point you to point 4 in your statement? You say here, "There were also issues as to how Peter was managing staff and that there was an inner circle amongst management who were given preferential treatment." Is that correct?
---Yes.

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Now, could I ask you, for the benefit of putting it into transcript - if this is appropriate. Could I ask you to read sections 5 and 6, please?---Okay.

MR WOODFORD: Well, it may be better if Mr Lindeberg perhaps asks his question about paragraphs 5 and 6. To answer his question that he posed, I don't think it would be helpful for the witness to read those in.

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COMMISSIONER: Okay. Mr Lindeberg - - -

MR WOODFORD: Yes, it would - - -

COMMISSIONER: Normally we would take those paragraphs as read because they are part of the transcript already. So you can assume that I know what's in them and everybody else does, so we wouldn't normally get them to repeat what's already been said. Having said that, I understand that it's not necessarily your discipline. So you can ask your questions in a way you feel it's appropriate, but I just point out to you that there's no real need to do it that way.

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MR LINDEBERG: I appreciate that, Mr Commissioner. Again, I'm not trying to extend the rules or what have you, except that might I respectfully suggest that there is a public benefit in terms of those two paragraphs being read here now so that the public can hear them, notwithstanding that they can read - but these things - - -

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COMMISSIONER: Okay, yes, fair enough.

MR LINDEBERG: That's the reason I'm saying it.

COMMISSIONER: Yes. No, that's all right. Well, we do that ourselves sometimes - - -

MR LINDEBERG: Could I ask - - -

COMMISSIONER: - - - if we want to emphasise something, so you go ahead.

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MR LINDEBERG: Ms Kennedy, can I ask you to read those two paragraphs in, please?---Okay. Paragraphs 5 and 6?

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Yes, thank you?---Okay:

I also witnessed Peter victimise people. I recall an occasion when I had seen Peter sneak a set of keys from a youth worker without him knowing. In a meeting later that day Peter publicly asked the youth worker to present his keys, which he couldn't. The youth worker was publicly chastised and was frantic and started to break down. After this went on for about 20 minutes, Peter revealed the keys and thought it was a bit of a joke. He would continually play mind games like that with staff. I, myself, ended up in tears on almost a daily basis because working in the centre was so damaging because of management. I recall another occasion in which a bomb call had been placed to the John Oxley Youth Centre. Peter made all his staff form up and directed us all to walk through the centre to look for a bomb before the police and fire rescue arrived. I refused because I thought these actions were unsound. However, in the end I was directed to by Peter without choice. I just ended up walking alongside the others in the same direction reluctantly.

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Thank you. Can I ask having worked in a youth detention centre, the loss of keys is a serious matter?---Absolutely.

And, therefore, to your knowledge a loss of keys could lead to disciplinary action?---Yes, it could. However, if the keys were actually with Peter, he could have done that independently with the youth worker and not done it in a humiliating way in front of everybody.

COMMISSIONER: You mean you can get in trouble for losing keys, but these keys weren't lost?---No. He actually had them.

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MR LINDEBERG: But, with respect, the youth worker didn't know that, did he?---Well, the youth worker looked around and generally our keys were hooked on to the back of - or on a belt, at least, and he kept looking around and I think he might have left them on a table and - - -

I see?--- - - - but only for a second, but Peter had them.

So to be fair, in that sense had Mr Coyne found them on a table where they shouldn't have been, it may have been appropriate for him to have asked that question?---Yes. Yes.

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Okay. Can I go on to - at point 7 you say this, "Peter's management was based on fear and intimidation." Do you agree with that?---Yes, I still do because prior to that,

you know, we had been managed and the youth worker unable to really speak up for himself because, you know - I guess Peter had thought it was a bit of a joke and smiled or laughed about it, anyway, whether it - - -

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COMMISSIONER: Sorry to interrupt, but these matters are in the statement so you can take it that they're relevant? ---Yes.

But I won't be making any findings about any management matters or styles or anything like that.

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MR LINDEBERG: I was just going to ask one further question.

COMMISSIONER: Okay.

MR LINDEBERG: And that's the finish of it.

COMMISSIONER: All right.

MR LINDEBERG: To your knowledge when you make the comment, "Mr Coyne gave preferential treatment," did that go so far as disciplining certain staff rather than others?---I guess he spoke in a different manner to particular staff and he actually, you know, socialised with particular staff, you know. He spent a lot of time with particular staff rather than youth workers. I definitely saw a division between the managers and the youth workers.

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All right, thank you very much. I have no further questions of you?---Okay.

COMMISSIONER: Thank you. Mr Woodford?

MR WOODFORD: May Mrs Kennedy be excused, Mr Commissioner.

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COMMISSIONER: Yes.

Ms Kennedy, thanks very much for taking the time to appear by phone today?---Okay.

You're formally excused?---Thank you.

WITNESS WITHDREW

MR WOODFORD: Mr Commissioner, I'll tender that statement. There is one matter to take you to and that is paragraphs 11 and 12. There's a name that appears in the first line of that paragraph 11, albeit in a different context to what we have previously heard. My submission is that that name would not be published in paragraphs 11 and in the last line of paragraph 12 it appears again.

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MR HANGER: With respect, I don't accept that.

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COMMISSIONER: Okay. 1

MR HANGER: I think it should be there.

MR WOODFORD: I'll make my submission then as to why.

COMMISSIONER: Okay.

MR WOODFORD: It appears in relation to a completely different topic that has nothing to do with the focus of, for example, Mr Lindeberg's expressed interest through his counsel yesterday, which is a completely different topic. It's a bit of gratuitous comment, really, when looked at in that manner. 10

COMMISSIONER: Yes. See, that's the difficulty. These are our statements which we produce, on the one hand, almost to over disclose because of the nature of this inquiry and the fact that it involves suggested believed or perceived conspiracies so, therefore, the concept of relevance is expanded to cover for that and because it's in a statement we can take it that it's relevant because it's there. On the other hand, there's maybe good reason to leave that sort of stuff out in the first place so that we don't get into this situation. It's a bit hard, I know. I'll just hear from Mr Hanger, Mr Woodford. 20

MR WOODFORD: Perhaps Mr Harris would like to be heard, too, I would think.

COMMISSIONER: Yes, sure.

MR HANGER: Well, I would adopt, with respect, what you just said, but when you think about it, we focus on particular events, but 3E is a wide term and it relates to sexual abuse there and this shows how a particular - another matter that we haven't heard of before - - - 30

COMMISSIONER: Was dealt with.

MR HANGER: Was handled.

COMMISSIONER: Yes. Mr Harris?

MR HARRIS: My view of the situation is that this appears to have happened the second time Annette went to the JOYC. She was there actually on two occasions. The first occasion, as I understand, was shortly after the incident involving her. She was removed from JOYC and then at a later stage she was brought back, commissioner. Now, this relates to that time there and I'm in agreeance with what Mr Woodford says there. I think it's not relevant. 40

COMMISSIONER: Except the problem is you just identified it in your submission. So now people do know who she is.

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MR HARRIS: Yes. 1

COMMISSIONER: Mr Lindeberg?

MR LINDEBERG: My view is, Mr Commissioner, that it should be included in the interest of openness. I mean, you can't pull back those words. I think Mr Hanger is right, but also I think - - -

COMMISSIONER: You can't unring the bell.

MR LINDEBERG: No; but also I do think, notwithstanding there is a valid point, that Mr Harris has pointed out that Annette was in there twice, but my view is in the public interest it should be published. 10

COMMISSIONER: Yes. I think I'll admit the statement and mark it 267 and publish it as it is.

ADMITTED AND MARKED: "EXHIBIT 267"

COMMISSIONER: Mr Woodford?

MR WOODFORD: Thank you, Mr Commissioner. I call by telephone again Janice Lesley Molloy. 20

MOLLOY, JANICE LESLEY affirmed:

ASSOCIATE: For recording purposes please state your full name and your occupation?---Janice Lesley Molloy and I'm now retired.

I'll now pass you over to Mr Woodford?---Thank you.

COMMISSIONER: Yes, Mr Woodford? 30

MR WOODFORD: Thank you, Mr Commissioner.

Mrs Molloy, can you hear me?---Yes, I can.

My name is Woodford. I'm one of the counsel assisting the inquiry. Do you have with you a two-page statement under your hand?---I do.

Just turning to the last page, does that dated 5 December 2012 carry your signature?---Yes, it does. 40

I have some questions for you about the John Oxley Youth Centre. You were employed there as a youth worker, were you, in 1990?---That's right, yes.

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From paragraph 6 of your statement, to your knowledge you started at the centre after a Mr Peter Coyne had departed? ---That's correct.

You don't say in your statement - do you recall how long you worked at the John Oxley Youth Centre?---Look, I think it was about five years but I'm not positive. I was there - I started in 1990 and I can't exactly remember when I left but I think I was there for about five years.

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You haven't given any other statement to any other inquiry in relation to this John Oxley Youth Centre?---No, I haven't.

During your employment at the centre you didn't witness any sexual abuse at all?---No, I did not.

Thank you. I don't have any further questions for you but some others may?---Thank you.

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COMMISSIONER: Mr Hanger?

MR HANGER: I have got no questions.

COMMISSIONER: Mr Harris?

MR HARRIS: No questions.

COMMISSIONER: Mr Lindeberg?

MR LINDEBERG: I have no questions.

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COMMISSIONER: Thank you.

MR WOODFORD: May Ms Molloy be excused, Mr Commissioner?

COMMISSIONER: Yes.

Ms Molloy, thanks very much for appearing by phone. We're grateful for the time you have taken. We will disconnect the call now, thank you?---Okay, thank you, bye.

WITNESS WITHDREW

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MR WOODFORD: I tender that statement, Mr Commissioner. On my assessment of it, it may be published without any amendments or obliterations, sorry.

COMMISSIONER: All right. Ms Molloy's statement will be exhibit 268 and published without alteration.

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MOLLOY, J.L. XN

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MR WOODFORD: Mr Copley has the next - - -

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MR COPLEY: No.

MR WOODFORD: No, sorry, it looks like I have, Mr David Vincent Farnworth.

FARNWORTH, DAVID VINCENT affirmed:

ASSOCIATE: For recording purposes please state your full name and occupation?---David Vincent Farnworth, teacher.

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Please be seated.

COMMISSIONER: Good morning, Mr Farnworth, welcome?
---Mr Commissioner.

Yes, Mr Woodford?

MR WOODFORD: Thank you, Mr Commissioner. May Mr Farnworth see the original three-page statement under his hand signed 7 January 2013?

COMMISSIONER: Sure.

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MR WOODFORD: Mr Farnworth, I have had placed in front of you there a document, a three-page document. Is that the statement that you have supplied with Commission of Inquiry?---Yes.

I have some questions for you this morning about the John Oxley Youth Centre. You may refer to that document so hold it in front of you. What I understand from your statement is that you started at the centre in late 1988. Is that correct?---Or 89. I can't remember exactly.

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Do you remember when you finished up?---About 12 months later. I worked finally, I believe, as a groundsman just over a bit of the Christmas period.

I see; prior to that you were employed there as a teacher?
---Yes.

While you were there Mr Peter Coyne was the manager, was he?---Yes.

Looking at your statement, in particular paragraph 7, do I understand that you had a good working relationship with Mr Coyne?---I believe so.

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While we're on your statement, from paragraph 9 there, while you were working at the centre you had no awareness at all of any incidents of sexual abuse?---Absolutely not.

Absolutely not?---No.

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FARNWORTH, D.V. XN

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From paragraphs 8 and 10 of your statement, trying to understand about this Heiner inquiry, is it that you did attend the inquiry conducted by Mr Heiner but you don't have much recollection of it?---When I was reminded by the officer who contacted me of Karen Mersiades letter, that's when I went, "Oh, yeah," I dimly recall being in a small room and at least two people sitting up at a table.

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That small room - do you know where it was?---Yes, the John Oxley Youth Centre. You turn right as you walked in and it was on the right, I think.

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You indicated there were two people present. Was one of those an elderly gentleman, was it, or you can't recall now?---I wouldn't have thought elderly. My dim memory wouldn't have thought elderly, but probably. There could have been people - you know, other parts, but I remember two people in front of me.

Okay. Now, I'm interested in your recollection now sitting here today what you remember of that meeting. From what you have said already your memory is that there were two people in the room in addition to yourself. Is that correct?---Yes, and that there could've been people there, but I remember - what I can remember is two people in front of me.

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A man and a woman, two men?---Yes, I think it was a man and a woman.

The questions that were being asked of you, were they directed by one of the two people or by both?---The only way I can recall that is from Karen's statement. So, I'm sorry, I've tried to remember.

That's okay?---I remember the emotion of speaking to Karen afterwards and feeling that it wasn't right and hence - and Karen also felt that and hence she wrote the letter.

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The letter you're referring to - it's our, Mr Commissioner, exhibit 94 in these proceedings.

It's quite brief so I will read it to you. She says:

It is my belief and concern that Barbara has stepped well outside the role as described by you. It seems that she has assumed the dual role with the magistrate. One of the teachers whom I supervise, David Farnworth, claims Barbara asked many leading questions of him with a presumption from her being that the management of John Oxley Youth Centre had harassed and undermined youth workers in their work. He also feels that the magistrate asked leading questions justifying the behaviour of the youth workers and why they might have caused the complaint.

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David Farnworth has asked many times why he had asked to be part of the inquiry as he had no specific complaints or information on the complaints. When he asked about the complaints, the magistrate refused to provide information. The magistrate stated a number of times that the inquiry was not about the management but about the centre and yet he seemed unwilling to listen to the positive comments David wished to make about the direction the management has taken during the past year.

Now, I have just read you three paragraphs from a document authored by Karen Mersiades dated 8 December 1989 to Mr Pettigrew, the director-general of the department, which is our exhibit 94. Now, are those the paragraphs or the parts of the letter that you were referring to before that expressed your emotion and feeling when you came out of the meeting with the two people in the room?---Yes.

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Apart from that you don't have any other recollection, do you, of - - -?---No, I'm sorry, I've got no recollection. 1

Okay; and you have no recollection now as to what the nature of the questions were about apart from what's said in that letter?---No, again I've tried to think of them and again all I've done - the best I've done, as I've said to you, I remember feeling that it was not fair as I walked out and that would be like me.

The reason that I would have said I want to say something is because people always pick the negatives and very few people say the positives, and my way is that you've got to use both. 10

Looking at your statement and your evidence today, the unfairness being that the positive things about the management situation were not being listened to?---As I experienced them, yes, that's right.

Yes, I don't have any further questions for you.

COMMISSIONER: Mr Hanger? 20

MR HANGER: No questions.

COMMISSIONER: Mr Harris?

MR HARRIS: No questions.

COMMISSIONER: Mr Lindeberg?

MR LINDEBERG: No, I have no questions, Mr Commissioner.

COMMISSIONER: Thank you. Mr Woodford? 30

MR WOODFORD: May Mr Farnworth be excused?

COMMISSIONER: Yes. Thank you, Mr Farnworth for coming. We appreciate the time you've taken to attend and give your evidence. You're formally excused?---Thank you, Mr Commissioner.

MR WOODFORD: Before he leaves with the statement I'll tender that. Mr Commissioner, that exhibit can be published without any alteration.

COMMISSIONER: Mr Farnworth's statement will be exhibit 269 and it will be published as it is. Thank you. 40

ADMITTED AND MARKED: "EXHIBIT 269"

WITNESS WITHDREW

COMMISSIONER: Mr Copley? 1

MR COPLEY: Mr Commissioner, I call Ian Courtney Peers.

PEERS, IAN COURTNEY affirmed:

ASSOCIATE: For recording purposes, please state your full name and your occupation?---My full name is Ian Courtney Peers and I'm retired.

Please be seated.

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COMMISSIONER: Good morning, Mr Peers. Welcome.

MR COPLEY: Mr Peers? Mr Peers?---Sorry.

If you focus on me now because I'll ask you some questions? ---I'm a little bit deaf so you'll have to speak up.

Yes, okay. If I don't, remind me?---I'll let you know.

Thank you. Could I get you to look at the document that the gentleman there is holding? Just turn through it to confirm that that is a statement that you provided to police officers attached to the Commission of Inquiry on the 22nd day of January 2013?---It is.

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I tender that statement.

COMMISSIONER: Mr Peers' statement will be admitted and marked exhibit 270.

ADMITTED AND MARKED: "EXHIBIT 270"

MR COPLEY: Thank you. After it's been admitted and marked may it be returned to the witness, please?

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COMMISSIONER: Yes, sure.

MR COPLEY: Mr Peers, where do you currently live, which city? Which city do you now live in?---In Sydney.

Thank you. In your statement you said that in 1989 you were performing duties as the executive director, youth support, in the Department of Family Services. How long had you been performing that role say as at June 30, 1989? ---I think about 12 months.

40

Had you been working in the Department of Family Services prior to assuming that role 12 months earlier?---Yes.

Was your whole career in the Queensland government in that Department of Family Services or did you serve in other departments?---No, that was the only department I served in. I served there from 1975.

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Okay, and when did you leave the department?---I'm not sure of the year, but it was within months of the new Labor government coming into power. 1

All right, thank you. Now, in your statement in paragraph 4 you set out what the responsibilities were of the executive director of youth support and those responsibilities embraced supervising four youth facilities set aside for the detention of children, didn't they? ---That's right.

The ladies, or lady and gentlemen, who were the managers of those centres reported to you?---That's right. 10

For example, Peter Coyne, in the case of John Oxley when he was appointed there?---Yes.

You in turn reported up to a Mr George Nix?---That's right.

Who was the deputy director-general of the department? ---That's right.

Where was your office located when you were the executive director of youth services? Was it at a youth detention centre or was it in the city?---No, it was in the city. 20

Was it in the same building as Mr George Nix?---Yes, it was.

On the same floor, for example?---Yes.

Was he in the same building as the director-general?---Yes.

Were they on the same floor as you?---Yes.

Okay?---That is, before the change of government they were on the same floor. 30

Yes, well, I'm sorry, I should have made it clear, I was speaking about the period in 1989?---Yes.

Do you recall the date the government changed in 1989? ---No, I don't.

Would December ring a bell?---A very faint one.

All right. Did you know someone called Ruth Matchett?---I did. 40

Prior to the government changing in 1989 did she work in the family services department?---Yes.

Was she a subordinate of yours?---No, she wasn't.

A superior of yours?---No, she wasn't my line manager at that time.

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Was her position equal to yours?---I'm unsure. It probably would have been roughly equal. She was not - my understanding was the hierarchy was the director-general, the deputies and then I was an executive director. I can't recall where Ruth fitted in, but it was not, as I recall, at the deputy director-general level.

Okay, so she didn't report to you and you didn't report to her prior to the election?---No.

10

In paragraph 13 of your statement you refer to an incident involving a young girl called Annette Harding?---Right.

You state that Peter Coyne advised you about the incident and you state, "I recall attending the centre and meeting with Peter Coyne and the deputy manager, who may have been Jenny Foote or Anne Dutney, you can't recall?---No, not exactly.

All right?---I think it was Jenny Foote, but I'm - at this distance I can't be sure.

20

Do you recall - the incident that we've heard about involving Annette Harding occurred on 24 May 1988 during an outing down near Mount Barney?---Yes.

So if that can be used as a reference point, do you recall what date it was that you went and had a meeting with Peter Coyne and his deputy?---No, I don't recall the date.

Is it your recollection or do you have a recollection or an impression from speaking with Coyne as to how soon after the incident it was that you had the meeting with him?---I think it was very soon afterwards.

30

You state in paragraph 13 that you remember that the police had been contacted at that time?---Yes.

Do you mean to say by that that at the time of your meeting with Peter Coyne the police had already been contacted? ---That's as I recall.

You said that it was also a meeting to ensure that all the proper processes that had to be done were in fact done? ---Mm'hm.

40

So because you were the executive director of youth services at that time you're the ideal person to tell us what the proper processes were in a situation where it was suspected that a child had been involved in sexual activity?---Right.

So could you tell us what the proper processes were that you were there to ensure were complied with?--Well, first of all, that the matter was properly referred to police for investigation and that there was no impediment to that occurring. Apart from that I think the considerations focused on the girl and her family and what kind of assistance she needed from staff within the centre.

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I think there was also discussion about contacting her mother or her family, but I'm vague about that. 1

Was it your job to contact her parents?---No. It would have been the job of the manager of the centre.

Okay. Was it your job to contact the police?---I think that's debatable, but I think it was probably right that the manager of the centre did so, having immediate knowledge of what had occurred.

If, for example, the child or her parents had made some requests of the department as a result of an incident involving sexual activity with other children at the centre would the department at that time have been prepared to at least consider requests from the family as to how the girl should be treated?---I believe so. 10

For example, if the mother had said, "Look, this is a really" - and we haven't heard any evidence that the mother said this but, for example, if the mother had said, "Well, look, this is a bad situation. I want my daughter housed somewhere other than here because the alleged perpetrators are here," what would the reaction of the department have been to that request?---I think that would have been treated seriously. 20

What options were available to be deployed in that situation if that request had been made?---Look, I can't recall here at this distance, but I think it would have been movement to another part of the centre and doing all that was possible to make sure that the girl did not come into contact with the alleged perpetrators.

What if, for example - I'll perhaps put it this way, leaving aside the family for a moment, was it possible for the department to remove the alleged perpetrators from that detention centre and house them elsewhere?---Not that I can see. I don't think there was a centre that would have been suitable. 30

All right. I want you to have a look at an exhibit that we have made, exhibit number 242, so that will be shown to you. For the record, Mr Commissioner, this is the report signed by Mr Peter Coyne on 27 May 1988 to Mr George Nix concerning the educational outing.

Mr Peers, that document is headed An Interoffice Memo, isn't it, an interoffice memo?---It is. 40

It's not addressed to you. It's rather addressed to Mr Nix?---Yes.

It contains a handwritten notation at the top and you might be able to assist us because you might recognise the running writing there. Do you?---Yes. Sorry, try that again? **1**

See the handwriting words at the top?---I do; beginning "George".

Yes?---Yes.

Can you assist us by saying if you recognise whose handwriting that is?---I believe that's the handwriting of Alan Pettigrew. **10**

Okay. All right. Can you read his handwriting to us? ---"Noted by minister and discussed. Please keep me advised of further developments."

Over at the side on the left-hand side there's a letter D, it appears, and then under that in capital letters, EDYS 21/6/88?---Yes.

