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TRANSCRIPT OF PROCEEDINGS

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 04/12/2012

Continued from 03/12/2012

..DAY 4

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 10.03 A.M.

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COMMISSIONER: Mr Copley?

MR COPLEY: Good morning, Mr Commissioner.
Mr Commissioner, I call Bronwyn Jane Marshall.

MARSHALL, BRONWYN JANE affirmed:

ASSOCIATE: For recording purposes, please state your full name and your occupation?---Bronwyn Jane Marshall, design officer.

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COMMISSIONER: Yes, Mr Copley.

MR COPLEY: Thank you, Mr Commissioner. May the witness have placed on the table in front of her exhibit 33?

Ms Marshall, that document I have given you which has admitted as exhibit 33, does that bear your signature on the second page?---Yes.

And indeed on the first page?---Yes.

20

And is that a statement that you provided to Detective John Mizon on 26 September 2012?---Yes.

Thank you. In that statement in paragraph 4 - and you can look at it if you wish to - you stated that you commenced duty with the Department of Family Services at the John Oxley Youth Centre in or about June or July of 1990. You will have to answer me yes or no. You can't nod because it has got to be - - -?---Sorry, was it a question?

Yes, it was a question?---Sorry, I didn't - I thought you were making a statement, sorry.

30

No, it's a question?---What was the question.

That's what you've stated?---Yes.

Your recollection is that you began work with the department at JOYC in about June or July of 1990?---That's my recollection, yes.

All right. Is that recollection, as far as you're concerned, 100 per cent accurate?---No.

40

Okay. Further down in the statement at paragraph 6 you said that you thought the manager of the centre back then was Peter Coyne. Do you agree?---Yes, I did say that.

Yes. By saying that you thought the manager of the centre back then was Peter Coyne, were you attempting to convey that you weren't 100 per cent sure that the manager was

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indeed Peter Coyne when you started?---Yes.

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All right. If the manager was not Peter Coyne, do you have in your memory a name of another person who might have been the manager when you started?---It might have been Tim Evans.

Tim Evans?---Yeah, it might have been.

Okay. Well, we have heard evidence that Mr Coyne was the manager of the John Oxley Youth Centre from on or about 24 March 1988 until 14 February 1990. That's the evidence that we have received so far?---Mm'hm.

10

Having heard those dates put to you, does that assist you at all in trying to remember when you started with the department and whether or not Mr Coyne was the manager when you started?

---I definitely wouldn't have started in February because I was overseas.

That's February of 1990?---Yes.

So what is your best recollection of when you started in 1990? Is it as per paragraph 4?---Yes, because I was overseas until the start of May in 1990.

20

All right. Now, we also have received documents in evidence which suggest that a man called Mr Heiner conducted an inquiry at the John Oxley Youth Centre or into the John Oxley Youth Centre in the period between November 1989 and January of 1990?---Mm'hm.

Can we take it that if you didn't begin work at the John Oxley Youth Centre until June or July of 1990, you did not speak with or have anything to do with a man called Mr Heiner or anyone connected with an inquiry?---No, I didn't; no.

30

Prior to June or July of 1990 you said - well, sorry, you said that in February 1990 you were overseas?---Yes.

When did you come back from overseas in 1990 prior to starting work at John Oxley?---My recollection is the start of May because I was playing basketball overseas and we finished at the end of April so that's a rough timeline.

So perhaps until the end of April 1990 you were out of the country?---Yes.

40

Do you recall when you left the country on that trip, what month or what year?---To go?

Yes?---That was in 89. It would've been September or October.

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Of 1989?---Yes.

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And you remained out of the country until April of 1989 - April of 1990, rather?---Yes.

Okay. I have no further questions of this witness. Now, none of those with authority to appear have in writing indicated to me that they wish to cross-examine the witness or cross-examine her so I don't know whether the position is that none of them in fact do. Perhaps certain inquiry needs to be made with them all now?

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COMMISSIONER: Mr Hanger?

MR HANGER: May I suggest that in this section of the inquiry since there are contradictor service people that my friend cross-examine, if at all, first before I do?

COMMISSIONER: Yes, sure, but do you want to? You have got questions?

MR HANGER: No.

COMMISSIONER: No, okay. Mr Bosscher?

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MR BOSSCHER: Commissioner, I haven't indicated to my friend any of the witnesses I wish to cross-examine today. There are three of the number on the list for today, but this is not one of them.

COMMISSIONER: Okay, thank you. Mr Harris?

MR HARRIS: We do not wish to cross-examine, your Honour.

COMMISSIONER: Mr Copley?

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MR COPLEY: What remains to be done in each case - and I would be grateful if everybody assisted me in reminding me - is to consider the extent to which exhibit 33 will be published, but that doesn't concern the witness, in my submission, and I would ask that she be excused now from further attendance.

COMMISSIONER: Yes.

Ms Marshall, thank you for your attendance. You are excused and released from the obligations of your summons? ---Thank you.

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WITNESS WITHDREW

MR COPLEY: So the question we now need to consider is to what extent this exhibit will be published. In my submission, leaving aside paragraph 13, there's no reason why the other paragraphs in their totality cannot be published. So far as paragraph 13 is concerned I would

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submit to you that at least the nickname which is in
inverted commas and which begins with B in two places in
paragraph 13 - consideration should be given to obscuring
that name from the exhibit when it is published.

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COMMISSIONER: What about the one beginning with S?

MR COPLEY: In relation to that, my understanding is that
Mr Harris is representing that person's interests and I
would prefer to leave that as a matter for him. If he
wishes for that name to remain in it, then I will have no
submission to the contrary. If he wishes for that name to
be obscured, then I would not demur from that submission
from him.

10

COMMISSIONER: All right. I will deal with B first. Does
anyone want to be heard in opposition to Mr Copley's
submission?

MR HANGER: I think I would support it.

COMMISSIONER: It is supported by Mr Hanger.

MR: Nothing, commissioner.

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MR HARRIS: I would support Mr Copley's submission. With
respect to the letter S, your Honour, that's already public
knowledge.

COMMISSIONER: Yes.

MR HARRIS: It's been made public on many occasions.

COMMISSIONER: Yes, and it gives it some context.

MR HARRIS: Yes.

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COMMISSIONER: All right. I will order that exhibit 33 be
published except to the extent that the nickname in
inverted commas commencing with B that appears twice in
paragraph 13 be not published. Yes, Mr Hanger?