Does that mean anything to you?---My title was executive director youth support, so I imagine that refers to me, but I don't know what that notation means. **20**

Are you able to identify from that limited bit of printing there whether you wrote that, EDYS 21/6/88?---No. Look, I can't confirm. That may be my handwriting at that time. I can't be sure.

Have you had a chance to peruse the contents of the document?---I did.

Okay. Before I ask you about the content, I might just get you to go to the last page where you'll see under Mr Coyne's signature some running writing there?---Yes. **30**

Do you recognise the signature there? Is it yours? ---Sorry?

Is it yours?---No, that's not my writing. That is not my writing.

That's the first thing. It's not yours. Do you agree the first line says, "Director-general"?---Yes.

Do you agree the second line says, "Submitted for your information"?---Yes. **40**

That the third line says, "I will keep you informed of the outcome of the police investigation"?---Yes.

There's a date 27/5/88?---Yes.

Are you able to identify the signature there that appears above that date?---Not from memory. I mean, I would take it to be George Nix - - -

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But you don't have any idea?--- - - - but I don't have the same clarity about his writing as I do, say, of Alan Pettigrew's.

Okay. We'll have to ask Mr Nix about that. Did this report, this interoffice memo from Mr Coyne come to you at any stage, can you say, independent of the notation on the first page where it says, "EDYS 21/6/88"?---I believe so. Yes, I believe that this came to me.

10

Do you remember what you did in relation to the predicament that arose out there where there was an allegation that a child had been interfered with sexually by other children? ---What I did was to attend the centre and have that discussion with the manager and the deputy manager that I mentioned.

Right?---I imagine that I also would have immediately briefed George Nix, but I can't recall doing that.

20

Do you recall whether your attendance at the centre to see Mr Coyne occurred prior to 27 May or subsequent to 27 May? ---No, I can't recall that.

Can you recall whether your attendance there occurred prior to the time when you read this memo or after?---I believe it was after. I think that I attended the centre - was very soon after.

Reading this memo?---No, very soon after the incident.

I see. Okay. All right. As the executive director of youth services were you ever advised about the outcome of the police investigation?---I can't - I think so. I think from memory that the police had decided on the basis of what they knew not to proceed with charges, but I'm vague on that.

30

Did you as the executive director of youth services take any action in connection with the handling of the trip to Mount Barney by the staff? For example, did you form a view about how the trip was managed or handled and then speak with people about that or cause someone to investigate how it was planned and handled; anything like that?---I do recall having a conversation with the manager and I think the deputy manager about that, but I can't remember what was said.

40

Did you cause there to be any action taken against anybody, any public servant, for their part in the planning or the

conduct of that trip?---No, I didn't cause any action to be taken. I believe that the trip was planned before it occurred. 1

Yes?---Yes, and though hard occurred or seems to have occurred, I didn't - I don't recall believing that anybody had been negligent in their duties.

When you say that no harm was believed to have occurred, what do you have in mind there?---That some kind of sexual encounter occurred between Annette Harding and some boys from the centre. 10

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Was your view from what you had been told that there was - that the incident was of a consensual nature. Is that what you're saying?---I didn't know enough to form any view about that but I think that that possibility was put to me, that that may have been the case, which was why I think I felt it proper that the police should investigate that.

1

But what caused you to say before that your conclusion was that no harm had occurred?---Well, I think I misspoke on that. Obviously the fact that there was some kind of sexual encounter means that harm had occurred. I guess the question is whether there was any forced sexual activity which may have produced even greater harm.

10

Okay. Now, you state in your statement at paragraph 20 that apart from that incident you were not aware of any other allegations of sexual abuse by staff on children at John Oxley when you were the executive director?---You're referring to my statement.

I am; sorry, yes, I am?---No, that's right.

That's right. That leaves open the way it's worded this possibility which you can comment upon: that you were aware of other allegations of children involving themselves with each other in sexual activity. Is that intentionally left open by the way paragraph 20 is worded?---No, it's not. I think that had there been any such allegation, I think it would've stuck in my mind.

20

All right. Now, I just want to ask you about another exhibit, exhibit number 251 which is a ministerial media release dated, it seems, 17 March 1981 - 1989 rather. Now, you will see on the top there that the minister was the Honourable Craig Sherrin MLA?---Yes.

30

Do you recall him being the Minister for Family Services at some point?---Yes.

Did you ever have dealings with him?---I can't recall. I don't remember having any significant dealings with him.

This press release deals with a number of topics concerning the management of John Oxley?---Mm'hm.

Of relevance to us at this point is - would you turn over to the second page which has actually got the number 3 on the top of it?---Yes.

40

So there could well be a page missing but that's all we have got?---Yes.

You will see towards the bottom of the page the words: 1

Mr Sherrin said the most serious charge in the article was one of rape. It was alleged that a 15-year-old inmate was raped during a something excursion by three 14-year-old fellow inmates.

It then says:

The reality is that there was a sexual incident involving two boys and a girl during an excursion when for a matter of minutes only they were not under the immediate supervision of staff. 10

It goes on to state:

All staff and all the children on the excursion were questioned. The girl did not allege rape. The girl's mother was spoken to and encouraged by centre management to talk with her daughter and to consider whether charges were appropriate.

Then over the page:

Neither the mother nor the girl believed charges were appropriate. If intercourse took place, the charge would necessarily, because of the age of the girl, have been statutory rape. No such charge was ever laid and therefore the allegation of such a serious crime is misleading and dangerous. 20

Now, did you play any part in the compilation of that part of that press release?---Not that I can recall.

Okay. Was that part of your duty to prepare from time to time press releases for the minister if they were relevant to that area of your responsibility?---If I was asked, I would have prepared a briefing. I don't know that I would have drafted a press release. 30

You might be able to help us. What is the difference between a briefing and drafting a press release?---A briefing would have been a statement of the facts as I knew them which I would've given to George Nix who in turn would've given them to the director-general, I believe.

Okay?---Drafting a press release would have been to actually produce a form of words as a draft for publication in the newspaper. 40

All right. Do you recall, me having read those paragraphs out to you, having prepared a briefing for George Nix containing that type of information at any stage?---I don't recall that but I may well have done.

Okay. That can be returned now. Now, I want you to have a look at exhibit 87 which is a document made by a person who is B.G. Mann, an industrial officer for a union?---Yes. 1

You will see that it contains a report of a meeting of youth workers and others held at the John Oxley Youth Centre on Wednesday, 9 November 1988?---Yes.

It gives some detail about how many people attended, namely, 33, the time of commencement, who organised it, a Mr Michael Roch, and the fact that a Mr Ian Peers, executive director youth services, attended and acted as chairman?---Yes. 10

Do you recall that meeting?---I do.

Did you attend it?---Yes.

Did you act as the chairman?---Yes.

Okay. Do you recall Mr Roch?---I don't.

Do you recall him addressing the meeting and dealing with the topics that are set out on the first page in the lines numbered 1, 2 and 3?---Vaguely. 20

And do you recall him making a suggestion that a committee should be formed to investigate those matters?---No, I don't recall that.

All right. Do you recall the contribution to the meeting that it is said you made in the last paragraph on the page and in the lines numbered 1, 2 and 3 at the bottom?---Yes.

Okay?---I vaguely recall that's what I did, that is, to set out those three questions as a structure for the meeting. 30

Mr Roch asserted that Mr Pettigrew attended that meeting? ---Not that I can recall, no.

All right. Well, whether it was Mr Pettigrew or possibly yourself, he asserted that he was derided - that was his expression - at the meeting and the question was posited what right he had as an employee to impugn the manager Mr Coyne.

40

Effectively his complaint was that he was derided or belittled at the meeting for daring to call it and be critical of the manager. If Mr Pettigrew didn't attend the meeting, which in your recollection is he did not, did you attend the meeting and deride or belittle the organiser of it, Mr Roch?---I don't recall deriding anybody.

1

The minutes suggest that Mr Roch identified some problems and that you suggested a format for discussion?---Yes.

Does that record with your recollection?---As I say, vaguely.

10

I take it that the executive director of youth services who then worked in the city wouldn't have often attended meetings of youth workers where union officials were present very regularly?---That's right.

Do you recall how and why you came to attend this meeting? ---No, I don't.

Would it be safe to assume that in late 1988 there were matters going on out there that were concerning to you? ---Yes.

20

And that at least that might explain why you attended the meeting?---I think so.

Another exhibit that we have tendered, the number of which you needn't be concerned about, tells us that on 24 March 1988 Mr Peter Coyne had been appointed the manager of John Oxley Youth Centre. Were you the executive director at the time he was appointed if you accept that the date of appointment for him was 24 March 1988?---I believe so, yes.

Did you know the man before you appointed him?---No.

30

But you would have got to know him - - -?---I can't recall whether I was part of the interview panel for selecting the manager of that centre. That's not to say that I wasn't, but I don't recall it.

Okay?---If I had known Mr Coyne at that time it would only have been through the interview process.

So can we take it from that that at the time of his appointment you were occupying the position of executive director of youth services?---Yes.

40

Well, clearly by November 1988 there are some problems that are causing you to go out there?---Yes.

Do you recall how long into Mr Coyne's tenure as manager those problems manifested themselves to you or, if I'm doing him an injustice and the true position is that those problems were there before he was appointed obviously you

will be able to tell me now when you reply?---I believe that difficulties in the centre were already being identified by Mr Coyne's predecessor Mr McDermott. I say that on the basis of an informal conversation with him. I can't recall how long it was after Mr Coyne began in that role that I became concerned.

1

Did Mr McDermott, I think you said, did he tell you informally what the nature of the difficulties were that were developing out there?---I think he felt that he had been obliged to take a number of staff from the Sir Leslie Wilson Youth Centre which he would not have done had he had a say in that matter.

10

After Mr Coyne was appointed did you pass on to Mr Coyne some of the - or the matters that Mr McDermott had raised with you?---Not that I can recall.

Exhibit 87 can be taken back. You state at paragraph 27 of your statement that you recall a meeting of the executive management team at which it was decided that because of the number of complaints that had been popping up about JOYC something needed to be done to get to the bottom of the complaints?---Yes.

20

That some of the complaints may have been union complaints but you could not recall?---Yes.

That the Heiner investigation or inquiry was set up as a result of that?---Yes.

Who comprised the executive management team?---Who comprised - - -

Yes?---The executive management team was, naturally, the director-general and the deputies and the executive directors and there may have been some other people.

30

You mentioned deputies. One was George Nix?---Yes, and the other deputy was Myolene Carrick.

Marlene?---Myolene, M-y-o-l-e-n-e, Carrick.

C-a-r-r-i-c-k?---I-c-k, yes.

Okay?---Now, there may have been another deputy as well but I can't recall that with any certainty.

40

All right. Now, were you supportive of there being an investigation into the problems at John Oxley? Did you speak up at the meeting and state what your position was? ---I think it was my view that it was probably a good idea to have some kind of external scrutiny into what was happening at John Oxley, because I think that there was a deadlock forming, if you like, within the staff and there needed to be some kind of breaking of a log jam.

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Well, it doesn't sound from the terms of your answer that it was your idea to set up the investigation?---No, I don't think it was. 1

Do you recall whose idea it was?---I think it was the idea of the director-general Alan Pettigrew.

I want you to have a look at exhibit 66, please. Now, we don't at this stage know who wrote that document, but you will see it purports to be a report about a meeting with the Queensland State Service Union on 14 September 1989 at which there was present you - sorry, not you, Mr Pettigrew, Mr Nix, Mr Thatcher, Mr Herbert, Mr Clark and Ms Walker? ---Yes. 10

Do you recognise, apart from Pettigrew and Nix, the names Thatcher, Herbert, Clark and Walker?---Yes. I should have mentioned in listing the numbers of the members of the senior management team that Cole Thatcher would have been a deputy director-general as well.

Okay?---His responsibility was finance and administration, including human resource management. So he would have then had responsibility for human resource management staff and I believe that Mr Clark, at least, was a human resource management staff member. I don't recall Mr Herbert. Ms J. Walker I take it was the union representative, but I don't know that person. 20

Were you at this meeting?---No, not that I can recall.

There are two handwritten notes on the right-hand side of the document. There's one that starts "Peter" and ends with the name, it would appear, "Ian". Do you see that one?---Sorry, the one that begins "Peter"? 30

There's two different sorts of writing on the right-hand side?---Yes, there are. Yes, that's right.

Well, see the note that says "Peter" and what's written after that?---Yes.

Do you recognise that handwriting?---That is my handwriting.

Are you the Ian who signed that note?---I am.

Can you just read out to us, because it's in handwriting, what it says?---"Peter, Alan will decide who he wants to conduct the investigation and advise." 40

Okay, and it's dated 18/9/89?---It is.

So did you send a copy of this document that records the minutes to someone called Peter with that notation on it? ---I imagine so, yes.

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Do you remember now who the Peter was that you were writing to?---I expect that was Peter Coyne. 1

Above your notation there's some remarks with a date 15/9/89. Do you recognise that writing?---That's Alan Pettigrew's writing.

Can you read his writing to us?---"Thanks, George. Please see that this" - no, I'm having difficulty with the last two words.

Would the last word be "morning"?---It could well be, yes. 10

Or "moving"?---Yes, I can't tell.

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PEERS, I.C. XN

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Okay. According to the foot of the document, the director-general as a result of concerns raised by the Queensland State Service Union decided that an investigation into the operations of JOYC would be held?
---Yes.

1

Does that accurately reflect your recollection of who decided there would be an investigation and why or is that just someone's subjective interpretation and there was more to it than that?---No. I believe that it was the decision of the director-general and I think that he - that the matter was discussed in the senior executive management team.

10

Yes?---And it was at that time that he said something like, "I think we need to get somebody to get to the bottom of what's going on out there," and there was some discussion about how that should occur and the conclusion was that Mr Noel Heiner, I think - I'm not sure whether his name was mentioned in that discussion, but that somebody should be sought to conduct that investigation.

Certainly by 18 September 1989 it would appear that you knew that Alan Pettigrew was going to decide who was going to conduct it, according to the handwritten notes to Peter there?---Yes, yes.

20

So the decision to have an investigation must have been made prior to you making that note on 18 September 1989. Is that a fair inference?---That's fair.

Okay. Thank you. We will have that returned now?---Okay.

I want to show you exhibit 73. You can see that it's a memo to someone - we don't know at this stage who it is, but the Honourable, the minister and it has got the name A.C. Pettigrew at the bottom and it's dated 17 October 1989?---Yes.

30

There's handwriting on it?---Yes.

Did you write any of the handwritten notes that appear on exhibit 73?---No, that's not my handwriting.

Do you know whose handwriting it is?---No, I don't. I think the top note begins, "John Oxley."

Yes?---That may have been George Nix's handwriting, but I can't say for sure.

40

What about the words under that, "Minister is very sympathetic"? Do you recognise that writing?---No, I don't. Although I do know that George Nix was skilled in shorthand, so I take it that what is underneath that statement is shorthand which would suggest to me that that was George Nix's writing.

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Do you know that those - what looked to be squiggles are shorthand?--But, again, I guess I can't tell whether that is part of the same statement.

1

Fair enough, but those squiggles there, do you recognise them to be shorthand or are you just - - - ?---No, I don't.

- - - assuming it to be shorthand?---I'm assuming it to be shorthand.

All right. I'll get you to look at exhibit 74. You'll see that this is a letter from the State Service Union General Secretary Gillespie to the Honourable B.A. Nelson, the minister, on 18 October 1989 - - - ?---Yes.

10

- - - enclosing a submission and attachments relative to the shortcomings which have become evident at the John Oxley Youth Centre?---Yes.

Were you ever shown that correspondence?---Not that I recall, no.

Thank you. That can be returned. I'll get you now to look at another document, exhibit 77, which is headed Brief for the Honourable, the Minister re Visit to John Oxley Youth Centre, Thursday, 26 October 1989?---Yes.

20

Did you type up or cause to be typed up this brief for the minister?---I can't recall that.

So is it possible that you caused it to be prepared or you simply cannot recall one way or the other?---I can't recall one way or the other.

But if a minister responsible for the portfolio was going to visit a youth centre that you were the executive director supervising - - - ?---Yes.

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- - - is that the type of thing you would have been made aware of?---Yes; and in fact it's likely that I would have been the person who prepared the initial briefing.

Because the minister, presumably, wouldn't want to go out there not knowing or, at least - - - ?---No.

- - - she wouldn't want people to perceive - - - ?---No.

- - - she didn't know anything about what it was she was visiting, would she?---No. The minister ordinarily would have been briefed about any matter that she had some dealings with.

40

If Mr Pettigrew had been asked to prepare the brief, he might have delegated it to Mr Nix, mightn't he?---Yes, he might.

Was Mr Pettigrew a delegator or was he a man who tried to do everything himself?---Oh, no, I believe he would have - I don't believe that he would have been able to prepare a memo like this detailing, for example, numbers of staff and how that complement was made up. Yes, he wouldn't have been aware of that level of detail.

1

What about George Nix? Would he have been aware of that level of detail?---No, I don't think so. I think that probably I would have had to provide that advice.

So looking at the document now, exhibit 77, are you inclining to the view that you caused it to be prepared? ---I'm inclined to that view, yes.

10

But you're not 100 per cent sure?---But I'm not 100 per cent sure. I mean, I don't - - -

Is the way the sentences are structured or the way things are phrased - - - ?---Well, I mean, in a role like that you prepare many documents and I can't remember at this distance whether that's - - -

I was really just attempting to see whether or not you could identify any sort of idiosyncratic phrase or expression that you were given to using at that time that might just help you be sure one way or the other. There may not even be any such expression there, but I'm really just inviting you to look?---If you can give me a moment to read through, I'll see if there are.

20

Certainly?---Again, I can't be sure, but I would say that that style of writing is not unlike mine.

Okay. Whoever wrote it, at the end of page 3, certainly seemed to be of the view that it was the director-general who had been the initiator of the independent investigation, would you agree with that, having regard to the last paragraph?---Yes.

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Now, I'll get you to give that exhibit 77 back and we'll give you exhibit 78?---I would just make one more comment in relation to this.

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Yes?---It is possible that - I mean, I wouldn't ordinarily have prepared a brief that would have been directly to the minister. I would perhaps have prepared a draft that may have gone to George Nix. George Nix would have given a draft to Mr Pettigrew. Mr Pettigrew would've given something to the minister. So it's possible that I drafted a brief of this kind but it went through two other sets of hands before it was given to the minister.

10

So are you suggesting that you might have created the genesis - - -?---Yes.

- - - or been the genesis of that document but that it might have been amended by persons before it went to the minister?---That's possible, yes.

Do you recall going to John Oxley Youth Centre with the minister?---No, I don't.

Does that mean to say you don't recall it or it didn't happen?---I can't recall whether it happened or not, but I have no recollection of doing so.

20

All right. I will get you now to look at exhibit 78 which is a memorandum dated 30 October 1989 to the director-general and it would appear to be your signature? ---Yes.

Now, it's headed "Documents relevant to the work of the magistrate investigating at John Oxley Youth Centre"? ---Yes.

30

And you attach the Code of Conduct?---Yes.

A file containing memoranda issued to staff at JOYC and draft position descriptions?---Yes.

Do you recall gathering up that material and making it the subject of this memorandum to the director-general?---No, I don't recall doing it, but it would appear that I did.

Do you recall Alan Pettigrew contacting you and saying, "Look, we need to get some material together to give to this magistrate that I've appointed to go out there"? Do you recall that, for example?---I don't recall that specifically, but he may well have done. I mean, that would have been one of many interactions that occurred in ordinary daily business.

40

You will see there's a handwritten note on the bottom right of the document. Do you recognise the handwriting and/or signature there?---No, I don't, but I would - no, I don't.

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It's not yours anyway?---It's not mine.

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Right. Now, the next document I want to show you is exhibit 79 and it is a letter dated 30 October 1989 to Mr Gillespie, the general secretary of the State Service Union, signed by Mrs Beryce Nelson, the minister, and attached to it - perhaps we're not suggesting this went to the recipient of the letter, but attached to the exhibit is a document headed "Response to issues raised re John Oxley Youth Centre by the State Service Union in a meeting with the minister on 18 October 1989"?---Yes.

10

So perhaps one can infer from that that the response, the typewritten response, was reformatted into the letter that was sent to Mr Gillespie and the question that I want to pose to you or ask you is: were you the author of either the response or the drafter of the letter to the minister? ---I can't be sure. However, the level of detail in this is such that I think I probably would've had to have written it rather than George Nix.

All right. Now, there are handwritten notations at the foot of the first page of the response document and at the foot of the second page of the response document?---Right.

20

I take it, having regard to the second page, that you would identify the signature there as being that of Alan Pettigrew?---Yes.

All right. Because it's a handwritten note and you're more familiar than I am with his handwriting, could you read out to us what he's written there?---This is on the last page, the note of the 19th of the 10th?

It is, yes?

30

---Honourable the minister, there will be a basic training program later this financial year; proposal is being developed now to overcome the main hold up - replacement staff. For those being trained during working hours the cost is quite high.

Now, above that notation there's a bracket encompassing paragraphs 11 and 12, isn't there?---Yes.

And paragraphs 11 and 12 concern the subject of basic training for youth workers?---Yes.

40

Can we proceed on the basis that somebody drafted this two-page document, this response, and Alan Pettigrew thought it necessary to supplement the response in connection with paragraphs 11 and 12 in the manner set out in the handwritten notation at the bottom?---So your question in relation to that was?

My question was: if we assume that this was not a document drafted by Alan Pettigrew because of the level of detail, given that the handwritten note concerns basic training and it then has a bracket above that embracing two paragraphs dealing with basic training, is it correct that we could infer that Alan Pettigrew supplemented the draft advice to the minister by including an observation of his own about basic training?--It may be. I don't think I could say one way or the other.

1

Now, over on the first page of the response document you will see under paragraph 7 in typing "Deputy Director-General, Community and Youth Support"?---Yes.

10

By the way, who was that?---That, I think, was George Nix.

Okay. Then underneath that there's handwriting as well? ---Yes.

Are you able to identify whose handwriting that is?---I think that's Alan Pettigrew's.

All right; and it seems to be dated 23/10/89. Would you agree?---I can't see where that date is - yes, I do.

20

And above that, would there be initials that say "ACP"? ---"ACP", yes.

Yes, Alan Charles Pettigrew?---Yes.

Can you read out to us what he seems to have written there at the foot of the document?

---As discussed, would you please prepare the following: terms of reference for a proposed investigation at John Oxley Youth Centre; (2) draft letter from the minister to Gillespie based on the information in that report.

30

"In this report"?---"This report and can" - no, I can't make out the bottom line.

I might just suggest to you at least these words appear "intention to have an investigation"?---Yes.

All right. So it would appear that Mr Pettigrew had had a discussion with someone about the contents of this document and directed that person to prepare terms of reference for the investigation at JOYC and to draft a letter for the minister based on this document?---Yes.

40

Do you recall Alan Pettigrew directing you to do either of those two things?---No.

If he didn't direct you to do it, would it be likely at all that he would have directed someone subordinate to you to do it?---No.

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Would it be more likely than not that he would direct someone higher than you to do it?---It's more likely he would direct someone higher than me to do it.

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And are you able to help us with who it was likely to have been addressed to?---Well, as I say, I think the Deputy Director-General, Community and Youth Support was George Nix.

Yes?---So I imagine that the matter was referred to him.

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COMMISSIONER: Well, he was the only one higher than you, I think?---He was the only one higher than me. I thought the question was whether anybody subordinate to me - - - 1

MR COPLEY: That was the first question and we ruled that out?---Yes.

Then I asked you about people higher than you?---Yes. Well, the matter may well have been referred to George Nix, yes.

COMMISSIONER: Sorry, when we say it may well have been, can we be a bit more - - -?---Well, appears to have been. 10

It's most likely that it was?---Yes, most likely.

Thank you.

MR COPLEY: Because it wasn't sent to you?---No.

And it's not at all likely that the director-general would have been writing to people under you without your knowledge?---No, that's right. 20

So we'll no doubt hear from Mr Nix, but from this document it looks as though Mr Nix might have been the person who composed the terms of reference?---Yes.

We'll perhaps jump to that. Did you compose the terms of reference for Mr Heiner's inquiry?---No.

Were you asked to contribute to them?---No, I don't believe that I was. I have no recollection of that.

COMMISSIONER: Mr Copley, I'm sorry, I didn't mean to interrupt the flow, but do you want a break, or would you like a break?---No, I can keep going. 30

You're happy. Does anybody want or need a break? Okay, we'll keep going.

MR COPLEY: Thank you. All right, well, I'm finished with that exhibit now.

COMMISSIONER: Because I'm not game to say that I do now.

MR COPLEY: Well - - - 40

COMMISSIONER: That's all right.

MR COPLEY: I'm happy to keep going, commissioner.

COMMISSIONER: Yes, so am I.

MR COPLEY: Okay.

COMMISSIONER: We had a break yesterday.

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MR COPLEY: Yes.

COMMISSIONER: What do we want another one today for?

MR COPLEY: See, I'm just trying to perhaps ascertain the level of involvement you had in the process of establishing the Mr Heiner's investigation. The possibilities are you were intimately involved, you were marginally involved or nobody told you anything. In a general - - -?---I think somewhere in between your last two points. I was certainly not intimately involved. If I did have any involvement in that it would have been minor.

10

If you look at exhibit 80, for example, this is a memorandum to the Honourable - the minister dated 1 November 1989 from Alan Pettigrew attaching terms of reference, draft terms of reference, for the inquiry, and in the second paragraph it says, "Mr Nix and myself have met with the former stipendiary magistrate Noel Heiner on two occasions. He's agreed to head the inquiry"?---Right.

Would you be able to confirm to me that you were not involved in meetings with Mr Heiner to set up the inquiry? ---Yes. I don't recall ever meeting Mr Heiner.

20

Okay, and you played no role in the composition of the terms of reference, a draft of which was attached to the minister's approval?---As I say, if I did it would have been a very minor or incidental one. I played no significant role in that.

Was that a matter at that time that you were happy about being kept to one side on or marginalised about or was it a matter that you would have liked to have been involved in and contributed to?---No, I think I was happy for that to occur. Because I was the direct line manager of Mr Coyne and was responsible for the centre I think I took the view that if there was to be an investigation I ought to step back from that.

30

Did you like Mr Coyne?---Yes.

Did you have a view about his management of the centre at the time that this inquiry was being organised and established?---Yes, I would have had a view.

40

What was that view?---My view was that he was a very well intentioned manager who was genuinely focused on the welfare of the young people in that centre. I believe he took a view that the environment of the centre should be as safe and as normal and as constructive for the young people as he could manage. On the other hand, I believe he was perhaps a bit impatient and combative in his manner, but I never formed the view - I never remember thinking that he

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had acted unjustly in what he has done. He may have acted hastily or impatiently, but never unjustly, that I can recall.

1

All right. Returning to exhibit 80 on the top right-hand side again, would you agree with me it says, "Approved by minister. ACP 2/11/89"?---Yes.

Do you identify the notation and signature as being Alan Charles Pettigrew's?---I do.

Thank you. I just want you to look at exhibit 81 now. It's a letter to the minister Mrs Nelson from Don Martindale, general secretary of Queensland Professional Officers Association. It's not addressed to you but there's a basis, isn't there, for suggesting that you might have seen it?---Yes, there's a note on the bottom that says, "Executive director YS." So it looks as if that document was sent to me.

10

Do you recognise the handwriting that suggests that?---I believe it was probably George Nix.

It seems as though, doesn't it, that there's a basis for thinking because his title appears in the bottom right-hand corner that it might have been a letter that Martindale copied him into?---Sorry, that Martindale copied me into?

20

No, copied Nix into?---Copied Nix into.

Yes, gave him a copy of. I'm just asking you about correspondence practices back - - -?---Yes.

To and from the department in 1989?---I - - -

Unless you might alternatively say to me, "No, you're wrong, sir. That typing at the bottom right-hand side where it says 'Deputy director-general, community and youth support' is government typing. I don't know?---Sorry, I don't understand your question.

30

Look, see down there - - -?---Yes, I see that.

Yes. Now, you - - -?---Yes, I might say that's government typing.

Would you say that that was a notation put onto the letter by some government officer to cause a copy of the letter to go to Mr Nix? That's one possibility?---That is a possibility, yes.

40

Or is it possible that the writer of the letter was intending to copy; that is, to provide a copy of the letter to the minister, to George Nix and that's why he had George Nix's title down the bottom right-hand corner, or you don't know. They're the three possibilities?---Well, I don't

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believe George Nix would have put that stamp on a note of his.

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Right?---So it would suggest to me that this was directed to George Nix by someone.

Okay. Well, it seems to have been received by the minister, certainly, according to that round stamp in the middle, doesn't it?---Yes.

On 8 November 89?---Yes.

10

Then, perhaps, it seems, like a deputy director-general on the 11th?---Yes.

Possibly because of the stamp at the top, and then it makes its way to you after that?---Yes. That would seem so, yes.

So if you got this letter and read it you would have been aware by 6 November - well, you would have been aware when you got it on or about 14 November 1989 that the Queensland Professional Officers Association was concerned about issues out at the John Oxley Centre?---Yes.

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Okay. Were you in a union then?---No. Oh, I think as a public servant at that time I may have been a member of a union.

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Yes?---But I can't recall it. Apart from it being an obligation as a public servant, I can't recall that I had any interactions with a union.

So are you saying there that to obtain or to keep a job in the public service in those days, a public servant was required to be a member of a union?---Yes. I think there was some provision. This is when I joined in 1975. I think there was some provision to be, if you like, say, a conscientious objector, but it was ordinarily expected that as an employee you would be a member of the union.

10

Okay. The next document to look at is exhibit 82. This is a document that would appear to have emanated from Peter Coyne, although A. Dutney may have signed it, and it has been sent to you. You might remember this one because it contains a serious allegation that Mr Coyne had effectively - - - ?---Yes.

- - - unlawfully or, at least, without permission of the home owner - - - ?---Yes.

20

- - - entered the home of Mrs Pearce - - - ?---Yes.

- - - and walked around in there?---Yes.

Do you remember that issue?---I do remember that issue. Well, I certainly remembered it when I was shown this document yesterday.

By the police?---Yes.

30

All right. Apart from reading the document, do you have an independent recollection of that allegation being made against Peter Coyne and him reporting it to you?---It wouldn't have been something I had remembered until I saw the document yesterday, but when I saw it, it brought the matter back to me and I could remember it.

I'm going to just jump forward to link that document, exhibit 82, with exhibit 92 - - - ?---All right.

- - - because this is a letter that you wrote, exhibit 92, I'll put to you - - - ?---Yes.

40

- - - and you can agree or disagree?---Yes.

If you look on the second page - - - ?---Yes, I agree. Yes.

It doesn't actually have your signature on there, but it's got your name at the bottom of it - - - ?---Yes.

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- - - where it appears that you have drawn to Mrs Pearce's attention the fact that Mr Coyne had passed on her allegations to you - - - ?---Yes. 1

- - - and in the second-last paragraph you indicated to her that her allegations were either true, in which case they needed to be investigated, or not true, in which case there was an unfairness to Mr Coyne?---That's right.

Do you recall taking the step of drafting that letter?
---When I saw the letter, yes, I could recall that. 10

All right. Would you agree with me that it was a fairly extraordinary allegation for Mr Coyne to be accused of that he had gone to somebody's house and entered it without their permission?---Yes, it was.

Was that the most outlandish allegation you heard about Mr Coyne when you were the executive director and there was trouble out at John Oxley or was that an example of things that you commonly saw or can't you say now?---I'd say more the latter.

More the latter?---Yes. 20

So from your perspective, Mr Coyne's management, rightly or wrongly, had become a problem for you?---Yes.

Okay?---But when you say, "Mr Coyne's management," the management of the centre had become a problem for me and Mr Coyne's management would be a part of the management of the centre.

Okay. So from your perspective, you would have had an interest in seeing the Heiner investigation carry on and resolve one way or the other these issues out there, wouldn't you?---Yes. As I said before, I think the view was that - the view that I took was that there needed to be some way of breaking a log jam or the impasse that existed and that this seemed to hold some promise of doing that. 30

The advantage for you was that you didn't have to go and investigate it and make findings about, for example, a man that you had some respect for. Can I suggest that that was an advantage for you that there was - - - ?---I certainly believed it was an advantage that somebody who had no direct involvement in the centre, yes, was involved in that investigation. 40

So are you saying - - - ?---I mean, I think it might well have been said that I was part of the problem in that I was the line manager of Peter Coyne and senior staff and that, therefore, it was necessary that there should be somebody more at arm's length from what was going on who should look at the situation.

Yes; because you wouldn't have felt comfortable judging things out there because you might have perceived that you were, in effect, being called to judge your own supervision. Is that a - - - ?---Well, not only that. I think I believe that if I did form a view it may not have been accepted by a number of the staff there if it didn't agree with their own.

1

All right, thank you. Exhibit 89, I'll just get you to look at that. It would appear by this time, at least, that you were being kept apprised of developments in the sense that there's a notation on that to suggest that you received a copy of the letter that Minister Nelson wrote to Martindale in response to his letter?---Yes.

10

In that letter the minister, perhaps prudently, says that she's not proposing to do anything until after Mr Heiner has furnished his report. Do you see that?---Yes.

Did you draft that letter for the minister?---I don't believe so, no.

Okay. Would you look at exhibit 93. You'll see it's headed Discussions With Principal Youth Workers and Senior Youth Workers at JOYC on - - - ?---Sorry. Could you speak up a little?

20

I'm sorry. I'm really reading this into the record so that we understand what it is when we come to read the transcript?---Yes. Right.

It's headed Discussions With Principal Youth Workers and Senior Youth Workers at John Oxley Youth Centre on Friday, 8 December 1989?---Yes.

Down the bottom on the right-hand side there's a date, 15/12/89. Do you agree?---Yes.

30

And next to that or slightly above it there is a signature? ---Yes.

Do you recognise it?---I think that was George Nix's signature.

If you look through that document you will see that it's a notation about concerns that have been raised with someone called Mead concerning inappropriate questions being directed to participants by the magistrate:

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Which although in accordance with the terms of reference were slanted towards whether or not individuals had complaints about Peter Coyne. It was complained that Barbara Flynn was asking leading questions which were considered to be inappropriate.

In the next paragraph:

1

Barbara Flynn was a close friend of Janice Doyle's.

Do you see that?---Yes.

May I just interrupt you there and ask you who was Janice Doyle?---Janice Doyle was the manager of the Sir Leslie Wilson Youth Centre.

Okay. Thank you. Barbara Flynn - did you know her?
---Well, not well. I would have met her at, you know, various departmental meetings, but I didn't know her well.

10

There was an assertion in the bullet point there that a number of managerial staff are ready to throw it in if Peter Coyne goes and then below that there's a line where it says, "It is my opinion that the magistrate should give you a briefing of where he is at with the inquiry"?
---Sorry, where is that?

It's the third bullet point in the middle of the page?
---Right.

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"It is my opinion that the magistrate should give you a briefing of where he is at with the inquiry"--Right. 1

Now, the first question I want to ask you now that you're familiar with the contents of that document is: did you attend and have discussions with people at JOYC on 8 December 1989?---I can't recall that.

So you don't have any recollection of, say, going out there with George Nix and listening to people's complaints about the way Magistrate Heiner and Ms Flynn were conducting the investigation?---I can't recall doing that. 10

So is it possible - - -?---It's possible that I did.

- - - that you did?---Yes.

Well, this person who's writing this letter or note is giving somebody else the benefit of his opinion?---Mm'hm.

Did you receive this document from George Nix? Did he write it to you?---I don't know. That seems likely or at least that I was copied into it. 20

All right. Well, you would agree with me at least that by Friday, 8 December 1989 it had come to the attention of someone fairly senior in the department that there were not only problems at John Oxley but problems with the way in which the departmentally appointed investigator was conducting the investigation?---Yes, I think so.

Okay. That can be returned. Now, I want you to have a look at exhibits 95 and 96, please. These are memos that Peter Coyne has said he wrote. 95 is dated 12 December 1989 and addressed to Col Thatcher but you're given a copy of it, according to the top of it?---Yes. 30

And exhibit 96 is a memo to the director-general, a copy sent to Ian Peers. Now dealing with exhibit 95 first - - -?---Sorry, which one is 95?

95 is the one with the staff disciplinary processes?---Yes.

Do you see that?---Yes.

Getting to the central point of the memo, Mr Coyne says, "Mr Heiner is to report on the adequacy of staff disciplinary processes. For me to assist him in the inquiry I request a copy of the approved staff disciplinary processes"?---Yes. 40

Okay. Now, down the bottom there are handwritten notations. Did you make any of those notations there? ---No.

Do you know who did from the writing?---The one marked (1) I believe is Col Thatcher; (2) - the manager of personnel services would've been somebody within Mr Thatcher's section.

1

Yes?---(3) I can't tell.

Under (1) it says, do you agree, "Draft reply to me by 5/1/90, please"?---Yes.

Do you recognise the signature there?---I think that was Col Thatcher.

10

Now, the next one, exhibit 96, is where Mr Coyne is requesting a copy of allegations made against him and a copy of the transcripts of evidence taken to date?---Yes.

Do you see that?---Yes.

Now, Mr Coyne has written there to the director-general? ---Yes.

He didn't write to you. He merely copied you into that? ---Yes.

20

Would you have regarded that as being a fairly significant piece of correspondence when someone subordinate to you writes to the person at the top?---It was not standard practice. I think at this stage what was occurring what that Mr Coyne had sought his own legal representation and that in fact he was, I guess, in some kind of legal contest with the department and was therefore addressing matters like this straight to the top, if you like.

How do you know that? Is that with the benefit of hindsight or are you drawing on something that you knew at the time?---No, I'm drawing on the fact that it would not have been normal for a manager of a centre to write directly to the director-general and I was aware that Mr Coyne had sought representation from things he had told me and I guess he was - yes, he was seeking an official response to his queries.

30

Had he, that is, Mr Coyne, conveyed to you that he was unhappy with the way the inquiry was being conducted? ---Yes.

Did you convey the fact that he was unhappy to any of your superiors in December 1989 or was it something he said to you because he knew you and you simply treated it as a matter in confidence?---No. I mean, I can't remember the date on which I began to brief - it would have been George Nix and in turn Alan Pettigrew, but I believe it was early in the process when I could see that this was getting into trouble.

40

Well, now, Alan Pettigrew didn't last all that long in December in the role of director-general, did he?---If December was the election, as you've pointed out before, no, he didn't.

1

Do you recall when he left?---Very shortly after the change of government.

Okay; and Ms Matchett took over?---Yes.

Now, I want you to look at exhibit 98. Can I suggest to you you would have remembered receiving this one?---Yes.

10

Because this is the lengthy memorandum where Mr Coyne posited 21 questions for the director-general to reply to? ---Yes; yes.

It was addressed to Ms Matchett, but you received a copy? ---Yes.

Did Ms Matchett summon you to her office to discuss this matter in December 1989 or to discuss the reply at least in December 1989?---I recall discussing it with Ruth Matchett early in her term as director-general. I don't recall whether the meeting was in her office or not. I do recall that it was her view that all responses - all official responses to Peter Coyne ought to be through her office to him so that there was, I guess, less room for contradiction or confusion in the department's position.

20

Is that the reason she gave for saying that all responses should go through her office or is that an assumption that you have made about why she wanted all responses to go through her office?---No, I have some memory of her speaking about a belief that Peter Coyne may have been using a tactic of taking a scattergun approach and when he received different or inconsistent responses from the department, using that in some way.

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Did you make any reply to that view that she suggested - that view that she appeared to have about his motives?---I don't recall what I said, but at this point in time with the new government, the relationship between the director-general and the executive staff changed to some extent. I can't recall just - - -

1

Yes. Can you explain to me what you mean by that?---Yes. There was a renovation of the top floor of the department building and I think that Ruth Matchett stayed there or, at least, was physically separate from other members of the executive management team who were on another floor of the building.

10

Yes?---So the communication, if you like, was disrupted by that. It was also clear that early in the process Ruth Matchett was seeking advice, legal advice, about the handling of this matter and, again, I wasn't copied in, if you like, to what that advice was. At about this time the matter seemed to focus in the director-general's office and my role became one of go between, I guess, from Peter Coyne to the director-general's office, but I would have not taken to declare any position to Peter Coyne that represented the department's view.

20

Would you have declared your position or your attitude about Peter Coyne to Ruth Matchett?---I believe so. Yes.

Would your declaration have been that you were generally supportive of him?---Look, I can't recall, but I suppose I was generally supportive of him and so that's probably what I would have said.

Did you have any hand, either physically in drafting or in advising over the phone or in other ways, in Mr Coyne in compiling the 21 points that he wanted the director-general to answer?---No.

30

Okay. What was your relationship with Ms Matchett like when she took over and became director-general?---It was formal and there weren't that many interactions. They tended to be very business focused. That's probably all I'd say.

I just want you to look at exhibit 99?---That's headed The Investigation of Complaints?

I think the last one you have got is 98. Exhibit 99 will be dated 18 December 1989, but it's from George Nix. Would you agree with me that that seems to be a fairly routine piece of public service correspondence to the new director-general just outlining generally what was going on in various parts of her department?---Yes.

40

So that sort of correspondence would suggest that the business of government was still going on in the department notwithstanding whatever issues were brewing away there at John Oxley?---Yes.

1

Did you draft that correspondence for Nix or was that all his own work?---I can't tell.

Okay. We will have that back. In paragraph 29 of your statement you state that, "The inquiry of Mr Heiner's was generally identified as management issues." You went on to state, "I do not recall any issues of sexual abuse being raised in regards to this inquiry"?---Yes.

10

Is that the truth?---Yes.

Thank you?---As far as I knew.

Yes. You can only speak to your own knowledge or what you heard. Would you look at exhibit 101. This is a memorandum dated 2 January 1990 to the acting director-general and it's signed by you, isn't it?---Yes.

In the last paragraph it records that Mr Coyne had been provided with an interview time of 12 January 1990 to go with Mr Heiner and your understanding that that would be then the end of the interview process. Do you see that? ---Yes.

20

Where did you get that knowledge from that after Mr Coyne was interviewed that would be the end of the process of interviews? Do you remember?---I don't remember, no.

In this memorandum to the director-general, you enclose a copy of the memo of 14 September 1989, which I showed you a while ago, letters of support for Mr Coyne, Mr Heiner's letter of appointment and you also attach Mr Coyne's 21 questions for the director-general and then you set out your understanding of the sequence of events?---Right.

30

You refer to the fact that since the inquiry had begun, Coyne and other senior staff had expressed to you on a number of occasions that they were unhappy about the process and you state:

Several staff also met with Mr Nix on 8 December and expressed these views and that Mr Coyne had expressed his unhappiness to his union.

40

Why was it that you were compiling this memorandum to the director-general the day after New Year's Day 1990?---I think around this time George Nix was on leave and I was acting in his position.

Right?---And so it would have been my responsibility to brief the director-general.

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Okay. It does seem that you have described yourself on page 2 of the letter as A/deputy director-general?---Right. I haven't seen that.

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So you must have been the acting - - - ?---Yes.

Yes. So it was your responsibility to brief them, but was that because you felt that you should or did she ask you to brief her? Do you remember?---I don't remember.

The next exhibit I want to show you is exhibit 104, which is something that you wrote in your capacity as executive director youth support on 10 January 1990 addressed to the manager of John Oxley concerning Mariana Pearce?---Right.

10

You were conveying to Mr Coyne there that Ms Pearce no longer was persisting with her allegations that Coyne had entered her house and it appears that you actually interviewed Ms Pearce - - - ?---Yes.

- - - on 5 January 1990?---Yes.

Why did you do that when there was an inquiry going on at the centre because you state that Ms Pearce had made her allegations to the magistrate's inquiry? How did it come to be there you conducted your own interview with Ms Pearce on January 5, 1990?---I don't remember that. Until I saw this document I didn't remember speaking to Ms Pearce at all.

20

Okay?---I don't know whether there may have been a request to me to meet. I'm not sure about that at all. I don't believe I would have sought her out for that interview. I think as - I'm responding here straight off the top of my head, because I didn't remember that event, but I do think my letter to her was basically proposing that she needed to do something one way or the other. She needed to either - if she did believe that this illegal entry had occurred, that she should act on that and make a complaint, and if she didn't believe it that she should cease saying so to other - you know, saying that this had occurred to other staff members. So it may have been a follow-up to that letter.

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Well, in that letter which you're referring to which is probably exhibit 92 that you saw a little while ago you ended up saying, "I anticipate that Mr Tony Brown will arrange on your behalf a further interview in which these matters can be discussed with me"?---All right. I'd forgotten that, yes.