MR HANGER: Could we give that person a letter like B
because I think some people will appear in several places,
so could that person henceforth be known as B?

COMMISSIONER: Okay.

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MR COPLEY: No, because his name is not B. That's his
nickname.

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COMMISSIONER: Right. 1

MR COPLEY: And he'll be known in other places by his proper name. So the position is this - - -

COMMISSIONER: We just leave it.

MR COPLEY: We just leave it alone.

COMMISSIONER: Yes.

MR COPLEY: Because Mr Harris knows who he is. 10

COMMISSIONER: Yes.

MR COPLEY: Mr Hanger knows who he is - - -

COMMISSIONER: And they know his real name?

MR COPLEY: Yes, they should do. I know who he is.

COMMISSIONER: Right.

MR COPLEY: And I anticipate evidence is going to be placed before you at some point that the allegations concerning him were properly - well, were investigated and ultimately no prosecution proceeded. 20

COMMISSIONER: Right.

MR COPLEY: So that is really - it's really with that knowledge in mind that I've made the submission that I've made; that no prosecution ever resulted, the person's name should be obliterated from publication.

COMMISSIONER: So his actual name and his nickname. 30

MR COPLEY: That's right.

COMMISSIONER: Yes, all right. We'll leave it at that for the moment.

MR HANGER: I accept that.

COMMISSIONER: Thanks, Mr Hanger.

MR HANGER: Thank you. 40

COMMISSIONER: Next witness, Mr Copley.

MR COPLEY: Mr Commissioner, I call Narend Chand Nath.

NATH, NAREND CHAND affirmed:

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ASSOCIATE: For recording purposes please state your full name and your occupation?---Narend Nath, business owner.

MR COPLEY: Mr Commissioner, may Mr Nath be provided with exhibit 37.

Your name is Narend Chand Nath?---That's correct.

All right. Mr Nath, would you have a look at the document that Mr Blumke handed you, which is exhibit 37; turn over each page of it, please, to ascertain whether or not it is a statement that you provided to a Detective Pierra on 22 October 2012?---Yes, this is the document, thank you.

10

Thank you. All right, we'll leave that with you for the moment. Mr Nath, in paragraph 2 of your statement you state that you commenced employment with the department around about the middle of 1989?---That's correct.

When you commenced your employment were you employed at the John Oxley Youth Centre?---Yes, that's correct.

20

All right. And Mr Coyne was the manager of the centre at the time you started?---Yes, that's correct.

Okay. Now, in paragraph 10 of your statement, if you'd care to turn to that, on page 3, you state there that you have a limited recollection about an inquiry occurring in relation to the John Oxley Youth Centre and you assert in that paragraph that you were not asked to be a part of the inquiry and you did not make any attempt to be involved in it in any way?---Yes, that's correct.

Is that the fact the truth?---That's the truth.

30

Right. You assert in paragraph 11 that you've never met any man by the name of Noel Heiner and you were never approached to provide any statement, either verbally or in writing, to any inquiry?---Yes, that's correct.

That is in fact the truth?---That's the truth.

Yes. In paragraph 10 you proffer what might be an opinion or it might in fact be something that you've got direct knowledge of. You assert that, "The inquiry involved mainly ex-Wilson youth detention centre staff and not newcomers like me to the centre"?---Yes, there was a situation like that.

40

Yes. Are you able to elaborate on your understanding of that in terms of your assertion that the inquiry seemed to involve ex-workers from the Wilson Youth Centre as opposed to people that were simply employed at John Oxley for the

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NATH, N.C. XN

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first time?---Yes, because it appears that there were two groups and the group I joined where the - a youth worker is from John Oxley Youth Centre, and they were more close together as a close-knit group and the group from Wilson Youth Centre.

1

All right. And so was there a division or tension between the staff and come from Wilson in their dealings with the staff he simply had come on board at JOYC, or is that putting it too highly?---There was a belief that the Wilson staff were more experienced and the John Oxley Youth Centre staff were new to the system so we were always dependent on advice from - we had to seek advice from them and they were more, you know, senior to us.

10

I see. No further questions, thank you, Mr Commissioner.

MR BOSSCHER: I have no questions for this witness, thank you, Mr Commissioner.

COMMISSIONER: Thank you. Mr Harris.

MR HARRIS: I have no questions, Mr Commissioner.

20

COMMISSIONER: Mr Hanger.

MR HANGER: No questions.

COMMISSIONER: Mr Copley.

MR COPLEY: No re-examination. May the witness be excused now?

COMMISSIONER: Yes. Mr Nath, thank you for coming. You're excused and released from the obligations of your summons?---Thank you.

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WITNESS WITHDREW

MR COPLEY: The only thing that we now need to consider is the extent to which publication of exhibit 37 is to occur. My submission is that apart from the contents of paragraph 17 of Mr Nath's statement, there is no difficulty in any of the other paragraphs being published. In connection with paragraph 17 my submission is that the two Christian names of a male person and the surname associated with one of those Christian names where the question than first appears it should be obscured when the statement is published for the reasons that I advanced in connection with the other name in the exhibit concerning Ms Marshall.

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COMMISSIONER: All right, thank you. I'll hear from the others. Anyone argue to the contrary?

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MR HANGER: That's paragraph 16? Well, there is evidence that the person, when she was released, was an adult, so - - -

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COMMISSIONER: But - - -

MR HANGER: - - - I don't have a submission to be made about paragraph 16.

COMMISSIONER: All right. I propose to delete her name anyway unless someone wants to argue against that. All right, I'll order that - - -

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MR HANGER: Should we not hear from the others?

COMMISSIONER: I assumed that - - -

MR HARRIS: No objection.

COMMISSIONER: - - - silence was consent. Mr Bosscher?

MR BOSSCHER: Nothing, thank you, Commissioner.

COMMISSIONER: Okay. If I proceed prematurely to be making an order and you want to be heard and convince me to change my mind, then don't hesitate. All right, I'll direct that Exhibit 37 be published except that in respect of paragraph 16, the name appearing on the first line in the first sentence be not published; and likewise with respect to paragraph 17, the names mentioned in the third and fourth lines not be published. Yes, Ms to Copley.

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MR COPLEY: Mr Commissioner, I called Janice Grace Cosgrove.

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COSGROVE, JANICE GRACE sworn:

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ASSOCIATE: For recording purposes, please state your full name and your occupation?---Janice Grace Cosgrave, I'm an office manager for (indistinct)

MR COPLEY: Could Ms Cosgrave be shown exhibit 12, please.