1

So it must have been something - an initiative that you decided to take notwithstanding that she had made these allegations to Heiner?---Right. Well, I don't know whether she says she made those representations to Mr Heiner.

10

It was your understanding, though, that she had?---I don't recall that.

Okay?---I don't know where I would have known that from unless she had told me.

Well, it appears that there's a lot going on in early January of 1990?---Yes.

If you're conducting interviews with staff members to try to get to the bottom of a complaint that her supervisor entered her house unlawfully?---Yes. When you say - sorry, would you just repeat that question?

20

I'm trying to ascertain from you this: it seems as though you were a pretty busy man in early January 1990?---Yes.

In that amongst whatever else you've got to do as acting deputy director-general you had to set aside time to conduct an interview with a fairly junior member of staff from Wacol concerning an allegation that she had made about her supervisor entering her house without her permission? ---Right.

30

Would you agree with that?---I would agree that I would have been busy but that I had made time to do that.

The other inference is that you didn't have anything particularly to do at all and that's why you looked into it, but you wouldn't accept that proposition, I suppose? ---I think that's unlikely.

Yes, okay?---I might just add to that that I can't recall that while I was acting for George Nix that there was anybody acting for me. So issues that would normally have come to me as executive director would have probably continued to come while I was acting in the position of deputy director-general.

40

Would you look at exhibit 107 now, please? Now, this is a memorandum dated 15 January 1990 to the director-general but cc'd to you?---Yes.

In which Mr Coyne said that Mr Heiner had told him that he was investigating grievances and Mr Coyne sought to know the legislative basis of the inquiry. He'd first asked that on 18 December and he'd received no reply and that the inquiry was due to end in two days and he wanted a reply?
---Yes.

1

Did Ruth Matchett discuss the content of that memo with you?---No, not that I can recall. I know that there was a dispute about this regulation 63 and what was the basis of the inquiry, but I don't recall having a discussion with Ruth Matchett about that.

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Would you look at exhibit 109 which is another memo dated 15 January 1990 but not received, like the last one I showed you, until the 16th, addressed to the director-general but you were cc'd into it, from Peter Coyne in which Peter Coyne requested a copy of departmental records held on himself which he believed might contain details of the complaints made against him?---Yes.

Do you recall Ms Matchett discussing the content of that memorandum with you?---No.

20

I just want to show you exhibit 110 to see whether or not the handwriting on it is yours. I think you'll find that the document has been photocopied; it's the same document, basically, a couple of times. Unless the handwriting is yours or you recognise the handwriting the content of it probably isn't of much significance to you?---No, the handwriting is not mine.

Right. Do you - - -?---I don't recognise whose it is.

Okay, thank you. That can be returned. I want you to look at exhibit 111, and whilst it's being fetched I'll just tell you that it's a memorandum from Ruth Matchett to Peter Coyne and there was a copy sent to the acting deputy director-general, community and youth support?---Right.

30

Which might have been you?---Yes.

You will see there that it's dated 17 January 1990?---Yes.

Ms Matchett refers to Coyne's request pursuant to regulation 65 for records held on himself and she asserts that a perusal of his personal file indicates there are no records attached to it?---Yes.

40

That she's not aware of any other departmental file containing records and she provides him with a copy of regulation 46. Did you draft that letter for her?---No.

Do you recall receiving a copy of it?---Vaguely.

Who worked for her up there on the top floor at this time?
---I think Trevor Walsh might have been her executive - her
- well, I forget what the term would have been, but her
administration officer, and I think she also had a PA, in
modern terms.

1

A personal assistant or secretary?---A personal assistant,
yes.

Yes, a typist?---Yes - well, yes.

Trevor Walsh, was he a man known to you prior to being up
there with the director-general?---I did know who he was,
but I didn't know him well.

10

Did you know him from the Department of Family Services?
---Yes.

All right. Around 17, 18 December - 19 January, rather,
1990, did Ms Matchett show to you any correspondence she'd
received from solicitors acting for Mr Coyne and/or any
correspondence she had received from the crown solicitor?
---No - well, I mean, it's hard to rule something out
categorically, but I have absolutely no memory of that.

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I'll get you to look at exhibit 120. This is a memorandum from Mr Coyne to the director-general dated 18 January 1990 and you're CC'd into it. He begins by referring to her memorandum, presumably of 17 January that I just showed you before, in which she said that there were no records attached to his personal file?---Yes.

1

He then points out that there should be records there and he asserts at the end that the department does hold records on him and he wants a copy of them?---Yes.

Do you recall whether or not you ever saw that memorandum either on the 18th or in the days following in January 1990?---I don't recall, but since it was copied to me, I most likely did.

10

Do you recall whether Ms Matchett ever raised with you the reiteration by Coyne that there must be records on him because he has heard that there were from various people and his repeated demand for a copy of the records? Do you remember her raising that with you?---I don't remember her raising that with me.

If you have a look at exhibit 121, you will see that it's another memorandum from Coyne to Ms Matchett and on this occasion copies were sent to both Mr Heiner and to yourself and in this memorandum Mr Coyne says that Mr Heiner told him that Mr Heiner was investigating a grievance in accordance with regulation 63 but that he had been given conflicting information by senior departmental officers, namely, the investigation had no legislative base and he wanted clarification about the basis for the investigation?---Mm'hm.

20

Were you the senior officer who gave him the advice he asserts he received that the investigation had no legislative base?---I don't believe so, no.

30

Did you have an understanding of what legislative base the inquiry had or was it not a matter that you ever bothered to cogitate about?---I knew in very broad terms what the issue was, but I wouldn't have had any expertise in or even any knowledge about the - any detailed knowledge of those matters.

Were you then a lawyer?---No.

You're not a lawyer now?---No.

40

Okay. I want you to look at exhibit 126 and I just want you to look at the writing there and tell me whether or not it is your writing?---No, it's not my writing.

Do you recognise the writing?---No, I don't.

Okay. That may be returned. I want you now to look at exhibit 131. You will see the first page of that exhibit says "Administrative file" with a box number and then if you turn it over, you will see three photocopies of the same document but all photocopied or reproduced in different size printing?---Yes.

1

Are you the author of that document that's photocopied three times?---Yes.

Okay; and it's directed to someone called d-i-r-g-e-n? ---Yes.

10

Who is that?---Director-general Ruth Matchett.

All right. Can you, please, read into the record the handwritten writing that appears in exhibit 131?---Yes. The heading is "Inquiry at JOYC":

I spoke with Peter Coyne this morning. He said that he and Anne Dutney had been thinking and were now prepared to leave the director-general to make her decision with regard to the inquiry. This means that although they intend to continue their District Court action for access to the documents, they will drop their Supreme Court action for a writ of prohibition until the rules of natural justice are complied with. They were expecting their solicitor Mr Ian Berry (281-9800) to phone Trevor Walsh with this advice. On the basis of a phone conversation yesterday they have asked to meet with me to discuss the re-establishment of stability at John Oxley Youth Centre.

20

Then signed myself 24 January 1990.

Okay. Now, first things first: do you now in January 2013 have a recollection independent of that document of a telephone call from Peter Coyne concerning these issues? ---Yes.

30

All right. You assert in this note that Peter Coyne said that he and Anne Dutney had been thinking and that they were now prepared to leave the director-general to make her decision with regard to the inquiry?---Yes.

Do you now remember Peter Coyne telling you that?---Not independently of seeing that note I don't remember.

40

So you don't remember the exact words he used?---No.

So insofar as the note says that he was prepared or they were prepared to leave it to the director-general to make her decision with regard to the inquiry, that was a summation, was it, of something that he had said to you on the telephone that morning?---I suppose so, yes.

Now, the next matters are of some significance because it says "this means" so there are two possible interpretations, or maybe more, open in this paragraph that Peter Coyne went on to elaborate what it meant or you were advising Matchett about what you understood the ramifications of Coyne's comment that they're going to leave it to the director-general to make up her own mind were?---Yes.

1

Do you remember now where the detail for that second paragraph beginning "this means" came from?---It would've come from Peter Coyne. I would've been relaying to the director-general what he had told me. I have no expertise to know what those things meant and at this point in time I can't understand them at all.

10

Well, thinking back to that time, were you aware or did you have any knowledge at all about any court actions?---I was generally aware that Peter Coyne was having discussions with his lawyers. I may have been aware of court actions. I can't recall that.

See, other evidence would suggest pretty strongly that as at 24 January 1990 no court action of any description whatsoever had actually been started so if you accept that proposition for a moment, that simply nothing had ever been started in any court, be it District, Supreme or anywhere else you care to name - - -?---Right.

20

- - - is it the case that you assert that Peter Coyne said they intended to continue a District Court action for access to documents but drop a Supreme Court action for a writ?---That's what I wrote.

Yes, I know it's what you wrote?---Yes, but I had no direct knowledge of any court actions. I would only have been writing in that memo what I had been told by Peter Coyne and Anne Dutney.

30

Did you then know what a writ of prohibition was?---No.

Did you then - - -?---Well, I mean, I may have had some understanding at the time that I now don't have, but it would have been a very general one and certainly a lay opinion.

Did you then know what was meant by "natural justice"?---I had my own opinion of that. Again it would be a layman's opinion.

40

Okay. So your testimony, therefore, is that the contents of the second paragraph of that note are what Peter Coyne told you?---Yes, that would be my recollection.

1

Not your understanding of what he was trying to say?---Not my presumed legal advice, no. I wouldn't have ever claimed that I had any expertise in matters like that.

Okay. This document is handwritten not typed?---Yes.

Are we to attach any significance to that or none at all? ---None at all, I think.

10

It was directed to the director-general?---Yes.

Did you give it to her?---I can't recall that. You mean hand it to her?

For example, did you hand it to her?---No. I wouldn't have done that. Normally, memos weren't passed from hand to hand like that and I would have imagined at this time, if I have got it right, that I would have been on a different floor so it would have just been the normal correspondence process.

20

Yes. Can you tell us, thinking back to 1990, when she was on a different floor from the rest of you - - - ?---Yes.

- - - how the normal correspondence process worked during the day?---No, look, I can't recall; presumably, some staff members directed memos around the building, but it would not have been the practice that I would write something and then physically take it to the director-general's office and hand it to them.

All right. I'll just leave exhibit 131 with you for the moment and just get you to have a look at this next document, which is 131A. It's headed Ruth and it's signed Ian?---Yes.

30

It seems to be simply your thoughts about where things might go into the future?---It does seem to be that, yes.

Yes. One suggestion that you made was that Ms Matchett might interview Noel Heiner and that's dealt with under heading numbered 4 - - - ?---Right

- - - where you said:

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It may be useful to discuss his understanding of the terms of reference and/or what is required of him.

Ms Matchett in fact did that?---Right.

And it may be necessary to show you by reference to the exhibit when she did it?---Right.

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But perhaps in an effort to try to exhaust your memory first, looking at the document and the subject matter discussed in there, are you able to help us with approximately when you drafted that memo to Ruth, as it's called?---I think it would have been while I was acting director-general - sorry, acting deputy director-general.

1

Yes?---But, no, I can't recall when.

Okay. I'll just show you another document. If you'll just bear with me, Mr Commissioner for a minute.

10

I want you to look at exhibit 118, which is a letter to Mr Heiner from R.L. Matchett dated 18 January 1990 and I'll just get you to read it?---Right.

So she did write to him requesting that he come and see her and have a meeting or an interview, if you like?---Yes.

Comparing what she wrote with your thoughts, are you able to tell us whether or not Ms Matchett ever had a discussion with you after receiving your memo headed Ruth about what course of action she should take in relation to issues at John Oxley?---No, I don't recall that she did.

20

Okay. The evidence that we've received demonstrates that on 19 January, the day after - sorry. The evidence demonstrates that on 18 January, later that day, Mr Heiner responded to that request for a meeting?---Right.

So bearing that in mind, are you able to help us with when you might have drafted the memo to Ruth as it's called? ---No, I can't help you with that unless I've misunderstood and had not heard the full question.

No, you've understood the question. Did Ms Matchett take you into her confidence about what she was going to do or what she intended to do with the situation involving Mr Heiner?---No.

30

Did she ever discuss with you the content of that file note or that memo to her dated 24 January 1990?---Not that I recall, no.

You don't recall her coming along and saying, "You better come up here, Ian - - - "?---No.

"- - - what does he mean by District Court action"?---Yes.

40

"What does he mean by Supreme Court action"?---No. I don't recall that.

Did she ever send you a memorandum asking you to amplify anything contained in the memo of 24 January?---She may have done. I don't recall that.

Did anyone such as Trevor Walsh get in touch with you about that memo of 24 January asking for further information?---I don't think so. 1

All right. I want you to look at exhibit 133 just to ask you whether or not it's your handwriting?---No, it's not my handwriting.

That may be returned. You don't recognise the handwriting?---I don't.

That may be returned. Would you look at exhibit 140 please. It's a memo dated 8 February 1990 to the director-general, which you are CC'd into, in which Coyne complains that his correspondence, or most of it, has gone unanswered and he would appreciate a reply?---Right. 10

As a result of seeing that, did you approach Ms Matchett about answering Mr Coyne's correspondence; alternatively, did she or someone on her behalf approach you to discuss Mr Coyne's correspondence?---Neither as far as I can recall.

The picture that is emerging is that there's quite a bit of correspondence from Coyne into Matchett - - - ?---Yes. 20

- - - that you're getting copied into?---Yes.

Leaving aside what Ms Matchett did or didn't do, it appears that you didn't do anything?---That's right.

Why is that?---Because the matter was being handled in the director-general's office and it was her preference that this should be the case. She seemed to be communicating with Crown Law at this stage about what to do and I guess it was my opinion that she preferred that this was the way that things were handled. This was a time when the normal relationships between the director-general and the executive management team were different or changed because I think of the change of government. 30

So things weren't normal because she was on a floor on her own, whereas the rest of the executive management team was on a different floor?---Well, yes, not only that, but - - -

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What else?---Well, I think that it appeared that there was going to be some change to the - I guess to at least responsibilities, that change was afoot in terms of relationships between - well, the roles of members of the executive management team.

1

Were you apprehensive personally about what might become of your position or your own future in the department at that time?---I became apprehensive about it. I don't recall when.

Do you think that apprehension played some part in your - and I don't mean this in a judgmental sense but it's a fact - your failure to respond to Coyne's letters or your failure to take it up with the director-general, the fact that he was writing these letters to you and to her and he was complaining about the same things all the time?---No, I don't believe it was my apprehension that affected what I did. I believe it was because the matter was seen by the director-general as best handled by her office and that it was therefore preferred that I did not make statements of any significance to Peter Coyne on behalf of the department. Because Peter Coyne was writing directly to the director-general and I think his letters were considered letters, probably in the light of his own legal advice, the usefulness that I could be, I suppose, in those circumstances, was very limited.

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I'd like you to look at exhibit 146. This purports to be a memorandum to the director-general dated 9 February 1990 signed by you. Agreed?---Yes.

Back as the executive director, youth support?---Yes.

It relates a phone call that had been received - that you'd made to Peter the day before?---Yes.

30

This one is typed?---Yes.

Should we attach any significance to the fact that this one is typed whereas the one of 24 January was handwritten?---I don't think so.

Why did you feel it necessary to convey the content of that phone call to the director-general?---Because I think that in my role I had two responsibilities. One was I was the line manager of Peter Coyne and that I ought to offer him assistance if I could in trying to resolve these issues. I think - I was also a senior executive in the department and so I think it was my duty to seek a constructive resolution of things on behalf - for the department. So I think that what I was doing in this memo was trying to basically give information to the director-general that I thought might be useful.

40

On the first page of it in the fourth paragraph down it begins, "He said that if he was disadvantaged by the inquiry process he would consider legal action against the department"?---Yes.

1

Is that an accurate reflection of what Peter Coyne said, that there was a threat of legal action contingent upon or dependent upon the outcome for him?---The fact that I've written "He said that" and then described, I think that would have been as far as I could manage a direct account of what he'd told me.

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COMMISSIONER: Mr Copley, a couple of minutes before lunch, so I just - - -

MR COPLEY: Can I just ask one or two more questions?

COMMISSIONER: Yes, absolutely. I just sort of point out that - - -

MR COPLEY: Yes, I'll bear it in mind.

COMMISSIONER: When you mind a suitable place.

20

MR COPLEY: We've received an exhibit here, number 136, for the record, which shows that on 7 February 1990 Ms Matchett wrote to Mr Heiner and said that no report will be required from you?---Right.

That's two days before you wrote that memo?---Right.

On 8 February Mr Coyne is talking about bringing legal action if the process isn't satisfactory to him?---Yes.

Did Ms Matchett tell you - had she told you by the time you wrote this memo to her on 9 February that she had ended the Heiner inquiry?---I don't think so.

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Would that be a convenient time for lunch?

COMMISSIONER: Yes, it will. Thanks, Mr Copley. Quarter past 2.

THE COMMISSION ADJOURNED AT 1 PM UNTIL 2.15 PM

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THE COMMISSION RESUMED AT 2.18 PM

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COMMISSIONER: Yes, good afternoon, Mr Copley?

MR COPLEY: Good afternoon, Mr Commissioner. Could Mr Peers be shown exhibit 151, please?

COMMISSIONER: Sure.

MR COPLEY: Mr Peers, this is a document that contains on the first page of it cabinet's decision in relation to the issue of the provision of an indemnity to Mr Heiner from any costs which might have arisen from his involvement in the investigation at John Oxley. So if you turn past that page, you will see the second page is headed "Cabinet Submission"?---Yes.

10

Title "Minister", neither here nor there, then the purposes and issues, page 2 the objective of the submission, who was consulted, page 3 the recommendations, and you will see there's a signature which appears to be Anne Warner on the foot of page 3?---Yes.

20

And then attached to that is pages 4, 5, 6 and 7, the last of which also bears Ms Warner's signature which is again headed "Cabinet Submission - Body of Submission"?---Yes.

And it seems to expand upon what's in the first three or four pages?---Right.

What role, if any, did you have in the preparation of any of those documents?---None that I recall.

Have you ever seen them before?---I don't think so, no. Well, no, I'm fairly sure I've never seen that before.

30

Okay. Now, if you look at exhibit 152, I just want to clear up one issue with you because the photocopy is unclear as to who signed this. If you look at that letter, you will see on the following page the title is "Acting Director Organisational Services". That wasn't you, was it?---No.

Can you make out the signature there?---Look, I think it was Col Thatcher; particularly I think that was his title.

40

All right. We will have that back, thank you. Now, did you go to the John Oxley Centre with Ruth Matchett to inform Peter Coyne that he was to be transferred out of there?---No.

Did you attend the John Oxley Centre when Ms Matchett spoke with all the staff later that day after she had given Mr Coyne his transfer order?---No.

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Could the witness see exhibit 157? 1

You will see that there is contained there numerous photocopies of handwritten notes on foolscap?---Yes.

I just want you to look through it all and the first question I'll have for you is whether or not any of the handwriting is yours?---Are you talking about through the whole document?

Yes, just turn through every page first before you answer? ---No. 10

The next question is: do you recognise with any degree of certainty any of the handwriting in it?---No; no.

All right. That can be returned. Could you look at exhibit 168, please? You will see when it comes that the front page of it records a cabinet decision of 19 February 1990 to defer consideration pending liaison with the state archivist and then if you turn past that page, you will again see a document which is headed "Cabinet Incompetence", security classification whatever, memorandum number and a document that sets out the background. This document is signed. Would it be M.A. Carrick for Ruth Matchett?---It seems so, yes. 20

Did you play any part in the compiling of that document? ---No.

All right. That may be returned. Could you look at exhibit 179, please? This is a memorandum to the acting director-general signed by you, isn't it?---It is, yes.

And it records notes of a telephone call that you received on 3 March 1990 from Peter Coyne?---Yes. 30

At the foot of the first page of it in the last paragraph, second-last line it says, "He said that he wanted the issues to be discussed and in some way resolved outside of the legal arena and not in the public arena"?---Yes.

Bearing that sentence in mind particularly and having regard, when I give you an opportunity, to the rest of the content of the document which I will get you to have a look through in a second, I want to know whether or not that sentence I read out to you is your summation of his position or something he actually said to you which you noted down?---That is, the whole document you're talking about? Is the whole document - - - 40

The question really is: that second-last line he said? ---Yes.

Is that something that Peter Coyne actually said to you or is it simply a summation of what you understood to be his attitude?---I can't tell at this distance, but I imagine that if I said "he said", I would have been quoting what he had said rather than what I thought he meant.

1

Right; and that is why I said a moment ago you might need to take a moment to read the document to get some sense of it to assist you in answering that question?---Right.

So do you want to just have a perusal of the thing generally?---Okay. Right.

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So what's your - - -?---In the light of reading that I think I was probably trying to give an account as accurately as I could of what he had in fact said to me.

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Okay. That may be returned. Could the witness now see exhibit 180? 1

That document does not bear a date and it doesn't bear a signature, but you'll see that it's addressed to the Honourable the minister and the topic is in the top right-hand corner. After reading it in as much detail as you need to, I want to know whether or not you were the author of it or contributed to it?--No, I have no knowledge of that and I didn't contribute to it.

Okay. Finally, I want you to have a look at exhibit 181. You will see that the first page of that records a cabinet decision of 5 March 1990 which decides that the material gathered by Mr Heiner should be destroyed. More importantly, attached to it is a cabinet submission signed, apparently, by Anne Warner. Did you have any role in the compilation of that submission?---No. 10

Did anybody in the Department of Family Services - and by that I include the minister for family services down - discuss with you what should have been the fate of the documents that Mr Heiner generated as a result of his investigation?---No. 20

May that exhibit be returned and I have no further questions.

COMMISSIONER: Thanks, Mr Copley. Mr Harris, do you want to go next?

MR HARRIS: Yes.

COMMISSIONER: What do you want to do, Mr Selfridge?

MR HARRIS: I've got one actual - - - 30

COMMISSIONER: Are you doing it or Mr Hanger or - - -

MR SELFRIDGE: There's no questions for us, thanks.

COMMISSIONER: Okay. Excellent. Okay. Thanks.

MR HARRIS: Okay, commissioner.

Mr Peers, my name is Harris and I'm representing Annette McIntosh in these hearings. I have just got one question really for you?---I'm sorry, could you speak up a little. 40

Sorry. I've just got one question for you and that is with respect to the responsibility at the John Oxley Centre. Now, you spoke in your affidavit that - you said at paragraph 19:

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Back in 1988, there was no standardised process for procedures for managers to follow so it was up to the manager to investigate and manage incidents as they arose.

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By that there do you mean that all operational matters at John Oxley were made by Mr Coyne and in respect what I'm leading to is that the matter of Annette McIntosh was wholly and solely in his court; that he arranged for the police and all that to investigate? It had nothing to do with you?---If it's true that the manager had responsibility for all operational decisions at the centre, he may have discussed them with me. He usually did on important matters, but I think he understood that he had responsibility for making decisions, although if I had told him that I disagreed or didn't approve, he wouldn't go ahead.

10

Yes. In this case - - -

COMMISSIONER: This would have been a scandal, wouldn't it, if it hit the newspapers what happened at the - - - ? ---Sorry. Which child are we talking about now?

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MR HARRIS: This is - - -

COMMISSIONER: The wrong one. Yes, this is Annette Harding.

MR HARRIS: - - - Annette McIntosh - - - ?---Annette Harding?

Yes. Annette Harding?---Yes.

Sorry, my apologies?---Yes. I imagine it would have been a scandal had the newspapers - - -

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COMMISSIONER: So the manager of a centre is not likely to leave you out of the loop, is he?---No, not likely.

How you manage that, the fallout, would be a matter for high departmental consideration - - - ?---Yes.

- - - and hands on, wouldn't it?---Yes.

Because the minister is going to have to front the cameras at some point?---Yes.

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She's going to want to know enough to be able to say, so far as anyone can tell, what happened and what the department's response is going to be?---Yes.

So what do you think, bearing in mind those matters, about the likelihood that someone in your position would have had some involvement in whether or not the police would be involved or not?---Had the action not already been taken to

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call the police, I certainly would have proposed that that happen immediately.

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All right. So the manager's response was consistent with what yours would have been?---Yes.

Was it the sort of thing that you would have expected him to have done without - even though it was the right thing - getting a clearance from you to do it in the circumstances? ---I wouldn't have thought that there would be any question that action should not be taken and that he would have felt that it was a matter of course that he did that and without ringing me up to say did I think that was a good idea.

10

Yes. Well, it's self-evident that he didn't need your permission to do the right thing?---No, no.

On the other hand, you had a need to know that it had been done, didn't you?---Yes.

All right. Thanks.

MR HARRIS: I have no further questions, commissioner. Thank you.

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COMMISSIONER: Thank you. Mr Lindeberg?

MR LINDEBERG: Mr Commissioner, thank you.

Kevin Lindeberg is my name. I'm representing myself today in lieu of my legal advocate. Mr Commissioner, I think in light of the considerable evidence brought today by Mr Copley that I would like to hold over my cross-examination of Mr Peers. I don't wish to cause any inconvenience to Mr Peers, but I would request that of you. Now, I don't know whether that - it may well be that it will be done over the telephone rather than coming here to assist the commission.

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COMMISSIONER: Yes.

MR LINDEBERG: In that sense I would like to hold back asking questions because I have quite a few questions.

COMMISSIONER: Yes.

MR LINDEBERG: But what I would request is there were documents that I wanted to tender which, for the convenience of Mr Peers and the commission, I would like to put them to you now, whether or not you wish to accept them, because they are relevant to the questions and it would be easier to give them now rather than whatever - because if I were to tender them on the day it might be difficult for Mr Peers if he's down in Sydney to see them. That was the thing that I would like to ask of you.

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COMMISSIONER: All right. Have you seen them, Mr Copley? 1

MR LINDEBERG: No, I'm sorry, I'm not trying to be discourteous to Mr Copley - - -

COMMISSIONER: No.

MR LINDEBERG: - - - but I'm happy to tell you what they are. I don't know what process you want to go to.

COMMISSIONER: The way we would normally do it is you would raise it with Mr Copley and see if he agreed or objected. 10

MR LINDEBERG: All right.

COMMISSIONER: If he objected he would tell me his grounds and I would consider his objection. The other way you can do it, of course, is you can give them to Mr Peers and he can peruse them, if he wants to, to prepare himself for your examination or not, it would be completely up to him, so that at least he knew what you were talking about and as to whether or not the documents were tenderable then I can deal with it at the time. 20

MR LINDEBERG: Yes. I'm not trying to get something out into the public arena, Mr Commissioner, that you wouldn't be happy with. These are documents that are on the public record. They are of the newspaper item - like there has been mention about the media release that has been said.

COMMISSIONER: Yes.

MR LINDEBERG: It is also about the running of the John Oxley Youth Centre, which Mr Peers had direct responsibility for. 30

COMMISSIONER: Are these all newspaper reports?

MR LINDEBERG: No, they're not. There is also in relation to the treatment of Ms Harding, which we would argue fell into the responsibility of Mr Peers in terms of the significant - particularly in light of the evidence given yesterday by Dr Douglas, namely, that I have a document here from a Dr Forbes which relates to the description of a morning after pill which we believe needed wider discussion. I would like that to be tendered because it hasn't been tendered. 40

The other thing which we believe is relevant is - again, this is non-contentious, I would suggest to you. It's a Crown acceptance of legal liability for action by Crown employees, which becomes relevant in terms of the shredding, but in the overall things about people going to the Heiner inquiry, et cetera, which I believe, anyway, in the interests of your inquiry you would wish to have. So they're the documents that I would like to hand up. It's up to you how the process is, but they're the documents - I'm talking about the newspaper, I'm talking about The Courier Mail on the 17th - - -

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COMMISSIONER: I'll tell you what we'll do, Mr Lindeberg. I'll save you some time. I'll accept them and I'll mark them for identification. I'll let Mr Peers have them if he wants them and that way we've all got them but they're not in the public arena until I have a chance to see them in the context of evidence.

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MR LINDEBERG: Just one rider on that, Mr Commissioner. In regard to the item in relation to The Courier Mail, you know, it's a large item and essentially I want to identify one aspect of it. Now, how do I do that for Mr Peers without telling him - - -

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COMMISSIONER: You can highlight it, if you like.

MR LINDEBERG: Okay, and then I'll give you the copy.

COMMISSIONER: Give me that and then I'll give it to Mr Peers.

MR LINDEBERG: Yes, thank you very much. Again, forgive me, but in terms of the documents, you know, they're a little bit scratchy and it was my full intention to have clean copies for you, but I think you can read them. I mean, can go to the John Oxley library and pull them back to clean them up a bit, but they are - - -

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COMMISSIONER: Yes. No, I'm not - it's not a perfect world.

MR LINDEBERG: I know that, but, I mean, it's a very important aspect of what we're on about. So these are the documents which I would like to - - -

COMMISSIONER: Thank you.

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MR LINDEBERG: Do I give you copies now or - - -

COMMISSIONER: Yes, thanks, and then I'll be able to have them copied and give them to Mr Peers. Now, I'll just process these.

MR LINDEBERG: I've got another copy here, commissioner.

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COMMISSIONER: Well, could you give that copy - could you highlight that copy and give them to Mr Peers for me? That would be good. 1

MR LINDEBERG: Thank you.

COMMISSIONER: I'll mark the newspaper articles and the other documents MFI 2 and they're available for anyone with leave to appear and counsel assisting and Mr Peers to access but not to be published until further order.

ADMITTED AND MARKED: "MFI 2" 10

COMMISSIONER: Mr Peers, now, could I - you understand that Mr Lindeberg has asked you to come back and I've told him before that if he was taken by surprise, not quite ready to ask you his questions, that I would postpone it, but of course that means two things for you. One is that you will need to be available at a later date, the second is you may have to come back here, but as you've heard, Mr Lindeberg may be able to ask you his questions by phone. Now, is that suitable to you? Will you make yourself available again?---I will. 20

Thank you. Mr Selfridge?

MR SELFRIDGE: Mr Commissioner, just before you give Mr Peers leave to - excuse him for the time being, I'd seek your leave to ask him a couple of questions in relation to those issues that you raised with him subsequent to - - -

COMMISSIONER: Yes, sure, no problem. Just before you do that, Mr Peers, are you under summons, under my summons, or are you what we call a volunteer?---I understood that all witnesses were under summons for their protection. 30

Yes. No, that's right - well, that's generally true. I just wanted to check, but you have actually been summonsed, because - I just need to extend it, that's all?---Actually, I don't recall receiving a summons, did I?

It's on the email, I think, is it? Yes?---Is it? So I have been.

Yes, you've been summonsed?---Okay. Thank you.

When Mr Selfridge is finished I'll extend the obligations under the summons?---All right. 40

MR SELFRIDGE: Thank you, Mr Commissioner.

Mr Peers, Mr Harris put a question to you, or a statement to you in terms of your own evidence about there being no formal processes as such to follow back in 1988 and then the commissioner picked up on that and asked you some

questions in relation to it. Your evidence just then, as I understood it, was that the responsibility for all operational decisions would have fallen on Mr Coyne but when you started discussing that with the commissioner you then went on to state that he would have been reportable obviously up the chain of command to yourself in relation to any action or inaction on his part?---Yes.

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Earlier in the piece this morning you were giving some evidence in response to questions by counsel assisting Mr Copley. You stated that in relation to that particular incident with Annette Harding dating back to 24 May 1988 - and this relates to paragraph 13 of your statement - you stated that there was a referral made to Queensland Police Service for investigation, there was consideration focused on the girl and her family and as to what assistance she might have needed and also contacting - the emphasis would have been on contacting the mother and/or other family members?---Yes.

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Are these the proper processes as you understood them to be in existence at that time that you refer to in paragraph 13 of your statement?---Do I - as proper processes?

20

Are those the proper processes - you make mention of proper processes that had to be done were in fact done, hence you had a meeting with Mr Coyne subsequent to and reporting the incident, did you?---Yes.

Are these the kind of proper processes that you're having regard to?---Okay, if you're asking me was there some statement of proper process and these actions conformed with those statements - - -

Yes, that was the question?---No, there wasn't. It was what I and he considered to be proper processes at that time.

30

So there was no protocol or guideline in existence at that time?---No. At that point in time - well, if there were protocols they were few and far between at that point in time.

Sure, but in terms of that response or those responses as such those were things that were discussed between yourself and Mr Coyne and the deputy manager at that time as being responsive to the situation as it was then?---Yes.

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The answer is yes?---Yes.

Okay, thank you very much.

COMMISSIONER: Mr Copley?

MR COPLEY: I don't have any more questions for the witness at the moment, but what should be, I think, with respect, ascertained now is his availability. For example, Mr Commissioner, maybe it should be asked of him whether he's available say at 10 o'clock - - -

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COMMISSIONER: Well, you can talk directly to him, if you like.

MR COPLEY: All right. Mr Peers, would you be available to give evidence say at 10 o'clock Queensland time on Friday week?---Do you mean to return to Brisbane or by phone?

10

Either or?---Yes, I can make myself available.

COMMISSIONER: We'll try to achieve it so that it's by phone?---Yes.

MR COPLEY: One way that could be achieved would be - it's going to be almost inevitable that he'll be referred to documents other than that bundle that's been shown to him, so if Mr Peers was able to give evidence by phone but have available to him a computer with Internet access - - -? ---Yes.

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- - - Mr Peers would be able to go to the commission website and click on the exhibits, which are all there, starting from the most recent one backwards, under term of reference 3E.

COMMISSIONER: That sounds all very high tech, Mr Copley.

MR COPLEY: It is, Mr Commissioner, and if he's told the correct exhibit number he would be able to open that document up and look at it without the delay of having to fax things down to him or describe the document, things like that.

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COMMISSIONER: Yes.

MR COPLEY: So if Mr Peers was able to give evidence by phone it would probably be an idea if he could have a hands-free phone and a computer available?---Yes.

He seems to be saying he could have both of those facilities.

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COMMISSIONER: Yes, he's got one of those?---Yes, I can do that.

Excellent, thanks.

MR COPLEY: My contention is that it would be a more than reasonable time - or more than reasonable time would be afforded if his evidence was now arranged to be taken on Friday week.

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COMMISSIONER: Are you content with that, Mr Lindeberg?

MR LINDEBERG: Mr Commissioner, I believe that, yes, I will be ready, but I would like to say that I would like a decision, with respect, made on those exhibits so that he can see them as well.

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COMMISSIONER: He can see them now and - well, he can take them with him and come on the 31st. Mr Copley will have had a chance to have a look at them and I'll make a decision then, but whether they're tendered or not won't interfere with Mr Peers' preparedness for answering the questions or any of the other lawyers' - - -

MR LINDEBERG: Can I just make one point on that? Inasmuch as I understand that you have the authority to decide what shall and shall not be public, that which is already public is hard to make un-public.

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COMMISSIONER: That's true.

MR LINDEBERG: Consequently The Courier Mail articles, I respectfully suggest, are quite important.

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COMMISSIONER: Yes, but that's the point. You see, 1
publicity doesn't make it relevant.

MR LINDEBERG: No I appreciate that.

COMMISSIONER: The threshold test for me isn't its
publicness.

MR LINDEBERG: No; no.

COMMISSIONER: It is it's relevance and that's what I will
consider in the meantime. 10

MR LINDEBERG: I understand that, Mr Commissioner,
thank you.

MR COPLEY: It's Friday, 1 February.

COMMISSIONER: Friday, 1 February?---Yes, if I could make
one request, because I have some difficulty with a
telephone for hearing, I can cope with Skype and headphones
quite well which also means I can be hands free. So if the
commission was prepared to phone me and allow me to then
phone back, I can then be on Skype and have that
assistance. 20

Can we do that? We can't confirm that just at the moment
but we will make inquiries and we will endeavour - if it
can't be done, we will do our best to make sure it can be
done?---I can handle a telephone but it's very laborious
for me.

Yes; no, I understand. We will try to make it as easy as
possible for you. It doesn't sound to me like it's
something that is beyond our abilities?---Mm'hm. 30

All right.

MR COPLEY: So it would be 11 am your time, Mr Peers, 10
am our time on Friday, 1 February that you would be getting
the telephone call to resume giving evidence?---Right.

COMMISSIONER: So I will stand you down and adjourn your
further examination until 11 am on 1 February and extend
the obligations of the summons until then, thank you.
All right. Thanks, Mr Peers?---Thank you.

I appreciate you attending and giving evidence and we will
see you on the 1st. 40

WITNESS WITHDREW

COMMISSIONER: Yes, Mr Woodford?

MR WOODFORD: Commissioner, I call Linda Joy Manning.

COMMISSIONER: Mr Peers' statement will be exhibit 270. 1

ADMITTED AND MARKED: "EXHIBIT 270"

COMMISSIONER: Can that be published, Mr Copley?

MR COPLEY: Yes.

COMMISSIONER: That can be published, thank you.

MANNING, LINDA JOY affirmed:

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ASSOCIATE: For recording purposes please state your full name and your occupation?---Linda Joy Manning, social worker, manager at Red Cross.

Please be seated.

COMMISSIONER: Yes, thanks, Mr Woodford?

MR WOODFORD: Mr Commissioner, may the witness see a three-page document under her hand supplied to the commission?

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Ms Manning, I have had placed in front of you there a three-page document. Can you confirm that that is the statement that you supplied to the commission?---Yes, it is.

I have some questions for you today about the John Oxley Youth Centre. I understand from your statement that you transferred in from Sir Leslie Wilson. Is that correct? ---Yes, that's correct.

You had experience working there for how many years at Sir Leslie Wilson?---I'll just look at the numbers. It was probably three or four years before, was it? Sorry, I haven't done the maths, but form 84. 30

From 84. It was about early 88 that you went to the John Oxley Centre, was it?---No, I would have thought it was - - -

Sorry, you left in - - -?---Yes, I left in early 88.

I see?---Yes.

Is it that you arrived at the John Oxley Youth Centre shortly after it opened?---Yes, I did. 40

You were working as a youth worker?---Yes.

We have heard evidence in these hearings about a Mr Peter Coyne. He was not the manager at any time that you were at the John Oxley Youth Centre?---No.

Could I take you to paragraph 5 of your statement? Are you indicating there that when you arrived at the John Oxley Youth Centre or, rather, your experience while you were working there was that you saw some difficulties with some staff coming over from Wilson?---Yes. 1

What was that?---In my opinion it was that there was a change in how centres were being run so that change was starting through Wilson but was more embedded in John Oxley. So it was moving from a medical-detention approach much more to a youth-worker approach. 10

Looking at paragraph 5 of your statement, was that a difficult change for some of your colleagues, if you like, that came over from Wilson?---Yes, I think it was.

You yourself didn't have any difficulties though?---I was employed as a youth worker in Wilson so I was a part of that change process.

Okay. At paragraph 8 of your statement you refer to inquiries, in particular the Heiner inquiry. You didn't take any part in that process at all?---No, I didn't. 20

At paragraph 9 of your statement it is correct to say that when you were at the John Oxley Youth Centre, you were not aware of any sexual abuse whatsoever?---No, I wasn't.

Yes, thank you. I don't have any further questions. Some of the other people may.

COMMISSIONER: Thank you. Anyone?

MR SELFRIDGE: No questions, thank you, Mr Commissioner.

MR HARRIS: No questions, commissioner. 30

MR LINDEBERG: No questions, Mr Commissioner.

COMMISSIONER: Mr Woodford, can Ms Manning be excused?

MR WOODFORD: Yes, please, Mr Commissioner.

COMMISSIONER: Thank you.

Ms Manning, thank you very much for your short appearance? ---Thank you. 40

You are formally excused from your summons?---Thank you.

WITNESS WITHDREW

MR WOODFORD: I tender Ms Manning's statement, Mr Commissioner, and I don't see anything in there that would prevent its publication without alteration.

COMMISSIONER: Ms Manning's statement will be exhibit 271 and it can be published as is. 1

ADMITTED AND MARKED: "EXHIBIT 271"

MR WOODFORD: I call Karen Mersiades.

MERSIADES, KAREN BETH sworn:

ASSOCIATE: For recording purposes please state your full name and your occupation?---Karen Beth Mersiades, retired. 10

Please be seated.

COMMISSIONER: Good afternoon, Ms Mersiades. Thanks for coming?---Thank you.

Yes, Mr Woodford?

MR WOODFORD: Thank you, Mr Commissioner. May Mrs Mersiades see the five-page statement that she supplied this Commission of Inquiry?

I have had placed in front of you there a document? ---Mm'hm. 20

Can you just confirm for us that that is the statement that you have supplied to this inquiry?---Yes, that's the statement.

Okay. I have some questions for you this afternoon about the John Oxley Youth Centre?---Yes.

It's some of the matters that you have mentioned in your statement?---Mm'hm. 30

You worked as a teacher, did you, at John Oxley?---I did.

You arrived shortly after the centre opened?---Yes.

And you stayed the whole time until it closed?---It closed, exactly.

Right. That was in 2001, was it?---Probably.

Thereabouts?---Yes.

Now, prior to working at the John Oxley Youth Centre you had been employed at Sir Leslie Wilson?---Yes. 40

You started there in 1984?---Yes, it was the first lot of teachers that started working in detention centres.

When you worked at the John Oxley Youth Centre, you worked under a number of managers?---Yes.

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Over time I mean?---Yes.

1

One of those managers was a gentleman by the name of Mr Peter Coyne?---Yes.

During the time that Mr Coyne was at the helm he had a deputy, a Jenny Foote. Is that correct?---That's correct.

And also later Mrs Dutney?---That's correct.

Looking at paragraph 10 of your statement, you make reference to what's been called the Heiner inquiry?---Yes.

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Just moving through that, you yourself attended an interview, if you like, with Mr Heiner?---Yes. **1**

Was that conducted at the centre?---Yes, it was.

You make mention of Mr Heiner being there with a lady - - -?---Yes.

- - - you know as Barbara. Is that Barbara Flynn?---Yes, that's right.

Was there anyone else in the room with you when the - - -? **10**
---No.

No?---Just Mr Heiner and Barbara.

Are you aware whether your interview was being recorded?
---Yes, it was being recorded.

The questions that were being asked of you, you make some mention in there of the nature of the questions in paragraphs 10 through to 12?---Yes.

Who was asking the questions?---Mr Heiner. From my memory, **20**
it was Mr Heiner. Yes.

And we're dealing just with your interview at the moment?
---That's right. Yes.

I understand from some documents that you have had some conversations with some other people who were interviewed. Is that correct?---No.

I'll come to a document in a moment?---Okay.

The focus of the questions as you recall them sitting here today, what's your recollection? What was it about? **30**

---Well, to be honest, when I got in there I didn't know what it was about. I really thought that - my view was that there was a lot of - there was a fair bit of unrest in the centre in that youth workers were not happy with Peter Coyne, for whatever reasons, and they - - -

Sorry just to cut you off there, was that all of the youth workers?---No, it wouldn't have been all of them, but there was certainly a clique and I just thought - I don't know what I thought. When I got in there I didn't know who was driving it. I thought it was just maybe an independent **40**
inquiry to see how other people viewed the centre and how it was running and I went. I was the teacher in charge and I went mainly to reassure this inquiry that we were well supported in the schoolroom.

By management?---By management and by the department and that it was business as usual.

Okay. You said there was a clique that seemed to be promoting this inquiry or - - - ?---I think maybe there were, but I don't know. Nobody told me that.

1

That was the feeling you had, though?---That was my feeling, yes.

The counterpoint to that was there were also a number of the staff that were quite supportive of Mr Coyne and wanted him - - - ?---Yes, there were staff that were very supportive of him as well. Yes.

10

Is it fair to say that it was your position? You felt supported by Mr Coyne?---I felt supported - - -

You were happy with his performance as manager?---I felt supported by him in a professional sense.

Yes?---I wasn't one of his close buddies. I wasn't in that clique. I could honestly see where he made errors as a manager. He was a very young man and I always fancied he was a bit young for the job but, you know, that was just my view of it. I don't think he did anything bad or criminal or anything like that, he was just a little gung-ho sometimes.

20

Going back to the content of the interview with Mr Heiner, I'm specifically referring to paragraph 12 of your statement?---12 now?

If you move into page 3, it's a correct statement of yours there that Mr Heiner never asked you any questions regarding sexual abuse?---Look, I don't think he did. No.

And your recollection is that you didn't provide any such information?---No. No, I don't think so. That's my memory of it.

30

I want to show you a document. May the witness see exhibit 94, please, Mr Commissioner?

I have had placed in front of you a letter dated 8 December 1989 directed to Mr Pettigrew, the director-general of the Department of Family Services. You'll see it's a two-page document. Just have a look on the second page for me first, can you. Is that your signature?---It is my signature, yes.