Ms Cosgrave, I just want you to look through that document, check each page to see if it bears a signature which is your signature and when you've turned to the last page, let us know whether you can confirm whether or not that is your statement?---Yes, it is my statement.

10

It's a statement that you signed on 5 September 2012?

---Yes, it is.

In late 1989 after you had retired or resigned from the Department of Family Services somebody contacted you and asked you to come in and provide administrative support to a retired magistrate Mr Heiner?---Yes.

You agreed to perform that role?---Yes.

20

As time went on you understood that he was conducting an investigation on behalf of somebody into activity at the John Oxley Youth Centre?---Yes.

You were also involved with a lady called Barbara Flynn?

---Yes.

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COSGROVE, J.G. XN

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Is it the case that you accompanied Mr Heiner to the John Oxley Youth Centre?---I have a very vague memory of the whole thing, but no, I'm fairly certain I drove my car there and met him there each day, yes.

1

All right. So you would make your own way to the centre?---Yes.

And take up with him at the centre?---Yes.

All right, and did you ever go to the centre to visit it without that visit coinciding with Mr Heiner's arrival at the centre for activities you were involved in together?---Well, I worked at the Department of Children's Services for a long time and I did visit there on a couple of occasions throughout my career.

10

Okay, well, perhaps that's my fault. I should be more specific?---During that inquiry?

Well, after you started working with Mr Heiner did you ever go out to the John Oxley Youth Centre for reasons connected with the Heiner inquiry that did not involve Mr Heiner also attending the centre on the same occasion as you?---I don't remember, I'm sorry.

20

Do you recall how many times during the course of working with Mr Heiner that you met him out at the centre?---No.

When you and Mr Heiner went to the centre, or arrived at the centre, what did you do there?---I'm pretty sure that I just set up the tape-recordings for him to interview people. I didn't have anything to do with the interviews.

All right?---I was just there as an administrative support in case he needed me.

30

When you say you didn't have anything to do with the interviews, were you present when he conducted interviews?---No.

Would you leave the centre or simply go somewhere else in the centre while he was conducting interviews?---Just went somewhere else, yes.

Was there anyone else present, as far as you knew, when Mr Heiner conducted an interview?---I don't remember. Barbara may have. Barbary Flynn may have, but I don't really remember.

40

All right. Did you have any role to perform after interviews had ended?---I'm pretty sure I did, but it's only a vague memory. I'm pretty sure that I went to his office afterwards to help with something, but I don't have a great memory of that. It could have been another time.

Well, as the administrative support officer did you ever hear what was contained on tapes?---I would have done but I don't remember it at all.

1

When you say you would have done, why do you say that you would have done?---Well, I'm just assuming that I would have transcribed some of those tapes.

Okay, so does that mean to say that you produced a written or a typewritten transcript of what you heard on the tapes?---I'm assuming so, but I don't remember precisely if that was - - -

10

Do you have any recollection of the name of any person whose tape you transcribed?---No.

Do you have any recollection of the content at all of what it was that you were transcribing?---Well, I knew it was to do with child protection and how they looked after some of the children at the centre.

COMMISSIONER: Were you the only one who had the job of transcribing the tapes?---Beg your pardon?

20

Were you the only who transcribed the tapes?---I don't know. I think he used his staff after a while, but I don't remember.

MR COPLEY: Were the tapes simply cassette tapes?---I think so.

C45 or C90 cassette tapes, were they?---Yes, the little ones, I think.

Microtapes?---I think so. I don't really remember.

30

All right. In paragraph 12 of your statement, if you would go to that, so it's on the second-last page, 3 of 4?---Yes.

Do you see there in the last sentence you state, "I don't recall if allegations of sexual abuse were raised or not"? ---No, I don't.

So that is in fact your truthful recollection now, that you simply don't recall one way or the other whether such allegations were raised or not?---No, I don't.

Okay?---It was part of my normal daily work when I worked for the director-general and with the department, so I don't remember.

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The director-general that you worked for, was that Mr Pettigrew, was it?---Yes.

Now, I just want to show you a document which has been made an exhibit in this proceeding - so we won't show her

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copies, we'll show her the actual one. Could the witness be shown exhibit 88, please, which is a one-page document, typewritten?

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COMMISSIONER: While that's being retrieved, could you tell me, was there a separate cassette tape for each interview?---I don't recall, I'm sorry.

Do you know if you put in a new tape every time - into the machine every time you - - -?---I don't recall.

MR COPLEY: All right. Could the witness see exhibit 88, please? Now, just take as long as you want to read that through, okay. We'll wait while you read it. You're not in any rush, okay? Just let me know when you're ready? Have you had enough time to read that document?---Yes.

10

Do you recall ever seeing that document before today?---No, not really.

Does the style of typing on the document, the way it's set out, look in any way familiar to you?---I don't think so, no.

20

There's nothing peculiar about it that helps you be able to identify, for example, who might have typed it?---No.

Okay. All right, well, we'll have exhibit 88 back, thank you. Now, I'll just have you provided with exhibits 72B through to, I think it may be 72J. I'll just check that. Is that correct? Yes, 72B through to 72J, please, Mr Commissioner.

COMMISSIONER: Yes.

MR COPLEY: If they could be given to the witness. Now, each one of those documents is in a separate plastic sleeve and they are statements that have been made years ago by the people - some - in most cases the person who made the statement is identified at the start or end of the document.

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40

If you go to the one which would be first in your pile, which is 72B, do you agree that it's a typewritten document that's got 3 October 1989 on it? All right. If you were to pull it out of the plastic sleeve for a moment, you'll see at the end of that it has the name Daniel F Lannen on it?---Yes.

1

Have you ever seen that document before?---No, not that I remember. Not that I recall.

Okay. All right. Give 72B to Mr Blumke. If you go to the next one, which is 72C, which has the address of the Harland Road, Woodend, at the top left-hand corner, and at the bottom it has what is left of the name David Smith. Have you ever seen that document before?---I don't remember.

10

Okay, thank you. We'll have that returned. The next document is a handwritten statement in handwriting and it says at the top, "Statement by Mariana Pearce?---Yes.

Okay. And it's four pages long. If you wish you can take it out of the sleeve to look at all of it, but the question is the same again, have you ever seen that document before?---Not that I recall, no.

20

Did you have a recollection of having seen that before?---No.