40

From what you've said you don't have any recollection of this document or do you?---To be honest, I can't remember. Can I just read it again?

Yes, certainly?---Have I got Alzheimer's or something?

Take your time?---Okay. I'd have to be honest and say I can't remember this, but I also may have written it. There's quite a few - there's stuff in there that I would have genuinely felt and - - - 1

We're going back 23 years?---Certainly, David Farnworth was a teacher under me so - - -

I was going to ask you about that?---So I probably did speak - if I spoke to anyone or he may have spoken to me about it. 10

Those matters that you mention or that are mentioned in that letter concerning Mr Farnworth - - - ?---Yes.

- - - do they ring any bells for you as to things that you now recollect he may have said or you have no recollection of that at all?---I can't remember. I honestly - my memory of David Farnworth would be that he wouldn't have - you know, he was just the type of guy that - I don't think he'd have been into all of this stuff that was going on.

Okay?---The teachers really did not have much to do personally with youth workers and certainly they never griped to us. 20

All right. Dealing with this document now, the best we can say is, yes, that is your signature at the bottom of it? ---Yes, it definitely is my signature.

Do we get to the position that you then, therefore, have signed that document?---Yes.

Looking at the last paragraph of it from your evidence today, that appears to accord with what you've said and you say: 30

Many are distressed that we are now witnessing an inquiry which accepts the complaints of a minority, but which does not accept or acknowledge the dedicated and sincere work effort of the management of the centre.

That seems to accord with your evidence today - - - ? ---Yes.

- - - and your impression of what was happening at the time of that inquiry?---Yes. 40

That document can be returned to the custody of the commission. Thank you.

Moving into around paragraph 14 of your statement just there?---Of my statement? Yes.

Your statement speaks for itself. You outline some events that took place concerning Annette Harding?---Yes.

We have your note there. I just want you to confirm for me that you had nothing to do yourself with the investigation of the matter - - - ?---No. 1

- - - once we were back at the centre?---No.

Is that correct?---Yes, that's right.

You did, however, compile a report - - - ?---Yes.

- - - in relation to the matter. Mr Commissioner, may the witness see exhibit 240, please? 10

COMMISSIONER: Sure.

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While that's coming over I'm taking that from paragraph 24 of your statement. You indicate there that you filled out an incident report for Mr Coyne?---Yes.

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Was that something that you compiled at the request of Mr Coyne, was it - - -?---Yes.

- - - or was that something you generated?---Yes; yes; yes. What happened was that - a couple of things happened on that outing, as you've read.

Yes?---You know, there was the Annette Harding incident about which, when we returned, we knew nothing really except one of the guys, Jeff Manitzky, had said this may have happened.

10

Yes?---We knew nothing about that, but we did know - we did have to manage the absconding.

Yes?---So when we came into the centre, which was reasonably late - I can't remember because we had to wait until just after dark until the police brought the kids back to us at Mount Barney and then we brought them to the centre. Peter Coyne came in and spoke to us then and asked - I don't know whether - I just can't remember whether we had a debriefing or whether we wrote anything at that point or - but I know that at some point the next day we were all together again in the conference room and I'm fairly sure it's at that time he asked us to go away on our own and write our own view of what had occurred over the day.

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Right. The document that I have placed before you - - -? ---Yes.

That's a two-page document?---Mm'hm.

30

I would like to say it has a date on it but it doesn't appear to - I'm sorry, up the top it refers to "Lower Portals, 24/5"?---Yes.

That's the document you compiled the following day?---Yes.

It carries your signature on the second page?---Yes, that's the document; yes.

That can be returned to the custody of the commission. While we're dealing with that - - -?---What are we, 14?

40

Pardon?---Still on 14, or what number are we on now?

We're in your statement?---We're just continuing, okay, sorry.

I'll tell you where we're going, don't worry?---Okay.

Just buckle up and we will go on the drive together. We were at around paragraph 24 where you're referring to your incident report?---Yes.

1

Can I just move you down to paragraph 27 there?---Yes.

You make a note that you believe you wrote a ministerial briefing note?---Yes.

Now, we haven't been able to locate any such briefing note - - -?---Okay.

10

- - - but I would like you to have a look at a document. 242, if the witness may see that document, Mr Commissioner.

COMMISSIONER: Sure.

MR WOODFORD: Now, before we get into that document, in your position there, am I right in assuming or thinking that in your position you wouldn't be writing briefing notes to a minister?---No, I wouldn't write briefing notes, but we were always - it just seemed to me - I have this memory that if a kid absconded when they were in our care, that was cause for a ministerial.

20

Right?---Now, whether that's true or not and whether what I was writing was a ministerial, but that's what they - that was what I believed at the time, I think.

We will just step through it?---Mm'hm.

A serious incident like that would be cause for a ministerial such as an absconding?---Yes.

We had something a little more serious than that here with Annette Harding's matter?---Yes.

30

A fair whack more serious?---Yes.

Your expectation is that would have demanded a ministerial? ---Yes; yes.

Now, when such a document would be drafter, did the ministerial go off from the centre manager?---Well, I imagine, yes. I never posted a ministerial myself.

That's really the issue because in your statement at paragraph 27 you refer that you wrote a ministerial briefing note?---That's just a turn of phrase then.

40

Right?---I don't mean it that I wrote a - you know, it was just - - -

Okay. You might have had some input into the writing of a ministerial?---I can't - I don't think so. I would've just written my bit, you know.

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Okay?---Yes.

1

The document I have placed in front of you is addressed to Mr George Nix, the deputy director-general?---Yes.

It's from Mr Peter Coyne, the manager of the centre?---Yes.

It's dated 27 May 1988 in relation to this incident?
---Mm'hm.

Now, from what you've said, do I take it that you didn't draft that document?---No.

10

That may be returned to the custody of the commission?
---Mm'hm.

As you have indicated, what you have said in paragraph 27 is more a turn of phrase?---Yes, a turn of phrase.

There was no physical ministerial that you drafted yourself?---No, no, no.

Thank you, Mrs Mersiades. I don't have any further questions but some of the others may?---Thank you.

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COMMISSIONER: Yes, Mr Selfridge?

MR SELFRIDGE: Yes, may the witness see exhibit 240, if you don't already have it still before you?---No, I don't.

Ms Mersiades, you have already identified to my learned friend that that's a copy of your statement?---Yes.

A statement you did in terms of a report - - -?---That's right, yes.

30

- - - on the outing to the Lower Portals from 24 May 1988?
---Yes.

And you signed off on that statement at the bottom. Now, at paragraph 26 of your statement that you provided for this inquiry you say your recollection is that handwrote the report in the first instance?---Yes.

You don't have any recollection of typing it?---No.

You don't have a recollection of it certainly?---Yes.

40

It may be typed up by the girls in the office, but you later signed it?---Mm'hm.

Yes?---Yes.

And you would have given your handwritten report to Peter Coyne?---Well, I said I may have because I can't remember.

I know - I thought about this afterwards and I just had that feeling that - I don't know why but I just have that - I just have a memory of Peter saying, "You'll give your statement to Jodie. She will type it and then you will sign it."

1

Sure, okay?---So I have that memory that there was something fairly strict about that process.

Okay. Just picking up on that - - -?---But I haven't put it in here and I couldn't swear to it but that is a memory I have.

10

Sure, okay. Nonetheless, had you typed it or had the girls in the office, as you say, may have typed it, you would have read the statement?---No - - -

Just listen to the question first, please?---Yes, this one or this one? What are we talking about?

We're talking at about exhibit 242?---Okay.

So the statement from the report on the outing to the Lower Portals, okay?---Okay, got it.

20

Nonetheless, whoever typed it, you would have read that statement before you signed it, wouldn't you?---Yes.

Yes, and you're reading it now?---Mm'hm.

Does that seem like a copy of your statement of your recollection of events at that time? You don't need to read it in its entirety?---No, I understand that.

I'm just talking about in generalised terms?---Yes, this is - I'm sure this is what I wrote.

30

Okay. Now, you have just suggested in your evidence that you compiled a statement at the request of Mr Coyne? ---Mm'hm.

You initially had a debrief of some sort?---Mm'hm.

You may have wrote it at that time but - you may have a recollection of the next day going away, "Write it on your own and write your own view as to what happened on that day." Those are almost word for word of exactly what you said?---Yes, I know.

40

Yes, okay. No-one told you what to say in the statement. Those are your own words?---Yes, nobody told us what to say; no.

See, if I had been suggesting that in the course of evidence from a previous witness that there had been some

orchestration or some malevolence, you know, in terms of preparing statements - - -?---No, no. 1

- - - that wouldn't be true, would it?---No, no.

No. Those are your own words and you prepared your statement?---Yes, those are my own words.

Of your own volition?---Yes, we didn't sit down together and do it or anything; no.

No, and there was no discussion prior?---No. 10

You went away and you wrote it your own?---Yes.

Thank you. No further questions?---Sorry, I was - - -

That's fine, thank you?---I didn't mean to interrupt you.

That's okay?---I'm bad at that.

COMMISSIONER: Yes, Mr Harris?

MR HARRIS: Thank you, commissioner. 20

Ms Mersiaades, my name is Harris and I'm representing Ms Annette Harding in this inquiry?---Yes.

Now, I just want to take you to exhibit 240, but I will just read out the section I want you to comment on?
---Mm'hm.

On page 2 of that there in the first paragraph you say - and I'll read the full paragraph first. You have got it in full there: 30

The children were tired and difficult to keep moving on. The groups changed formation and I arrived at the vehicle with Sarah -

then something is blanked out -

and Annette -

then something is blanked out -

were at the toilet. I then had problems with - 40

something blanked out -

and after sorting these out learnt from Jeff that an incident may have occurred at the Portals when the children were absent from us?

---Mm.

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MERSIADES, K.B. XXN

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The incident that you talk about there - did Jeff elaborate to you on that incident?---No, but he - I said to him, "What are you talking about?" and he said, "I think something" - I think he said - "of a sexual nature has occurred." That's what he said. 1

I know it's a long time ago?---Yes.

You're pretty sure on that?---Yes, I'm pretty sure of that, because I knew nothing more of that. Like, you know, it wasn't as if I went home and thought, "Far out, look what's happened." You know, I just didn't know. 10

Thank you very much?---Thank you.

No further questions, commissioner.

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COMMISSIONER: Yes, Mr Lindeberg? 1

MR LINDEBERG: Thank you, Mr Commissioner.

Ms Mersiades, for the benefit of the commission I think it needs to be said that we've met each other before?---Yes.

Both in my capacity as a trade union official?---That's right.

And also in my capacity when I went out to the John Oxley Youth Centre to teach the children cartooning?---Okay. I can't remember that. 10

Forgive me, just to be clear, does that come as a surprise to you?---That you came out to teach cartooning?

Yes?---Yes, it - well, it does, yes, because I didn't know, I'm sorry.

I'm sorry, can I just push this point, because I want it to be quite clear.

COMMISSIONER: We've heard something about that before so I'll - - - 20

MR LINDEBERG: That's okay, because I don't want it to be thought that we - - -

COMMISSIONER: I think Mr Bosscher - - -

MR LINDEBERG: Noted it as - - -

COMMISSIONER: - - - put it to someone that you were out there teaching cartooning. 30

MR LINDEBERG: There was one particular witness; I forget the gentleman's name, who mentioned me being there.

COMMISSIONER: Yes.

MR LINDEBERG: Because again, I will make this clear to you, my recollection is that when I was there - this was in late 1997 going into 1998, when I was trying to earn a living, I made - I did cartooning at the Woodford Prison. I also - - -

MR WOODFORD: Mr Commissioner, I'm sorry to interrupt my friend. I'm just wondering what the question is. We understand he wanted to disclose his prior association with Mrs Mersiades. If that's what he wanted to do he's done that. Moving now to Woodford Prison and his other employment, I don't think it's something that needs to trouble with witness with. 40

COMMISSIONER: Okay.

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MR LINDEBERG: Well, I'm happy to proceed. I just wanted to be open with the commission. 1

COMMISSIONER: Yes. No problem.

MR LINDEBERG: Now, I have some questions to ask Mrs Mersiades in regard to a number of things. You talk about - well, go to, first of all, the excursion at point 14?---Yes.

You talk about the students, you talk about Annette Harding and (name suppressed) don't remember her name, and some others. 10

MR WOODFORD: If I could just speak to my friend for a second.

MR LINDEBERG: Forgive me. My apologies.

MR WOODFORD: Thank you.

MR LINDEBERG: You agree the mention of another person and you say that there were six boys and two girls?---I think that's right. 20

At point 14?---Yes.

That's the best - that's your recollection?---Yes.

You've got - you went with Mr Moynihan and Mr Mazinski and the evidence is that the boys and Ms Harding went with the other group?---That's right.

So in your group?---Kevin, to be clear with you, there weren't two groups. Like, that was not planned that there to be two groups. 30

No, I understand that. I understand. You - - -?---There ended up being two groups, yes.

Yes. Because you're old and decrepit you got left behind, didn't you?---Yes, we certainly did.

Yes, okay, but, I mean, just in terms of the people on the trip it's the evidence that the boys went ahead, Ms Harding went ahead?---Yes.

So that would leave you - - -?---Jeff Manitzky. 40

Mrs Moynihan, Manitzky and?---Two girls, I think.

So you had a girl with you?---Yes, we did, we had - well, we had (name suppressed). Now, I don't know her surname.

I'm sorry - - -

MR WOODFORD: Mr Commissioner, could I just perhaps help the witness, or rather, through you, that names of the children who went on that trip save for Annette Harding have not been published in these proceedings; we're just referring to them generically, if you like?---Okay. 1

I don't think anyone would be asking you to descend to detail of any particular child?---No.

I certainly hope not?---No.

COMMISSIONER: Thank you?---One of the girls that we were with was a very overweight girl as well so, you know, it was - - - 10

MR LINDEBERG: Okay, but that's your recollection?---Yes.

Thank you very much. So what you're saying here is six boys and two girls. All right. Now, in your evidence you seem to say that the first you heard of the sexual assault incident was, am I correct in saying, back at the carpark? ---Yes.

Mr Commissioner, forgive me, I don't want to - but there's a document I've been trying to find. It's called the Freemantle documents and exhibit - - - 20

COMMISSIONER: Yes, we'll have a look for it.

MR LINDEBERG: Is there some help for that kind of thing?

COMMISSIONER: Yes, well, can you go on and - - -

MR LINDEBERG: I'll carry on.

COMMISSIONER: Okay. 30

MR LINDEBERG: So that's your recollection, that the first time you heard of it was at the carpark?---Yes.

You didn't hear about it back at Lower Portals?---No.

You didn't hear about it walking back?---No.

You heard about it at the car - - -?---At the Portals.

At the carpark around the same time that the boys absconded?---Yes. Jeff and I were waiting for the boys to come - for the police to come back. 40

Very good, thank you. I noticed in your statement that Mr Manitzky is the one who found the girls - found the children?---Well, he and Gordon went - I don't know who found the children. The kids all just came back. I don't

know what happened up there or - I never went up there. 1
I've got no idea what the place even looked like. They
just all returned and we had lunch.

Okay, but then you went - the kids went for a swim?
---Mm'hm.

You remember that?---I remember them swimming, yes.

Mr Manitzky didn't tell you what he found or allegedly
found one of the boys doing to himself?---No. No, he did
not. 10

I'll wait for that evidence because I'll read it out later.

MR WOODFORD: Well, I don't know that there will be any
need to read any of this out. This witness didn't see it
and she says she hadn't heard about it, so placing
something on the record that she's unable to comment on
- - -

MR LINDEBERG: Okay.

MR WOODFORD: - - - it's just not going to be helpful here 20
today.

MR LINDEBERG: All right.

MR WOODFORD: And it's 248, the exhibit.

MR LINDEBERG: It's number 248. Thank you very much.
Well, perhaps I'll come back to it later on, if you don't
mind, please, but what you're confirming to me is that the
first you heard of it was at the carpark?---That's my
memory of it, yes. 30

You became alarmed then?---Of course. I didn't hear
anything about a boy doing anything to himself. All Jeff
said to me was, "I think something has happened up there of
a sexual nature."

Right, so you were aware of it at the carpark?---I don't
know anything about the incident itself.

Okay. I mean, so what you're saying is he told you but you
didn't press him further?---I didn't ask him any details,
no. I just said we needed to report it straightaway to the
manager. 40

Straightaway?---Yes - well, not - we didn't ring him from
there, but we did ring him on the way back, I think. He
came up to the centre, anyway.

Now, my understanding, if - certainly, correctly, is that
when you went back to the centre you were concerned about

the absconsion of the boys, reporting about that. Are you saying that immediately you told Mr Coyne about your suspicion, immediately?---I didn't say anything to him. Jeff made that - we were all together and it was Jeff who had the feelings and Jeff told Peter in my presence.

1

On the time you came back to the centre?---Yes.

So they knew about it - there was this suspicion?---I don't think Jeff knew anything, he just suspected it.

Suspected it there and then?---Yes. He had not seen any - I don't know what he'd seen, but my understanding was - as much as I heard was that kids just scattered in all directions when the adults arrived. Jeff was very experienced. He had also worked as a youth worker before becoming a psychologist, so he - you know.

10

As I have said to whoever would listen, that in those days I was a teacher who had come into a detention centre, but from mainstream I had teenage daughters and I'm telling you, taking kids 10, 11, 13 and 14 out for a day's outing when they never got out, the last thing I would expect is for them to have sex, be it rape, be it whatever. It would be the last thing on my mind for me to think boys would behave like that, so I didn't even think about that. You have to understand that that's not normal behaviour for kids.

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But these are, with great respect, might we suggest, not normal kids?---Yes. Well, we were trying to treat them as normal children and give them the experience as normal - - -

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COMMISSIONER: That was the policy, wasn't it?---Yes. It was a normalising - - - 1

It was normalisation?---That's right. Peter encouraged us to take the children out often, every week for a while there, because he didn't want them getting institutionalised. He wanted to normalise them; let them experience the things that normal kids who live with parents experience, like going to the beach, going for walks, et cetera, et cetera.

MR LINDEBERG: So you're saying to take each - - - ?---We had a very good staff student ratio. It was probably - we had just started doing this. When I worked at Sir Leslie Wilson we never took kids out. So we're taking kids out thinking - as teachers we're thinking, "Ho, ho, this is going to be a great day out. The kids are going to have a good time and they're going to do things normal kids do," and when they said, "Oh, the kids are up jumping around on the rocks up there," I thought, "Isn't that good?" you know, "What harm can they come to? They can't run off anywhere at that point," and, you know - - - 10

What harm did happen to a girl?---I realise that and that was just extremely unfortunate, Kevin, but I can't - it wasn't just unfortunate, I know, but you can't blame anyone for that. 20

Is that right?---No. I reckon that's right.

That's your opinion. That's your opinion?---That's my opinion because we all tried our best.

MR WOODFORD: Mr Commissioner, I think - - -

COMMISSIONER: All right. I have heard the competing opinions. I don't think we're going to resolve this?---No, we're not. No. 30

MR LINDEBERG: I'm letting you run so - okay. There's evidence been adduced that the youth worker or whatever his category was, it starts with P, made comment that he had reservations about - the gentleman concerned who - the security youth worker has adduced evidence that he may have had a different view about the trip. It was approved by Mr Coyne, was it not?---Yes, that journey was approved by Peter Coyne. Yes. 40

COMMISSIONER: Just a second?---Sorry.

Yes?

MR WOODFORD: If Mr Lindeberg could focus questions to this witness rather than statements.

MR LINDEBERG: I'll move on.

1

COMMISSIONER: Okay.

MR LINDEBERG: You have said in questions from the learned gentleman for the state of Queensland that you referred - when you wrote your reports you did them separately?---Yes.

Could I ask the witness to be shown the submission from Fred Feige please and go to point 13.

COMMISSIONER: Just bring that up.

10

MR LINDEBERG: Sorry. I've got it here. I think it's at number 42, I believe, around that number. Would it help if I read it out, Mr Commissioner?

COMMISSIONER: Yes, that might be the - - -

MR LINDEBERG: Yes. Let me save time, Ms Mersiades, and just read what Mr Feige has had to say and you can, you know, reject if. This is a statement at point 13 written by Mr Feige?---Can I ask you - he was not on the trip, was he?

20

No, he wasn't?---So this hasn't got anything to do with the trip?

No. Sorry. Forgive me. I'm talking about writing the reports?---Okay. I'm sorry.

That's okay:

Whilst I was working at the John Oxley Youth Centre, I became aware of what was known as the Annette Harding incident at the Lower Portals. I did not go on this trip and was not supervising when it occurred. I became aware this incident was of a sexual nature. I arrived at work the day after the incident occurred and Terry Owens approached me. Terry said words to the effect, "Fred, have a look at this." He then directed me to where staff involved were completing statements. Terry Owens then quickly explained to me what he thought because I already had a message from the centre that I was to pick up Annette's mother. I then walked down the hallway and got to a certain section and stopped. What I observed was the staff who were involved or who supervised the Harding incident all sitting down in the dining-eating area with Peter Coyne. I think he was orchestrating their report writing. I heard Peter saying things to them like, "No, you can't do that." He seemed to be dictating things to them to go into their reports so I got the impression it was collaboration.

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He goes on just to finalise it: 1

I walked away. Terry then said words to the effect, "If that was you or I, we would be sacked because they're fabricating and telling lies."

Is that a correct account?---That is not true.

That is not true?---None of that is true.

Okay. That's fair enough. Thank you very much. Were you of any knowledge in terms of what Ms Harding's age was? 10
---Yes. I knew that she was 14, I think.

You knew she was 14?---Yes, I did.

Were you aware of any disquiet within the centre in relation to the youth workers over the handling of the Harding incident?---No.

It didn't get to you as a schoolteacher?---No.

Okay. Thank you. So you were aware that she was 14 years of age?---Yes. 20

Mr Commissioner, those two items of evidence which I put before about the newspaper, might I let Mrs Mersiades read them please.

COMMISSIONER: Sure. Just read it to yourself, Ms Mersiades. Do you want to ask some questions on it, Mr Lindeberg?

MR LINDEBERG: I do; just a couple?---I'll get a highlighter. 30

Can you see where I've highlighted in blue?---Yes.

I know it's difficult?---Yes, I can see that.

Were you at the centre during the riot, the John Oxley Youth Centre?---Yes. Yes.

May I ask do you read newspapers?---Yes, I do.

Would it be fair to say that the riot - given that you worked there, you would have been interested in what was said in the newspapers?---Yes. 40

Do you notice on the Courier Mail dated the 16th - - - ?
---I'm just looking, Friday, the 17th.

MR WOODFORD: Mr Commissioner - - - ?---Yes. Okay. I've got it.

- - - I should rise at this stage. Mr Lindeberg has placed a newspaper article in front of this witness. Now, we don't know what's contained in that yet. I'm presuming he's placing the document in front of her as it must contain something that she said in order to refresh her memory. I hope that's where the question is going. 1

MR LINDEBERG: It is. It is. It is?---I didn't say that.

No. Forgive me, I've not said you said that. No, let's be clear?---Okay. 10

I started this fragment of evidence out from the start that you knew the girl Annette was 14?---Yes, I did. 20

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Mr Commissioner, again there's a point of clarification which perhaps needs to be said here in the sense that - I'm talking about at the time and now, given the state of knowledge that some of us know, but what Ms MersiaDES knew about the girl because the name of the particular person in the newspaper is not identified which became a little bit of an issue in terms of the evolution of the Heiner affair so I'm wondering - I don't want to abuse this line of questioning that upsets the commission where I'm going too far, but I'm saying it is relevant in terms of that particular incident.

1

COMMISSIONER: The article is relevant or what somebody is reported to have said in there?

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MR LINDEBERG: I think in the article; not so much the article but in the article is highly relevant particularly when you note the newspaper coverage the next day and what the minister said about that particular person.

Did you notice that, without saying what you have seen?

MR WOODFORD: Well, with respect, that was all a little cryptic. The article itself - if there's someone who has penned an article there that can offer some evidence to assist this Commission of Inquiry, then Mr Lindeberg might want to call that person at the right time if the person can give direct evidence that is helpful. Now, at the moment nothing that has been asked is helpful. Perhaps Mr Lindeberg could ask a question of this witness and if this witness can't answer the question but may be able to be assisted by that document, perhaps then he can place it in the witness's hand, ask her to have a read of it and then ask her the question again.

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COMMISSIONER: Yes, okay. I will just have a bit of a look at it.

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MR LINDEBERG: Perhaps I ask the question in a different way.

COMMISSIONER: Sure, okay.

MR LINDEBERG: If that person mentioned in the newspaper is the person that I think it is, does it disturb you in relation to seeing the age of the person in the second article?---The second article that she was 17? Is that what you're saying? Is that the one?

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That's the answer?---Is that the bit you're asking.

I am?---Well, look, I don't think that the newspapers publish the truth all the time, Kevin, I'm sorry, and also - also - also part of this business was there was a lot of going to the media. There was - they were feeding the

media whatever they wanted so the media may not have been informed by people wanting to stir up trouble, the truth. That's all I can say about it. 1

I don't want to - - -

COMMISSIONER: Just a second. How Ms Mersiades feels about the discrepancy in the reported ages of the girl, whether or not they are the same girl, is really something for me to infer from all the relevant facts, but her reaction to it is really not relevant to me unless somehow it relates to a government response to allegation of child sexual abuse. 10

MR LINDEBERG: Commissioner, I suggest it does and that's the point.

COMMISSIONER: Yes, in what - - -

MR LINDEBERG: I don't know whether I want to develop it with this particular witness.

COMMISSIONER: I think that's the point. 20

MR LINDEBERG: I just wanted to establish - - -

COMMISSIONER: You can develop it, but I don't think - - -

MR LINDEBERG: No?---No.

I just wanted to establish that Ms Mersiades knew the girl was 14?---yes, I did, because she was one of my students. I knew the names - the ages of my students.

And there's a girl mentioned who's 17. 30

COMMISSIONER: In the second writing.

MR LINDEBERG: In the second paper?---There was a girl on the trip that was 17. [REDACTED] was older.

There's no evidence that she was sexually assaulted?---No, I don't believe so.

Thank you. Now, in relation to the assault of Annette, did you have any concern that the matter was improperly handled?---No. As the teaching staff, we had nothing to do with that investigation and nobody asked me to be involved or anything, but obviously I'm walking up and down the front management area and I can see people coming and going. I could see that the management, being Peter Coyne and Jenny Foote at the time, were very concerned about it and I just think they were - I wouldn't have even known the processes they have to go through so I can't make any comment, but I just know that they were doing something; you know, they were having people up and - - - 40

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Having people up?---Yes, you know, I think they called in Annette's mother and I guess they had the nursing - I just don't know, Kevin. 1

You don't?---No, I just don't know.

I mean, nobody is really suggesting that people Aren't concerned about the girl?---No; no.

But there may be concern at another level that it took place in the first place because it reflected badly on the centre?---Mm. 10

MR WOODFORD: Is that a question?

MR LINDEBERG: I put that to you. Is that also a possibility of being a concern?---No, I just believe that's part of working in those centres unfortunately that shit happens, I'm sorry, Kevin, and then you've just got to deal with it. It's really said. It was a really - do you think I enjoyed the whole thing?

No?---I didn't. I felt terribly sad for Annette. I wished it hadn't happened, but there was - I will swear that there was due diligence taken - - - 20

COMMISSIONER: I think you already have?--- - - - that that day was going to be a good day for those kids.

MR LINDEBERG: Indeed?---And they were well supervised to the best of our ability.

I won't repeat the words you said, but we're talking here about the sexual assault of 14-year-old person?---Mm'hm.

When had that happened before?---When had that happened before? 30

Yes?---No idea.

So what I'm saying is that it's not a common occurrence? ---No, it's not.

So in one sense - I mean, I took the inference that it - you know, you used the words "it happens"?---Especially by 10 and 11 and 12-year-old boys. It's not common, is it? They were young boys. 40

Are you suggesting - - -?---They were younger than her. I wouldn't have thought they'd behave like that, Kevin. I said it before. That's what surprised me.

MR WOODFORD: Mr Commissioner, I just don't know that any of this is helpful. It has degenerated into a discussion between Mr Lindeberg and unfortunately the witness. It should come to an end. Mr Lindeberg should start with a question.

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COMMISSIONER: Any questions?

MR LINDEBERG: Yes.

Mrs Mersiades, did the police interview you?---No.

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Any police officers?---No.

Do you know whether they interviewed anyone else like Mr Manitzky?---No, I don't know.

So they didn't interview the supervisors?---I don't know.

You don't know?---I just know they didn't interview me.

Okay. Now, you talk about the Heiner inquiry, right. You gave evidence to the Heiner inquiry in early - it seems it was either late November or early December because you wrote that document which I think is dated 8 December? ---Mm'hm.

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Did you write that very soon after the - - -?---I can't remember.

You don't know?---I'm sorry.

Nevertheless, it was either in the tail-end days of the Cooper government or in the beginning days of the Goss government, it would appear?---That doesn't help me. I can't remember.

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Well, it's a matter of record, I think, that the change of government occurred on 2 December.

MR WOODFORD: Is the question: does the witness know when she wrote the statement - sorry, when she attended the inquiry?

MR LINDEBERG: Actually the answer is on the statement.

MR WOODFORD: Is that the question?

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MR LINDEBERG: The answer is on the statement. She wrote it on the 15th. She signed it on the 15th, according to - no, that's Nix, isn't it?

Anyway, I just wanted to move on. The fact is you were interviewed by Mr Heiner?---Mm.

You whether happy with it?---Well, I just couldn't - I just thought it was a waste of time. 1

Okay?---I just thought - I suppose I just thought it was just an even-handed little thing, you know, see what's going on there and put people's minds to rest sort of thing, but - - -

Okay. To move on, the Heiner inquiry continued on after you were - - -?---Interviewed.

- - - interviewed, sorry?---Mm. 10

And then we know that it was closed down?---Mm.

And then we know that Mr Coyne was removed from the centre on or about 11 February?---Yes.

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You were a member of the Queensland Teachers' Union, were you not?---Yes.

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Could I ask that the witness be allowed to look at exhibit 177 please.

COMMISSIONER: Yes. Ms Mersiades, you're being asked to read so that you have a context to answer the questions that Mr Lindeberg is going to ask you.

MR LINDEBERG: Yes.

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Have you seen that letter before?---No.

Okay. Do you recall a meeting at the Queensland Professional Officers Association on or about 14 February at which Mr Coyne, Ms Dutney, yourself and Mr Manitzky and Mr Stuart Rose, the QT industrial officer, attended?---Yes. I remember I was - now that you talk about that, yes, I remember we went to something. Yes.

Do you remember what the purpose of that meeting was?---No. I'd forgotten it completely and I've still forgotten it.

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Might I suggest to you that the answer may lie in the penultimate paragraph of that letter dated 27 February. It's the entire letter, actually, but you were requesting access to the Heiner inquiry documents as they pertained to you?---That's right.

Do you recall Mr Coyne also doing the same now?---He may have done. I can't remember.

We do have evidence that Mr Coyne's lawyer was doing it and there's also evidence that the union, which was the Queensland Professional Officers Association were also doing it?---Right.

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Pursuant to the various regulations, are you aware of what those regulations meant or mean?---No, no.

I think you will find that the evidence suggests that regulation 65 - - -

COMMISSIONER: Sorry, Mr Lindeberg. Does it matter what the evidence suggests to this witness?

MR LINDEBERG: Other than - - -

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COMMISSIONER: It matters what it suggests to me, but does it matter what it suggests to her?

MR LINDEBERG: Well, perhaps not; perhaps not, Mr Commissioner.

COMMISSIONER: I think - - -

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MR LINDEBERG: Do you recall your union and my union commissioning me to go and see Ruth Matchett about gaining access to the documents?---I'm sorry, Kevin, no.

Okay. May I ask you was there a particular reason why you wanted to see the Heiner inquiry documents that related to you?---I just started thinking that this was because there were a lot of complaints and I was the teacher in charge. I just wanted to see what complaints were being made about, you know, the education program that was there.

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Are you suggesting that the complaints were about your education program?---No, no. I don't know what they were about.

You don't know?---No.

Did the thought at all occur to you that it might be in relation to what transpired on the Harding incident?---I don't know. I don't know what I thought about that.

But nevertheless - - - ?---Yes, it could have been.

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It could have been?---Yes, it could have been.

But nevertheless, you wanted access to them?---Yes.

You were seeking access to them?---Yes.

As you're aware, the documents were shredded - - - ?---Yes.

- - - while you were seeking access to them pursuant to that regulation?---Yes.

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One final question, when did you learn the documents had been shredded?

COMMISSIONER: Sorry. We're in the loop here. Your question assumes an unproven fact. You have put it to her, and she has sort of come into it a bit, that one of the motivations for her making that request was to get access to documents that related to the Annette Harding incident that she may have been connected with. We don't know whether any documents of that description were in any of the destroyed documents, do we?

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MR LINDEBERG: I appreciate that, Mr Commissioner, but that may have been the assumption and I put it to her that that was the assumption on her part. Now, whether it's true or not is perhaps another matter.

COMMISSIONER: Okay. That's clearer now you have put it than I - - -

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MR LINDEBERG: I'm sorry. That's what I wanted to - - - 1

COMMISSIONER: Do you get what Mr Lindeberg is saying? Were you asking for documents because you assumed that the Heiner documents, whatever they are, did or might have included documents that connected somehow - - - ?---Yes.

- - - touched on you and the Annette Harding affair?---Yes, yes.

Did you have any basis for believing that or making that assumption?---Well, it just seemed to me - one of the questions they asked me at the Heiner inquiry was about chaining somebody to the pool fence or something. 10

Yes?---It just seemed to me that they were really looking at, you know, things that had happened at the centre. I don't know whether they'd happened or the treatment of the children at the centre.

Did they ask you anything about the Annette Harding affair? ---I can't remember Heiner asking me about that. No.

But you can remember him asking you about chaining to a fence?---Yes. 20

That was sort of abuse related?---Yes.

As was what happened to Annette Harding?---Yes. Yes, that's right.

One was physical, one was sexual?---Yes. Yes, that's right.

All right. Okay. 30

MR LINDEBERG: Just two final questions. As you plainly, according to this document, were seeking access to the documents pursuant to that regulation via your union, do you recall being informed by your union as to what was the outcome of that? Did they tell you, for instance, that the documents had been destroyed?---No.

So after the meeting that occurred at the POA headquarters when these things were discussed, that was the end of the matter as far as you were concerned?---As far as I was concerned, yes. 40

Yes. Okay. I think, Mrs Mersiades, you've been most kind. Thank you very much for answering the questions?---You're welcome. You're welcome.

COMMISSIONER: Thanks, Mr Lindeberg. Do you have any other questions, Mr Woodford?

MR WOODFORD: Thank you, Mr Commissioner.

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You were asked about the pool fence by Mr Heiner. In terms of the gravity of incidents that take place, the Annette Harding incident, how would you rate that compared to the pool fence incident?---That was much more serious.

It drives the point, doesn't it, that if that had have been a topic with Mr Heiner that if you're remembering the pool fence thing, is it fair to assume that you certainly would have remembered Annette Harding - - - ?---Oh, yes.

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- - - if you had have been questioned about that?---Yes, yes.

COMMISSIONER: You're getting a bit argumentative yourself there, Mr Woodford.

MR WOODFORD: It happens. I don't have any further questions. Thank you.

COMMISSIONER: Okay.

MR WOODFORD: May the witness - - -

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COMMISSIONER: When you say "further questions" do you think the last one was a question?

MR WOODFORD: Well, I did get an answer.

COMMISSIONER: It doesn't make it a question. All right.

Ms Mersiades, thanks very much for coming?---Thank you.

I appreciate that?---Thank you.

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You're formally excused from your summons?---Thank you very much.

WITNESS WITHDREW

MR WOODFORD: Mr Commissioner, that statement, I'll tender it. There are a couple of matters in there I would like to take you to.

COMMISSIONER: All right. Yes, I'll mark it exhibit 272 first.

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ADMITTED AND MARKED: "EXHIBIT 272"

COMMISSIONER: Yes?

MR WOODFORD: Thank you. Paragraph 14, line 5, the sixth word along there's a name.

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COMMISSIONER: Yes. 1

MR WOODFORD: That shouldn't be published, in my submission.

COMMISSIONER: All right.

MR WOODFORD: The same paragraph the next line down, the sixth line, the second word, that shouldn't be published.

COMMISSIONER: That won't be. 10

MR WOODFORD: No. Moving down, paragraph 15, the third line, if you go 13 words in, there's the same name. That shouldn't be published.

COMMISSIONER: Is that with a capital C?

MR WOODFORD: That's the one.

COMMISSIONER: Right. That won't be published.

MR WOODFORD: Then moving to paragraph 21, the second line, the first two words, that also would not be published, in my submission. 20

COMMISSIONER: M.M. are the initials, are they?

MR WOODFORD: Yes, thank you.

COMMISSIONER: All right.

MR WOODFORD: Those are the only matters that I could see in the statement. 30

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COMMISSIONER: Thank you. Subject to excluding those names the exhibit can be published. 1

MR WOODFORD: Mr Copley has the next witness.

COMMISSIONER: Mr Copley?

MR COPLEY: Mr Commissioner, I call David Reginald Jeffries.

JEFFRIES, DAVID REGINALD sworn:

ASSOCIATE: For recording purposes, please state your full name and your occupation?---David Reginald Jeffries. I'm a retired police officer. 10

Please be seated.

COMMISSIONER: Good afternoon, Mr Jeffries. Long time no see?---Yes, Mr Commissioner.

Good to see you.

MR COPLEY: Could the witness be shown this his statement, please? Mr Jeffries, could you just peruse that document to confirm that it is one that you've signed on 14 January 2013?---It is. 20

I tender that statement, Mr Commissioner.

COMMISSIONER: That will be exhibit 273, Mr Copley.

ADMITTED AND MARKED: "EXHIBIT 273"

MR COPLEY: Thank you. Mr Jeffries, you retired from the police service after you'd served as an assistant commissioner?---That's correct. 30

So that probably necessarily suggests that you rose your way through the ranks?---That's right.

At one point you were the inspector in charge of all of the Juvenile Aid Bureaus in Queensland?---That's correct.

That was from 1988, was it?---My period in charge of the operation and management of the bureau as an inspector - when I was acting inspector and as inspector, which I became substantive inspector in 1988, yes. 40

All right, and how long were you in charge of all of those juvenile aid bureaus for?---Probably from 82 to 91 I would have served in the Juvenile Aid Bureau, but probably from about 88 to 91.

As I understand it, there may be two attachments to your statement?---That's correct.

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Which if I didn't say before I should have said also form part of exhibit 273. The first of them is a document signed by T.M. Lewis, commissioner of police, concerning procedure in relation to report of child abuse?---That's correct. That's the commissioner's circular number 102 of 1983.

Yes, and the second document is an extract from the general instruction manual, is it?---The general instructions from the policeman's manual volume 2, 9.499 to 9 point - - -

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Just 9.499?---9.499, yes.

Yes, and that concerned handling of suspected child abuse and neglect cases?---It gave effect to that commissioner's circular and put it into the wording of a general instruction that obliged all police officers to comply.

All right. Now, I've perused each of these documents and I may have missed it but you're more familiar with them than I am so you can tell me if I have. Do either of these documents actually assist a police officer investigating a suspected case of sexual misconduct against a juvenile in the situation prior to 1989 when the child, for example, said, "Look, I don't want to make a complaint," or, "I don't want to speak to you police officers about what happened to me"?---Well, the commissioner's circular in 1983 and the general instructions require police officers in an incident like this to bring such a matter to the attention of a SCAN team where in fact a multidisciplinary approach will be placed with that report. So that in fact you have representatives from the health department, from the family services and from the police officer looking at the report of that child and then looking at what is the best way to ensure that child's protection and that the child is given assistance.

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So was the point of the SCAN team that whether or not the child was being particularly talkative to the police, the child's case was being looked at by professional people across a range of disciplines?---Who would look at issues other than just prosecution and whether or not the child was cooperating with the investigation of that particular complaint, but the child's protection would in fact be of paramount concern.

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So, for example, if it was thought that the child was at risk of a further sexual incident then various - that could be identified and steps taken to ameliorate the level of risk?---Exactly, and one of those may in fact even have been if the paediatrician, for example, at the hospital felt that the child was at risk with the family the child may be admitted to hospital as a place of safety.

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Yes?---The opportunity was there under the legislation to actually invoke an order to retain the child there if the parents wished to remove it so that the child's safety was paramount.

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Going back say to May of 1988, if officers of police went and spoke with a child and she said to the police she didn't want to make a complaint about anything then what options were open to the police in terms of extracting evidence from the child?---Well, it would depend on what the circumstances were and the degree of cooperation that you had from either the parents or the person who was in loco parentis. Obviously you may obtain evidence by having the child medically examined which would corroborate the occurrence of a particular offence that was being alleged. You may in fact get parents to cooperate to do that and you could get a skilled paediatrician who may in fact be able to corroborate the allegation with that examination. In the instance that occurred here obviously the parental authorities were the departmental officers and they obviously consented to the child being medically examined.

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Yes, she was medically examined. This incident, you state in your statement, you don't have a specific recollection of Mr Coyne contacting you?---No. I would have spoken to Mr Coyne on a number of occasions when he was in that role and I was in my role within juvenile aid, whether it be with regard to juvenile alleged offenders or some other matter relating to the centre.

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Was his level of consultation or discussion with you peculiar to him or did the general managers of other youth detention centres have a similar level of discussion and communication with you that Mr Coyne had?---No, it would have been the same. We would have had the same contact if it was Wilson Youth Hospital or anywhere else. It was a case, I suppose, on a needs basis.

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You're probably familiar with the expression "a section 93A statement", aren't you?---It's a while since I've had any involvement with those, but I think that those are the ones where in fact you had the child interviewed and a video made of that interview and then it could be tendered.

Yes?---But I think that was subsequent to this period we're talking about here.

Well, would it refresh your memory if I was to suggest to you that the initiative for the legislative amendment that provided for police officers to tape-record interviews with children and then have them tendered in evidence occurred partly as a result of a report done by Mr Sturgess, the director of public prosecutions in the late 1980's?---Yes, that's correct. He actually established the two special

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rooms that were set up, but we prior to that I believe had set up similar type rooms in the new headquarters. That was prior to Mr Sturgess, and he in fact had supported us in, for want of a better term, experimenting with the way in which we were interviewing and we were trying to get our staff skilled in that. Part of that was using anatomically correct dolls to try and get the child to show us what in fact had actually occurred.

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So that they didn't have to put it into words sometimes, particularly - - -?---Yes. Well, sometimes the children were very, very young, might have been three or four or something like that.

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Yes, and do you recall that those amendments did not come into effect until the second half of 1989?---That was my rough recollection.

One of the virtues of that amendment to the law, for example, could have been that if police spoke with a child soon after an occurrence when it was fresh in his or her memory and they recorded the child's recollection - - -? ---It could be produced.

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Then, yes, in six months or 12 months or two years later when the trial is on the child's recollections to the police became the child's evidence?---That's correct.

Then the child was called, in those days - - -?---That was very critical for particularly young children.

Because it was important to obtain their recollections as soon as possible?---And get the best recollection of the events as near as possible to when it had occurred.

Well, now, back in 1988 before we had any of that situation, if police officers were told or received some information that there might have been a sexual incident involving a child with some other children or with an adult and if the child said to the police, "Look, I don't want to discuss it with you at all."

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Was the option open to the police simply to issue a summons to the child to compel his or her attendance at a Magistrate's Court to give evidence about the matter, even though the child had refused to speak to police?---I suppose it would always be an option, but if I was honest, I'd have to say that our experience had been that your case was only ever as good as your complainant and I know from personal experience that if in fact you tried to take a case to court and you had an unwilling complainant or an unwilling complainant and uncooperative parents, you really would find it almost impossible to successfully bring the case, but there two different issues here. One would be the protection of the child and the other would be the prosecution of the offender.

But dealing just with the prosecution aspect for the moment because that's probably your prime purpose as a Juvenile Aid Bureau officer?---No, I disagree.

All right. Let's just focus on the prosecution side of it. Did you, as a police officer, ever cause a summons to be issued to compel a child under the age of 16 to come to the Magistrate's Court to talk about an incident of sexual misconduct where that child was apparently the victim when the child had said to you, "I don't want to talk about it"?---I think I had one case like that.

Yes?---And if my memory serves me correct, I was successful, but it was more due to the fact that the child subsequently proved to be pregnant and that was able to be - - -

Corroborated?--- - - - corroborated.

An allegation that someone had carnally known her?---We knew who had - and the prosecution - - -

I see. All right?---That's the only that I can remember in my experience.