No. Okay, thank you. That can be returned. I'll get you now to look at Exhibit 72E bears the name Lorraine McGregor of Willow Street, Woodbridge, at the top of it. And you'll see that that's a handwritten statement that four pages long. Do you have a recollection of ever having seen that document before?---No.

30

Okay. Thank you. The next document is 72F, which is headed Affidavit, apparently made by a Brendon Shaun Collins, one-page long. If you recall if you've ever seen that before?---No, not that I remember.

Thank you. The next document, 72G, is a handwritten document which bears a signature at the bottom, Peter McNevin. Do you recall if you've ever seen that before?---I don't recall, no.

Thank you. The next document is a one-page handwritten document with a date at the top, 3/10/1989, then down the bottom it is signed, "Yours sincerely, 'very concerned'." Do you recall ever seen that document before?---No.

40

Thank you. The next document, 72I, is a handwritten document, quite some pages long, but it begins, "To him it may concern." Have you got that one?---Yes.

All right. And it is signed at the end of the last page,

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Lex Clemments?---Yes.

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Have you ever seen that document or do you have a recollection of having ever seen that document before?---I don't recall, no.

Thank you. The next document I wish to show you is 72J, which is dated 3 October 1989 and it starts, "Mr Pettigrew," do you see that, handwritten?---Yes.

And if you go to the end of that you will see that it is signed, "Yours faithfully, Sabina Konicanin." Do you have a recollection of ever seeing that document before?---No.

10

All right, thank you?---I retired from working for Mr Pettigrew in 87.

Yes, I know, it's in your statement. But I'm just asking you about some documents that - - -?---Yes, no.

- - - other evidence would suggest had been provided to Mr Heiner to see whether or not you can confirm that or whether you can cast any light upon that idea?---Yes, no.

20

Okay. One other question I wanted to ask you was although you set up tape recorders for Mr Heiner at the John Oxley Centre to conduct interviews, do you recall whether or not you ever had to set up a tape recording arrangement for Mr Heiner in the city during the course of this investigation?---I think I did, at I don't really have a memory of it. I don't know, it could be a dream.

All right?---I don't recall it that well, no.

Okay?---I think I did.

30

All right. Now I'm going to get you to have a look at a document which is Exhibit 114, a two-page typed document by Mr Geoff Loof. Whilst that's being located for you, this is not a document that you made, but it's a document that speaks about something that you apparently did. You'll see that it is headed John Oxley Inquiry at the top, and then it says, "Information supplied to magistrate by personnel services," and then in paragraph 1 it says, "In November 1989 Jan Cosgrove requested a list of former officers and addresses who worked at John Oxley and subsequently resigned over the past three(?) years. Do you see that assertion there?---Yes.

40

Do you recall making such a request?---No, I don't recall.

But you wouldn't dispute that you did?---?---No.

If someone said you did, would you dispute it?---No.

Okay. A little further down it says, "Jan Cosgrove said

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that they would be writing to these people." I take it you have no recollection of having said that to anyone?---No. 1

But again, if that was asserted about you would you necessarily disputed?---No.

Okay.

COMMISSIONER: Was a consistent with the sort of thing he would have done in your job?---It seems logical, yes.

MR COPLEY: Then in paragraph 2 it says that on 22 November 1989 - and I'm not expecting you to remember the date - but, on that date, "Jan Cosgrove said that the magistrate wanted personal files for McNevin, McGregor, Pearce and Lannen." Do you recall ever asking someone for personal files on behalf of Mr Heiner?---I do recall asking the manager for files, yes. 10

Okay. And the manager was?---John Coyne, was it?

Peter Coyne?---Peter Coyne, that's it, yes.

Okay. All right, thank you. And in paragraph 3 it is said that, "On 17 January 1990 Jan Cosgrove requested the number of officers who had resigned from John Oxley during that time Terry McDermott and Peter Coyne were managers." Do you recall making that inquiry about how many had resigned under which person's regime?---No, I don't recall. 20

You don't dispute that you may have made that inquiry on behalf of Mr Heiner?---I probably - yes, he would have asked me to do - - -

Is it consistent with the type of things you might have been asked to do by him?---Yes. 30

Okay. Thank you, that can be returned. Did you make copies of the tapes that you were given by Mr Heiner?---No.

Did you - when you finish with Mr Heiner under a temporary appointment basis - take away with you, take home with you, or go and put in some private place any material that this time gave you?---No.

Sorry?---No.

Okay. No further questions. 40

COMMISSIONER: Thanks, Mr Copley.

Where did you store the tapes after you transcribed them? ---I don't know, I'm sorry.

There was no system in place for storage that you can remember?---No, I don't recall.

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Who did you refer to it if you wanted to know what needed to be done next or - - - ?---To Mr Heiner.

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Mr Heiner directly?---Yes.

Okay. Mr Bosscher?

MR BOSSCHER: I do have some questions, Commissioner.

Good morning - is it Mrs Cosgrove?---Yes.

Good morning, Mrs Cosgrove. You've been asked a number of questions about events that occurred a very long time ago and it is clear that you're doing your best to recall the events as they unfolded. To assist you with that, a statement was taken some months ago by investigating police. Do you recall that process?---Yes.

10

And in that statement I take it you put down there your best recollection as you had it at the time?---Yes.

I'm going to ask is questions about your statement. Can you give me okay?---Yes.

20

I feel like I'm yelling?---I wear hearing aids, but yes, I'm reading your lips, it's okay.

If I ask you something and you don't hear me properly, please ask me to repeat it?---Yes.

And if I ask you something you don't understand, please ask me to rephrase it for you. At paragraph 3 of your statement, the last sentence, you say, "I'm not sure what the inquiry was about, but I think the security guards were complaining about the kids not being treated properly"? ---Yes.

30

So as at the time you made your statement that was your best recollection of what Ms Heine was investigating? ---Yes.

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Yes?---Yes, I don't - I didn't - at the time of them coming
I didn't really have any - my life has moved on a lot in
25 years. 1

I can appreciate that, but that's your best recollection
now of what it was about?---Yes.

Because further on in your statement you say you were taken
on a tour through the John Oxley Youth Detention Centre?
---Yes.

When you say "you", was it yourself and Mr Heiner?---Yes. 10
I think Barbara may have been with us as well, but I don't
remember.

And Barbara Flynn?---And Barbara Flynn, yes.

Certainly you and Mr Heiner were present?---Yes.

And maybe Barbara?---Maybe.

Yes, and one of the things you were shown during the course
of that tour was a place where one of the detainees or
inmates had been handcuffed?---Yes, the tennis court or 20
something; yes.

That was pointed out to you by the person conducting the
tour?---Yes.

Do you remember who it was that took you round?---No.

It was one of the staff members from John Oxley?---Yes.

Now, as I understand it from reading your statement and
other things I've had the benefit of reading, there were a
number of interviews conducted with staff at the actual 30
centre itself?
---Yes.

But you didn't sit in during the course of those
interviews?---No.

But you do recall that you probably set up a tape-recorder?
---Yes.

Yes. You need to answer for the record because we're
recording it, so he can't see you nodding. You didn't sit
in on any of those interviews yourself?---No. 40

Mr Heiner also had an office, as I understand it, in George
Street?---Was it George Street? I didn't even remember
where it was.

Could it have been the Family Court - sorry, the Children's
Court, the office in the Children's Court?---It could have
been, but I don't recall.

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COSGROVE, J.G. XXN

But you have been there, obviously?---Yes, I'm fairly certain I did. After we were at John Oxley then we went to - the situation out there wasn't very friendly so we went to his office, I think.

1

Do you now recollect whether or not any interviews were conducted at his office?---I think that they were continued there.

Would there be any reason that you can think of now, or recollect now, as to why it wouldn't have taken the same process of you setting up a tape-recorder so that they could be recorded?---I think, if I remember correctly, that I wasn't actually doing very much. I was getting paid a lot of money to sit there and be at his beck and call and he didn't require me so much, so they just said, "Look" - you know, I had a baby at home, so I was keen to get home.

10

So when he was conducting interviews at his office, wherever that might have been in the city, you can't recall now whether or not you set tapes up for him?---No, I don't recall.

Do you recall - well, you do recall transcribing some of the interviews?---Yes.

20

But it's fair to say you don't recall whether you transcribed all of them?---No, I don't think I did, but I'm not certain.

I think as you said previously, Mr Heiner had other staff that he could call upon for that type of assistance?---Yes, I think he did.

COMMISSIONER: Do you remember anyone in particular?---No.

30

A name or - - -?---No. I'm sorry, no.

What makes you think that he had other staff to transcribe? ---I don't know. I just seem to recall that, although he was retired, wasn't he? I don't know.

MR BOSSCHER: But that's your best recollection now as you sit here today?---Yes.

Nobody is going to hold you overly accountable. You're using your best - the best of your memory?---That's the best I can remember.

40

The best of your memory is that there were other people available to Mr Heiner to assist him and possibly to transcribe his tapes?---Yes, unless he was just going to hand the tapes in to the department and they were going to type them in there. I don't remember.

COMMISSIONER: Could I just ask you, do you actually have

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COSGROVE, J.G. XXN

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a memory of it or are you just - well, do you know the difference between - - -?---I have a very vague memory. 1

- - - thinking, believing. Do you know the difference between a belief and a memory of an event?---Yes.

Okay, what have you got?---I just - I have a very vague recollection of the whole thing, and as you talk I probably remember a little bit more.

All right. Now, do you actually remember, have a memory of other people transcribing other than yourself?---No. 10

But you believe on some grounds you can't identify that there were?---Yes.

Thank you.

MR BOSSCHER: Do you recall if Mr Heiner conducted any interviews in any other locations other than his office and/or the John Oxley Youth Detention Centre?---No.

So far as conducting interviews at his office, do you now recall whether Mrs Flynn was present for those interviews?---I don't recall. 20

In your statement at paragraph 8 you indicate that Mr Heiner may have interviewed four or five or maybe five or six people. That's your best recollection now?---Yes. I don't recall.

If I were to suggest to you that the number could have been as high as or in excess of 30 would you disagree with me?---No, I couldn't. I don't know.

So you couldn't disagree with that?---No. 30

COMMISSIONER: Could you agree with it?---I could, yes. I could believe it, but I don't recall it.

You believe it's possible, but do you know? You've said five or six. What makes you pick those numbers rather than 30?---I just don't have a recollection of there being very many interviews.

So that if we are asking you about your memory, your memory would be that it didn't seem to you to be as many as 30, more like five or six. Is that right?---That's right. 40

But if somebody else was to say there were 30 you couldn't argue with them because your memory was that it was five or six but it might have been more?---Yes.

MR BOSSCHER: Thank you, commissioner.

Now, you say in your statement that you used to work for a 4/12/12 COSGROVE, J.G. XXN

gentleman called Cole Thatcher. What was his role in the department?---I worked for him when he was the deputy director of Children's Services and then he was - I was promoted to work for the director-general and then he became the deputy director-general.

1

You also indicated, I think, in your evidence, that the child protection and issues of potential child sexual abuse were something that he dealt with relatively regularly? ---Yes, well, when I worked for Cole, which was for the major part of my career, he was extremely interested in child protection and actually travelled to the States and sat through a whole heap of - a whole conference over there and he brought back hundreds and hundreds of tapes that I had to try and transcribe about sexual abuse.

10

You're being very careful in your statement, for which I'm sure the commission is grateful, because you say because of that work that you did for Mr Thatcher you want to be very careful in saying that you don't now recall specifically whether or not there was any child sexual abuse allegations in the material you transcribed for Mr Heiner?---No.

I think the position you adopt, or putting it at its highest, is that there may have been but you can't now recall?---Yes.

20

You certainly wouldn't say that there wasn't?---No, I wouldn't say there wasn't.

Now, just to conclude, Mrs Cosgrove, you indicated that some weeks after Mr Heiner had started his work you received a telephone call informing you that the inquiry had completed, or been terminated?---Sorry, what was that?

I'll put it to you. Paragraph 14, "At some stage about two or three weeks after I started working with Mr Heiner I received a phone call advising me the inquiry had been stopped." That's right?---Yes.

30

At the time that happened were there still tapes to be transcribed, do you recall?---Yes.

Do you recall how many?---No.

Did you have a process in place when you transcribed a tape for Mr Heiner - obviously you would give him a copy of the transcript, I presume?---Yes, I assume.

40

Do you recall whether any other copies were made, copies for a file, copies to be sent to the department, et cetera?---I don't recall any other - - -

And once you had made a transcript, would you simply pass it on to Mr Heiner?---Yes.

1

You spoke about a woman called Barbara Flynn who was present at some interviews?---I believe she was, yes.

Is she somebody you have maintained a relationship with subsequent to this time?---Well, no, but she was at - she worked for the Department of Children's Services the whole time that I was there and then was heavily involved in working for the Children's Court for many years so I think that's why she was asked, but, no, we were just - we just knew of each other. We weren't friends.