All right. Was there a policy, written or unwritten, regarding the utility or the wisdom of compelling a child to attend a committal hearing in relation to an allegation of sexual abuse of them if the child had declined to provide the police with a statement and said they didn't want to talk about it?---I'm not aware of any written policy, but I would have to be honest and say that my experience had been that, both from our discussion with crown prosecutors and police prosecutors, where in fact we had that set of circumstances it would be usually considered weighing up all of the evidence that you had that it would be unlikely to be successful.

Yes. As a Juvenile Aid Bureau officer in addition to the aspect of prosecuting a case against an offender, there's also the aspect of attending to the protective needs of the

child, isn't there?---That's right. Yes. That child and any other who may in fact be exposed.

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Yes. You bridled at my suggestion before that you would concentrate on the former aspect to the detriment of the latter?---I suppose it's a point that in Juvenile Aid we always stress that the protection of the child was always a paramount concern.

Yes?---If, I suppose, we had to make a choice between protecting the child and perhaps in doing that possibly losing evidence or minimising the obtaining of that evidence - we tried to do both, but on some occasions it wasn't possible, the child protection took paramount importance.

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Yes. In connection with the protective aspect, to take an example, divorced from the facts of the case we've been talking about, if it came to the attention of the police that a child had told someone that her mother or father had done something improper to them, be it sexual or physical abuse, there was a mechanism open in the Magistrate's Court to have that child removed from that parent or caregiver, wasn't there?---The police officer had the power to do that without going to the Magistrate's Court. He had power to take the child into custody if in fact he believed that the child was at risk and in need of care and protection.

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Taking it a step further, it would eventually have to go before a magistrate, wouldn't it - - - ?---In the Children's Court.

In the Children's Court - - - ?---We'd make an application to the Children's Court for that child's care and protection.

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That's right.

COMMISSIONER: What year are we at?

MR COPLEY: We're talking about perhaps the procedures under the old Children's Services Act 1965. They probably haven't changed very much in this regard in this sense that an application for the care and protection of the child could succeed because the strict Rules of Evidence didn't (indistinct) in that jurisdiction, did they?---That's correct.

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And so a magistrate could act upon hearsay evidence from an adult about what a child had said to them, whether the child was willing to come along and give the primary evidence of what was done to them?---Or the police officers could give evidence of what the child told them.

That's right.

COMMISSIONER: So you could prove it indirectly, whereas in a court you would have to prove it directly.

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MR COPLEY: Do you agree with that proposition, sir? ---Well, the Children's Court was still a court where we were proving it in - - -

COMMISSIONER: Yes. In the criminal court, I mean?---Yes.

MR COPLEY: In the Children's Court the jurisdiction was protected in nature, wasn't it?---That's right.

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Hence the procedures of the court had been adapted or changed by statute to allow for the admission of hearsay evidence because the criteria the magistrate applied was what was in the best interests of the child?---Of the child.

Whereas in the criminal courts, prior to 1989 and the Sturgis amendments everything went in terms of oral evidence - - - ?---That's right.

- - - and there had to be basically either direct evidence from the child about what happened or an eyewitness who could say, "This is what I saw occur"?---Correct.

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Now, if a child - and we're coming back to the Annette Harding example now - was already in the custody of the department when something occurred, what options were open to Juvenile Aid Bureau police officers in circumstances where the child said she didn't want to make a complaint and she was already in the care of the department? What protective options were open to the police officers in that situation?---Well, we'd obviously discussed with the department what the child protection needs for that child were. If we were satisfied that action had been taken to protect the child from whatever risks were there, we in fact would leave that, particularly in view of the fact that it was the department that was charged with the care and protection of that child.

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In this particular case, the child's disinclination to make any complaint to the police was recorded by the police officer in her notebook and the police officer had the child sign that. Was that a standard practice of police officers in those days to record a person's unwillingness to make a complaint?---Yes. Depending on the age of the child, of course.

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Of course. But if you're a teenager and you can write your name - - - ?---Yes; and the child had the capacity to understand what in fact she was signing.

That's right. You probably wouldn't ask a four-year-old to do it, would you?---And the parent or parent in loco parentis was aware that the child was being interviewed and

had expressed that view they would in fact confirm that by actually getting it recorded in the notebook. 1

Why did police officer adopt that practice of having the child sign her name to a statement if she didn't want to make a complaint?---I suppose it formalised the actual recording of that child's wishes with regard to the matter and gave the police officer a verification of what in fact had taken place and what they'd been told.

And that they had gone out, as instructed, investigated the matter - - - ?---Sure. 10

- - - to whatever extent they thought appropriate and that was the outcome as they saw it?---Yes.

Okay. No further questions.

COMMISSIONER: Thank you. Any questions, Mr Hanger for Mr Jefferies?

MR HANGER: Just a few.

Mr Jefferies, the child was taken to the Mater Hospital and examined by a lady doctor called Crawford?---That's correct. 20

I would imagine that since you were both operating at the same time, you would be familiar with Dr Crawford?---I know Dr Maree Crawford, yes.

Quite well?---Yes.

Very thorough in her work?---Yes.

In the Mater Hospital, were they at that time very advanced in the field of child protection?---The Mater Hospital was one of the hospitals that was involved in the establishment of the SCAN team very early and was certainly very committed to child protection and gave us, as police investigating child protection matters, excellent cooperation and Dr Maree Crawford as the paediatrician there was certainly part of that. 30

In your experience with Dr Maree Crawford in this and, doubtless, many other cases, would she be ensuring the protection of the child to the extent possible and giving a lecture to whoever it was about what should happen?---She certainly would and that was one of the advantages that we had. Prior to the establishment of the SCAN teams, we would have usually taken the child to the government medical officer, but having a paediatrician do an assessment of the child protection needs was certainly an advantage and Dr Crawford would have certainly been looking 40

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at the overall child protection issues as well as the
medical examination that may give us corroborative
evidence. 1

Now, something else that the manager of the centre did was
bring the child's mother to the centre. Appropriate
conduct in your opinion?---Yes.

And the criticism has been made by one of my learned
friends here that when the child was interviewed by your
appointed police officer, the mother was not present or
indeed invited to be present. Given that the child is in
protective - - -?---In care. 10

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In care, would that be a normal procedure? Would you expect to invite the parent to be present?---I wouldn't have thought that if in fact the child had been in care for some period of time that you would normally have had the parents, particularly until in fact you got all of the circumstances, whatever, and obviously at that time, just having received the complaint, they'd be looking towards taking action to get the matter investigated and the person who was, for want of a better term, fulfilling that parental role at that time would have been the one that contacted the police and one of the child-care officers would've been, I imagine, present at the time that the child was interviewed.

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COMMISSIONER: Technically the substitute parent would be the state, wouldn't it?---Yes.

MR HANGER: Now, I think from memory - and we have heard a lot of evidence and I haven't checked that I'm right, but I'm sure I will be corrected if I'm wrong - the interview with the police lady that you appointed to investigate it I think took place perhaps on a weekend when perhaps normal staff weren't there, but the child had an employee present and in fact it was an employee that she asked for. Good, proper behaviour?---I think it would be appropriate if in fact the child has asked for someone that she feels is supportive and that she's comfortable with in discussing something like this. From a police perspective it certainly would be beneficial. The child feels supported and relaxed in order to be able to tell what occurred.

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And perfectly proper, I suggest to you, that when the child says, "I do not want to proceed with charges in this case," and when the child's mother, after talking to the child, says the same thing - perfectly proper for the police not to proceed?---Obviously the police proceeded in terms of getting the medical examination done, but having weighed up the child's stated wish and the mother's and obviously having discussed it with the paediatrician and the child-care people, I see that it's an appropriate decision.

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Thank you.

COMMISSIONER: You wouldn't criticise it?---I wouldn't criticise it.

MR HARRIS: Thank you, commissioner.

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COMMISSIONER: Mr Harris.

MR HARRIS: Mr Jefferies, my name is Harris and I'm representing Annette Harding at this inquiry. I just want to take you back to police procedures. Now, when a complaint is received by a police officer, as I recall, a complaint was normally put down on a criminal offence

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report. Is that correct?---If it's a particular offence that is being reported, it wouldn't necessarily be, for example, if it's a child-protection report.

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But there would be some way of recording the actual complaint that a child made. I'll put this scenario to you: on Friday - the date just escapes my mind - 27 May 1988 Annette Harding and her mother made an official complaint that they wanted police to investigate the rape of Annette. Mr Coyne contacted you and then you had Detectives Podlich and Tomsett, I think it was, attend to the John Oxley Youth Centre to investigate that complaint. Now, a rape is a serious offence. Now, in essence there would have to be a record of that put down in a criminal offence report, wouldn't there?---Well, my understanding - and I haven't got any fresh recollection of the incident, but my understanding was that when the police went there at Mr Coyne's request to investigate what had been alleged as a rape, both the child and subsequently the mother said they didn't wish to make a complaint.

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All right. No, but what I want to do is talk about the procedure first and then I want to get into some of that stuff, what you just explained there. If a complaint was made, a police officer would do a criminal offence report? ---If a complaint is made to the police, then they will take the particulars and report it.

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This was the days before computers when we had typewriters? ---Yes, that's right.

So you had to type it. There was also a record made on a log sheet. It used to be every station used had a log sheet?---Occurrence sheets, yes.

Occurrence sheets, do it on a log, and then if the police officer was a detective, they would put it in their diary. Okay. Now, when the police put that criminal offence report, my recollection is that - and I was a police officer. My recollection is that there were seven copies of the criminal offence report. They would go to every area. One would go to the district officer, one would go to information bureau or all that there. Now, it would not be normal practice for police not to put that in if a serious offence such as rape has been alleged. Now, this is on the Friday. This is on the Friday so a complaint of rape has been on the Friday afternoon to you through Mr Coyne from Annette Harding so we have got the links there. At that point and because it's a rape, would not there be immediate action on that rape?---My understanding would be that if I was contacted by Mr Coyne, I would look to see who in fact I had rostered as staff available to detail to investigate that matter and I presume - I haven't got any fresh recollection - that I found that there were two policewomen rostered at that time which was

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Detective Podlich and Tomsett and I then detailed them to investigate the matter and they - I would obviously put that on our occurrence sheet and they in fact would then take details of any complaint or if the people weren't making a complaint, details of that so that in fact they could explain what in fact was the result of their investigation.

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All right, but the conduit comes back down through you. You then pass it on to the - - -?---I detail someone to - - -

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Detail someone to do it?---Yes.

They go out and then they do the criminal offence report on the matter?---That's correct, because they're the persons that are investigating or getting the details.

Now, my recollection is at that same time there used to be a unit called the rape squad that were on 24 hours' notice? ---The rape squad certainly dealt with adult offenders. They never dealt with children because by virtue of the Juvenile Aid Bureau being established we looked at both alleged child offenders and child victims and we did actually establish the child abuse unit, the child exploitation unit and the missing persons unit so anything that related to a juvenile came to the Juvenile Aid Bureau.

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All right. So this matter was wholly and solely in the Juvenile Aid Bureau responsibility?---That's correct.

We know from Detective Sergeant Podlich that they attended to John Oxley on the Saturday morning. You received the complaint on the Friday. They went out on the Saturday. Now, the duty of a police officer, if I'm not mistaken, is to collect evidence as soon as possible, maintain that evidence and make sure that evidence can be used in a court system, used as evidence in a court. Were you aware at that stage that the incident actually took place with respect to the rape on Tuesday, 24 May?---Mr Harris, I'd have to be honest with you and say I have no independent recollection of this incident whatsoever. All I remember is that I would have had conversations with Mr Coyne and I would've detailed staff and I don't have any - I certainly have an awareness that at all times we would've looked to see that any evidence that was available was preserved and that we acted as speedily as possible to get our interview taking place with the child or the victim and getting the person medically examined because I was aware that forensic examination might - could be able to get tracings of semen or something like this.

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I understand what you're saying there. So the date from the 24th, the Tuesday, to the Friday, that would mean that vital evidence would have been lost, wouldn't it?--Well, obviously it's limiting the opportunity to be able to get swabs and whatever, but it's not - my understanding of the scientific evidence is it still is possible up to seven days.

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But we're talking about 1988 here?---Yes.

I know in today's world it's a different matter, but in 1988 the ability to get that evidence - and as I understand it it used to be get the complainant to the GMO or to a professional as soon as possible to maintain that evidence?---Yes.

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When - and I'll come to it. When Detective Podlich went out to the centre, she would have had to finalise a report back to you, with respect, to their investigation or the withdrawal of investigation. Now, with her withdrawing that, your attention to the events that occurred out there, would she have dealt with or did you see anything that dealt with the evidence being so delayed?---No. As I said to you before, I have got no recollection of this incident whatsoever. If someone had raised that I would certainly be looking to raise matters, and the ideal forum in which to do that would be the SCAN team at the hospital, where if there had been a delay in the department bringing it to our attention we could certainly raise it there with a representative from the department as part of the team.

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The police officers attend to the centre, Ms Harding withdraws her complaint. She's 14 years of age. She has two police officers and two government officials in there. Would it have been more prudent to have an independent person with her to talk with her about her complaint rather than have all officials there?---The procedure at that time certainly wasn't in those instances to have an independent person present. Our preference would be for someone that the child felt comfortable with and felt supported by.

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Now, she's withdrawn her complaint of rape to the police officers, of sexual intercourse. Do not police officers also have a duty to investigate because there was a case of carnal knowledge here? So the police officers would have to turn their mind to whether the offence of carnal knowledge would have occurred, and carnal knowledge doesn't require the complaint as long as they know the act has been committed. That's correct?---That's correct, but as I expressed earlier, the difficulty of being able to successfully bring a case to conclusion is very severely hampered if in fact you haven't got the cooperation of the complainant or the parental figures.

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If I can put it to you in this way: it would have been much easier to write this matter off if a complaint of carnal knowledge had been investigated, the police then had spoken with the offenders and cautioned them about their actions. That was another way of doing it?---I'd have to ask what you term in terms of investigation. I would have thought that the police officers going out there and attempting to get complaint from the child would be what I would see as part of endeavouring to do an investigation. To follow it up then and go and talk to alleged offenders when you haven't got a complaint and you've already got the people as their parental figures aware of the thing and taking what I would see as probably appropriate action, is probably something that the police officers considered in terms of the way in which they handled it.

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COMMISSIONER: Mr Harris, it's 4.30. I'm just going to ask Mr Jeffries free to sit on. Are you free to sit on for a while?---Yes.

Would you rather sit on or come back tomorrow?---No, I'd rather sit on if that's all right.

MR HARRIS: I shouldn't be much longer, commissioner. I've nearly finished - - -

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COMMISSIONER: No, that's fine.

MR HARRIS: Now, if - I'll phrase it another way. Every police officer is really the master of his own ship. By that I mean that every police officer has to make a decision whether to prosecute someone?---Sure.

It's wholly and solely up to the police officer, and the police officer then has to evaluate the evidence to see if the evidence supports whether he or she will prosecute. That's always been the system in Queensland. Now, in this case, as the detective inspector in charge of the Juvenile Aid Bureau, what would you expect of these two officers that went out there with respect to what had happened? Would you require a very comprehensive report from them with respect to what they did, who they spoke to with respect to the matter, such as a criminal offence report or a written report to them, or would you accept at the end of the day what was written in their report?---I would expect that there would have been a senior sergeant on duty on each of the shifts that they worked, that they would have come back and reported to that senior sergeant exactly what had occurred when they went out to investigate it, particularly given the fact that it was occurring at an institution, and that that would have recorded on the occurrence sheet.

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I have no further questions, commissioner.

COMMISSIONER: Thanks, Mr Harris. Mr Lindeberg? 1

MR LINDEBERG: Good afternoon, Mr Jeffries. Kevin Lindeberg is my name. I just have a number of questions. If you were a police officer and you went out to - like the two officers you assigned to go out and investigate this matter, and you knew the previous day that the mother and the girl wanted charges to be laid against the boys and you found out that the girl had been threatened and that was a factor in her mind and a belief that if she was likely to be threatened again, in that if she made the charge while - because of the period of sentence that she had to finish, would that be a matter of some concern to you as to whether or not she was making her decision free of duress?---It would certainly be an issue of concern to me. 10

It would be an issue?---Yes.

Well, may I say to you - I put it there is evidence that that's exactly what occurred. Are you aware of that?---I'm not aware of that. As I said, I have no recollection whatsoever of this particular incident.

But as you say, if the witness was being threatened it would be a matter of some concern to you?---No, and I don't doubt that if the police officers that went there had that information it would be of concern to them as well. 20

And if it wasn't supplied to them?---Well, obviously they can't do something if they don't know anything about it, can they?

I appreciate that, but if it was found out that that was the case and it wasn't told to them when they went there, would that be a matter of concern to you?---Obviously. 30

COMMISSIONER: Sorry, Mr Lindeberg, what's the evidence that she was threatened?

MR LINDEBERG: There's a letter written by Ms Hayward which I - it's in the - I've just been looking for it, Mr Commissioner. There were two reasons why she decided not to. It's expressed that she'd been threatened and that she was concerned about what was going to happen - - -

MR: 244.

MR LINDEBERG: 244. 40

COMMISSIONER: Well, does it say who made the threat and when it was made in relation to when the police saw her? 1

MR LINDEBERG: It's residents that made the threat to her. I'm sorry, 244, is it? Thank you very much. Yes, if you go to exhibit 244. It says here, "There had been threats made against her from residents in the institution."

MR COPLEY: Well, I call on the gentleman to read to the officer the next paragraph as well.

MR LINDEBERG: Yes, "We spoke to her for approximately three to five minutes and assured her that appropriate steps would be taken to see that she was protected." 10

MR COPLEY: Read the rest of it?

MR LINDEBERG: "All aspects were made as clear as possible to Annette by the police, Mr Pekelharing and myself. Annette chose not to make an official complaint." I accept that but, nevertheless, the fact is there is an existence of threats and she is being assured by people that there would be no threats and in fact there had been threats who were supposed to stop threats?--As I said, I've got no recollection of this incident whatsoever. 20

If, for instance, the police were not told that at least one of the boys had admitted to having sexual intercourse with the girl, would that be a relevant factor to take into account in terms of that there had been - as to whether or not it was possible to be used that there had an admission to sexual intercourse having taken place. Would that be a matter - - -

MR COPLEY: That just doesn't make any sense. The question just doesn't make sense, that's all. 30

COMMISSIONER: Can you make sense of it, Mr Jefferies?---I was trying to - - -

You might just recast it, Mr Lindeberg.

MR LINDEBERG: We're in an environment where a young lady the previous day with her mother had said she wanted boys charged because she had been sexually assaulted. At least one of the boys has admitted to the offence. It wasn't as if you had to go to a witness or the person who's been alleged said, "Did you do it?" when there had already been an admission. Would that be a relevant factor to take into account?---It would. The fact that there is an admission, if it was to a credible person who would give evidence, it certainly would be. 40

And to your recollection, was that made clear to you when Mr Coyne phoned you?---As I said, I have got no recollection whatsoever of this incident.

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Okay. Now, may I ask in relation to the line of questioning that Mr Harris put in regard to what's transpired here, a young girl of 14 years of age has been sexually - well, at one point in time, shall I say, claims to have been raped without permission. So are there other provisions under the Criminal Code which may meet these circumstances, like, for instance, under chapter 27, a duty relating to the preservation of human life, in particular section 286 which talks about a duty of a person who is a parent of a child.

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MR COPLEY: I object. It's an irrelevant question. It doesn't apply. It's embarrassing and it's irrelevant really.

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MR LINDEBERG: With respect, I don't think - may I say how it is relevant?

COMMISSIONER: Yes, you can.

MR LINDEBERG: In the sense that it appears that as long as Ms Harding has said, "No," that's the finish of - the law no longer speaks. I'm suggesting to you that there are other elements of the law that do speak to these circumstances whereby an incident took place in the bush - - -

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COMMISSIONER: I don't think it was inadequacy of the law that's the point. The point is that she chose not to make an official complaint, that is, a complaint that any law will fit.

MR LINDEBERG: Let me put it another way, Mr Jefferies. This incident occurred not in a private home. It occurred while the young lady was in the care of the state where she should be entitled to be afforded the full protection of the state. Now, there is part of the evidence in terms of the report saying that these children went out of the sight of the supervisors during the outing to the Lower Portals and during that period of time this took place. Would it concern you that the staff who were responsible received no discipline and put it down to it was just - - -

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MR COPLEY: Well, I object to that. I object to that question. It's irrelevant.

COMMISSIONER: Yes. What would surprise Mr Jefferies isn't helpful to me in deciding any of these questions. I'm happy to treat him as an expert on the protocols and the police procedures relating to the investigation of sexual offences but not on staff discipline.

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MR LINDEBERG: I accept that, Mr Commissioner.

Sorry, Mr Jefferies, one final question: you were talking a lot about the care of the child and in the case you talk

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about SCAN and you talked about Dr Maree Crawford. It is accepted that she examined the girl. It's in the evidence and part of the evidence is it indicates that she had started her period when she was being examined. Would it concern you to know that after that she was administered with a morning after pill?

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COMMISSIONER: Again that's really asking for a value judgment of Inspector Jefferies and I'm sure it wouldn't help me. It's not going to help anybody if Mr Jefferies says, "I was totally shocked" or "I was feeling unmoved by it." Either way I'm none the wiser.

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MR LINDEBERG: The only point I raise is that it was acknowledged that the girl was having her period, therefore, as far as I know, if a girl is having her period, she's not about to have a baby.

MR COPLEY: I object again to the constant giving of evidence from the bar table.

COMMISSIONER: Yes.

MR LINDEBERG: I have no further questions, Mr Jefferies. Thank you very much.

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COMMISSIONER: Thanks, Mr Lindeberg.

Mr Jefferies, thanks very much for coming?---Thank you, sir.

It was good to see you again. I appreciate the time you have given. You are formally excused from your summons.

WITNESS WITHDREW

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MR COPLEY: 10 o'clock tomorrow morning?

COMMISSIONER: Yes. Mr Jefferies' statement is going to be exhibit 273.

ADMITTED AND MARKED: "EXHIBIT 273"

COMMISSIONER: Can it be published?

MR COPLEY: It can be, yes.

COMMISSIONER: All right, thank you, and 10.30 tomorrow morning.

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MR COPLEY: 10.30.

THE COMMISSION ADJOURNED AT 4.45 PM UNTIL
WEDNESDAY, 23 JANUARY 2013