10

You haven't spoken to her in the last six months or so? ---No.

Thank you, Commissioner.

COMMISSIONER: Thanks, Mr Bosscher. Mr Harris?

MR HARRIS: No questions, commissioner.

COMMISSIONER: Mr Hanger?

20

MR HANGER: No questions.

COMMISSIONER: Mr Copley?

MR COPLEY: When did you last speak to Barbara Flynn? ---Probably at the Heiner inquiry; at that inquiry, yes.

Okay, thank you. May the witness be excused?

COMMISSIONER: Yes, certainly.

30

Ms Cosgrove, you're excused with the commission's thanks and you're released from the obligations of your summons. Thank you?---Thank you.

WITNESS WITHDREW

MR COPLEY: In my submission, there's no reason why the entirety of Mrs Cosgrove's statement can't be published.

COMMISSIONER: Anyone want to be heard to the contrary? Exhibit 12 will be published in its entirety.

40

MR COPLEY: Thank you. I call Lorraine Margaret Logan. For your benefit, Mr Commissioner, that's exhibit 32.

COMMISSIONER: Thank you.

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COSGROVE, J.G. XXN
COSGROVE, J.G. REXN

LOGAN, LORRAINE MARGARET sworn:

1

ASSOCIATE: For recording purposes, please state your full name and your occupation?---Lorraine Margaret Logan, disability carer and support.

MR COPLEY: Could Ms Logan be shown exhibit 32, please?

Ms Logan, if you could turn through each page of that document and when you get to the end of it, the question that I would to know is whether or not that is a statement that you signed on 31 October 2012?---Yes, that's correct.

10

Thank you. Now, you state at paragraph 5 of that statement that when you began work at the John Oxley Youth Centre, Peter Coyne was the manager of the centre?---Yes, he was.

Do you recall what year and, if so, what month of what year you started work at John Oxley?---1989, and I don't really recall the month that I started.

All right, thank you. If you go to paragraph 13 of your statement, you state in the second sentence that you "did not give evidence at this inquiry"?---That's correct.

20

And the reference to "this inquiry" is a reference to an inquiry that you nominated earlier in the statement that became known as the Heiner inquiry?---That's correct.

Is it in fact the truth that you did not give any evidence to the Heiner inquiry?---That's correct, I didn't give any evidence at all.

So you gave no oral evidence to Mr Heiner?---No.

Did you submit any documents in writing?---No.

30

Any written documents to Mr Heiner?---No.

Or to anyone associated with Mr Heiner?---No.

Okay, but you recall someone asking you at some stage back then to write down your thoughts about Peter Coyne. Is that the case?---That's correct, yes.

Do you recall who it was who asked you to do that?---No, I'm sorry, I don't.

40

Was that request made of you before the Heiner inquiry, at the time of it or after it?---I'm sorry, I don't really remember.

Okay, but whenever it was made, you declined to write down anything at all?---Yes, I didn't feel I had anything to offer of any use.

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LOGAN, L.M. XN

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Thank you. In paragraph 15 you state that at this time you remember being approached by someone at JOYC. You cannot remember who that person was but it was someone in one of the groups involved in discontented JOYC?---Yes.

1

So you mean to convey by that that the person who approached you was an employee of the John Oxley Centre?
---Yes.

Okay; and this person asked you some questions about Peter Coyne?---Yes.

10

Are you able to describe in general detail who these groups were that were discontented?---No, it's a long time ago and I wasn't in the mainstream of what was happening in the centre. My office was, like, a little more detached, I guess you'd call it.

Yes?---I was aware that things were happening, that things were going on, but, no, I wasn't privy to the detail.

Okay?---Only just by rumour and talk amongst staff.

20

Were you working in the administration area or something?
---No.

No. Where did you work?---I was housekeeper and that was - my office was right next door to the kitchen.

Right. No further questions, thank you.

COMMISSIONER: Thank you. Mr Bosscher?

MR BOSSCHER: I have no questions for this witness,
thank you.

30

COMMISSIONER: Mr Harris?

MR HARRIS: I have no questions for the witness.

MR HANGER: Do you remember if you were a member of a union at the time?---I would have to say I don't think so, but, no, I don't remember that I was; no.

Thank you.

COMMISSIONER: Mr Copley?

40

MR COPLEY: No re-examination. May the witness be excused.

COMMISSIONER: Yes.

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LOGAN, L.M. XXN
LOGAN, L.M. REXN

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Ms Logan, you're excused and released from the obligations of your summons. Thank you for your attendance?
---Thank you.

1

WITNESS WITHDREW

MR COPLEY: Turning to the question of the publication of exhibit 32, apart from the name beginning with B in paragraph 18 of Ms Logan's statement I contend that the balance of the statement can be published.

10

COMMISSIONER: What about 17?

MR COPLEY: My position about paragraph 17 is as it was earlier, but I understand my learned friend might wish to make - my learned friend Mr Hanger might have a different submission.

MR HANGER: Yes, I do.

MR COPLEY: If he wishes to advance it to oppose publication of something there, I don't oppose it but I'm not advocating for that obliteration.

20

COMMISSIONER: All right, thank you. Mr Hanger?

MR HANGER: Yes, I don't think 17 should be published.

MR COPLEY: Do you mean 17 or the name?

MR HANGER: The names in 17.

COMMISSIONER: Do you want to be heard, Mr Copley? You don't want to oppose it. Look, I think out of an abundance of caution I will order the names not be published in paragraphs 17 and 18.

30

MR COPLEY: Very well.

COMMISSIONER: Thank you. Did anyone want to argue either way?

MR HARRIS: No, your Honour.

MR COPLEY: Would this be a convenient time just to have a brief morning tea adjournment?

40

COMMISSIONER: Yes, sure.

MR COPLEY: Thank you.

COMMISSIONER: 15 minutes.

THE COMMISSION ADJOURNED AT 11.02 AM

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THE COMMISSION RESUMED AT 11.19 AM

1

COMMISSIONER: Mr Copley?

MR COPLEY: Commissioner, I call Eileen Elizabeth Bisby.

BISBY, EILLEN ELIZABETH sworn:

MR COPLEY: Ms Bisby, could I get you to have a look at exhibit 6, please, and I'll just ask you to peruse that document, check the signatures at the bottom of the page and let me know when you've got to the end of it whether it is indeed your statement?---It is my statement, but there's - just in regard to nine - - -

10

Paragraph 9?---Paragraph 9.

Yes, what would you like to say?---At the end there I - with Peter Coyne, I said, "I remember I could always talk to Theresa and I believe if I was involved I could - I resolved this issue better than Peter Coyne and she wouldn't have been handcuffed at all."

20

Yes?---I would just say there's other people that would have been able to speak to Theresa too.

Okay?---I just thought - it wasn't just myself.

Right, so one could notionally amend that statement to say, "I remember that I was one of a number of people that would always have been able to have spoken with Theresa and if one of us had been involved we could have resolved the issue better than Peter Coyne and she wouldn't have been handcuffed at all"?---Well - - -

30

Is that a fair summation of what you're trying to say to me?

---Well, that's what I'm trying to say, but at this - even now, we still handcuff kids.

Right?---But the way she was handcuffed, of some area that - that I didn't agree with.

Sorry, someone coughed and I didn't hear you. You said the way she was handcuffed?---The area that she was handcuffed to, and I wasn't - I wasn't in full agreement to that at all.

40

Right, and you mentioned, "We still handcuff kids"?---We do.

You're currently still employed in youth detention?---I'm still employed, that's right, yes.

Okay, thank you. Now, you commenced your work with what

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BISBY, E.E. XN

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was then called the Department of Communities in about 1982. Is that correct?---That's correct. 1

You've worked there ever since?---Yes.

You worked at the John Oxley Youth Centre from September 1987 until some time past 1995?---That's correct.

Do you recall an investigation being conducted at the John Oxley Youth Centre by a man called Mr Heiner?---I was asked that question. I can remember it, because - but I wasn't involved in it, because they asked the question was I interviewed, but I wasn't interviewed because I had to go over to Sir Leslie Wilson Youth Centre. A chap that I knew was retiring, so I never was interviewed there. 10

So you were never interviewed by Mr Heiner?---No. Not that I can recall, no.

Were you ever interviewed by any person who purported to be at acting on his behalf?---I can't remember and I don't think so. I think I would have remembered.

If you could just keep your voice up a little bit?---I think I would have remembered, but I don't think so. 20

All right. Did you ever give a statement in writing to anyone that was meant to - was destined or intended to go to Mr Heiner?---I can't remember.

Okay?---I don't think so.

No further questions, thank you.

COMMISSIONER: Thank you. Mr Bosscher? 30

MR BOSSCHER: I have nothing for this witness, thank you, commissioner.

COMMISSIONER: Thanks. Mr Harris?

MR HARRIS: I have nothing for this witness, your Honour.

COMMISSIONER: Mr Hanger?

MR HANGER: No.

COMMISSIONER: Mr Copley? 40

MR COPLEY: No re-examination. May the witness be excused?

COMMISSIONER: Yes, thanks very much for coming, Ms Bisby. 1
We appreciate your attendance. You're excused from the
obligations of your summons?---Thank you.

WITNESS WITHDREW

MR COPLEY: Now, in connection with this statement there
are a number of paragraphs that may be of interest. I
point out that paragraph 9 mentions the name of a then
female juvenile detainee who was handcuffed. Paragraph 12
refers to someone Mr Harris has an interest in, so he will
make a submission about that, and 13. Paragraph 14 10
concerns people that Mr Hanger has previously made
submissions and representations about.

COMMISSIONER: Consistently with my previous direction, I
propose to direct that the names in paragraph 14 not be
published and that the surname in paragraph 9 not be
published, because we've already mentioned her Christian
name.

MR COPLEY: Right, I understand.

COMMISSIONER: I'll hear from Mr Harris about the other 20
one, but I don't propose to delete anything from
paragraph 12 unless you want me to, Mr Harris.

MR HARRIS: No, your Honour. It's public knowledge.

COMMISSIONER: Yes, okay. I'll make those directions
accordingly.

MR COPLEY: I call Jodie Marie Preston.

PRESTON, JODIE MARIE sworn:

MR COPLEY: Could Ms Preston be shown exhibit 46, please?
Ms Preston, would you look through that document to
ascertain whether or not it is your statement?---Yes, it is
my original statement. 30

You provided that on 24 September 2012 to police?---That's
correct.

Thank you. You commenced work at the John Oxley Youth
Centre in February 1988 and left the John Oxley Youth
Detention Centre in 1994. Is that the case?---That's 40
correct.

So you were employed there during the time of an
investigation conducted by Mr Heiner?---I wasn't aware at
the time, but I believe so now, and I was on leave without
pay for eight months or so when I took a working holiday
during that period.

All right. Do you remember when you had the eight months

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PRESTON, J.M. XN

off without pay?---Yes, it was November 90 to June 91,
because I was able to confirm that through our payroll
records.

1

We have available to us evidence that suggests that
Mr Heiner conducted an investigation between November 1989
and January 1990, so if that's correct you would have been
working at the centre in that time?---That's right.

At paragraph 8 of your statement you state that at no time
were you approached by Mr Heiner or any other person on his
behalf to provide any evidence or details of sexual abuse
alleged to have occurred at the John Oxley Youth Centre.
Is that true?---That is correct.

10

What about the proposition - what about this: were you
ever approached by Mr Heiner or anyone acting on his behalf
to give evidence about anything?---Not whatsoever.

Not at all?---Not at all.

At paragraph 10 you state, "At no time during my period of
employment at John Oxley did I supply any statement or
letter to any person or body about the John Oxley Youth
Centre." Is that true?---Yes, that's true.

20

Thank you. No further questions.

COMMISSIONER: Thank you. Mr Bosscher?

MR BOSSCHER: Nothing for this witness, thank you,
commissioner.

COMMISSIONER: Thank you. Mr Harris?

MR HARRIS: Nothing for the witness.

30

COMMISSIONER: Mr Hanger?

MR HANGER: No questions.

COMMISSIONER: Mr Copley?

MR COPLEY: No re-examination. May the witness be
excused?

COMMISSIONER: Ms Preston, thank you for coming. You're
excused and relieved of the obligations of the summons.
Thank you?---Thank you.

40

WITNESS WITHDREW

MR COPLEY: In connection with exhibit 46 my submission is that it may be published in its entirety. 1

COMMISSIONER: Anyone to the contrary? I order that exhibit 46 be published in full.

MR COPLEY: Mr Commissioner, I call Barbara Joan Flynn.

FLYNN, BARBARA JOAN sworn:

THE ASSOCIATE: For recording purposes please state your full name and your occupation?---My name is Barbara Joan Flynn and I'm a retired person. 10

MR COPLEY: Could Ms Flynn be shown in exhibit 18, please. Are you looking for your glasses?---I am.

I'll wait till you get them?---Thank you.

Ms Flynn, if you would look at the document that's been placed in front of you, which is exhibit 18, I just ask you to turn through that to see whether or not you can confirm that that's a statement that you provided to the police on 10 September 2012?---That is my statement, yes. 20

Thank you. Now, according to your statement you were Mr Heiner's assistant in the investigation that he conducted for Mr Pettigrew - - -?---I was, yes.

- - - at the John Oxley Youth Centre?---I was.

Yes. And Mr Pettigrew ask you to assist Mr Heiner?---He asked me to assist him in terms of helping him understand some of the procedures of the John Oxley Youth Centre.

Yes. And according to your statement you were to an extent reluctant to get involved in the investigation and Mr Heiner. Is that true?---Well, I was. I was a bit worried about it, yes. 30

Why was that?---I think because it was to do with administrative procedures in John Oxley and I just felt that whilst I knew a lot about the John Oxley Centre, I didn't think I was really the one to assist him.

At the time that Mr Pettigrew ask you to assist, where were you working in the department?---I was working in the Children's Court, yes. 40

I see. And had you been there for very long?---I went to the department in 1979.

Okay?---And I worked almost with the Children's Court since that time.

You'd never worked in the field of youth detention?---No.

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FLYNN, B.J. XN

With the department, I mean?---No. My contact with the detention centres was through the serious offenders review panels, which I sat upon.

1

Okay?---We visited those institutions every so often to have a meeting.

All right. Mr Pettigrew sought to persuade you to become involved in assisting Mr Heiner, didn't he?---He did, yes.

And according to your statement Mr Pettigrew told you it was a storm in a teacup - - - ?---He did, yes.

10

- - - that Mr Heiner was to go and investigate?---Yes.

Right, okay. Now, in your statement you tell us at paragraph 9 that the inquiry was conducted - or largely conducted at the actual youth centre, John Oxley Youth Centre?---Yes, in a room at the centre.

Yes. And when you present when Mr Heiner interview people?---Yes.

Was anyone else present besides Mr Heiner, the interviewee and yourself?---Jan Cosgrove, who was taking notes. She was doing the secretarial work.

20

Right. Was she always present or only sometimes present?---No, she was always there.

She was always there. And did Mr Heiner record in some way the interviews?---No.

You don't think so?---Well, I don't remember him with any - I just know officers came voluntarily, spoke to him across the table.

30

Yes. By record, I mean tape record?---Not that I know of.

Okay?---I thought - as I remember, Jan took notes.

All right?---I think she took the notes.

All right, okay?---I don't remember the recording.

Did you play any role in the interviews?---I did. I assist - Mr Heiner would ask me if I wanted to say something, I sometimes ask a question to clarify something that the officer had said.

40

Right. And did everybody to your recollection answer the questions that they were asked?---Well, my understanding was that the questions were asked in clarification of what the officers were telling Mr Heiner - - -

I see?--- - - - about their problem.

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FLYNN, B.J. XN

50

All right. And so did the offices come to him cold? That is to say did they just turn up and telling their story, or did they provide some server written document in advance for him - - -?---No, my understanding was that they came in voluntarily to tell the stories.

1

I understand that, but before they arrived out of their own free will to tell their story, had they submitted something in writing at all?---No, not to my knowledge.

Okay. I'll just get you to have a look at exhibit 72B to 72J. You'll need to probably put your glasses on. I just want you to have a look at each of these letters to see if you have ever seen them before.

10

COMMISSIONER: Ms Flynn, while they're being obtained, what arrangements and who made them, were there for the staff to turn up at a particular time to be questioned by Mr Heiner, do you remember?---I wasn't really - I wasn't party - the day we had the meeting with Mr Heiner and Mr Pettigrew and Mrs Carrick I unfortunately had a very bad bout of vertigo and I was down in the office on the floor. I could not even stand up. And I did not get up to the meeting. They came down to me and I think they just said to me, "Look, it was okay, it was just a storm in a teacup. Don't worry about it." I wasn't worried about it, I just at that time had a series of vertigo attacks over a period of eight years and it would just come on at any time. That's how I remember the first day of the inquiry, the first time they met together at the Children's Court.

20

Right. And what about the staff, when they turned up to be interviewed by Mr Heiner how did they know when and where to go?---Well, I don't know. My understanding was that they came in voluntarily, but how they actually make themselves available, I'm not too sure.

30

Okay?---I know they just came in and told their stories.

40

Where were the interviews conducted again?---They were conducted in a room within the John Oxley Youth Centre.

1

All right. So you obviously went out there for the purposes of seeing people?---Yes, I travelled with Mr Heiner and Jan Cosgrove in his car.

Where did you leave from?---They picked me up at the Children's Court.

MR COPLEY: Just on that point, did Mr Heiner ever conduct any interviews in town here connected with this inquiry? ---Well, not to my knowledge; not to my knowledge.

10

All right. Now, we will have you look at these one by one. We will start with exhibit 72B. That's a typewritten statement. It's headed "3 October 1989". You can take it out of the plastic packet. The question that I want to ask you is: do you have a recollection of ever having seen it before?---No; no.

Does looking at its contents, perhaps a paragraph here or there, assist you in recalling anything?---I have never seen this letter before.

20

Okay?---No.

All right. So that's exhibit 72B for the record?---No, I don't remember seeing that within the context of Mr Heiner.

Now, could you have a look at exhibit 72C which is just a one-page letter so you probably won't need to take it out of the sleeve?---I remember some of the content but I don't - I don't ever remember seeing this letter.

Okay. When you say remember seeing the content - - -? ---Well, I'm just looking here at some of the material in it.

30

Yes. If you can make it referable by reading out the first sentence of a paragraph, which paragraph contains content you have seen before?---Well, I haven't seen it, but I remember the - some of the - it was such a poignant interview with these workers that I remember a lot of what they were very upset about and - - -

What were they very upset about?---They were very upset - now, here's a paragraph here, "He proceeded to carpet myself and my workers. They informed me that this type of treatment was familiar to their experience." The whole interviews, as I remember them, were really these men who had been aggrieved by the actions of the manager towards them and they were very - a lot of them were very upset. They had had no redress anywhere and they thought that they would get it through this inquiry and they never did.

40

All right. We will take that 72C and I will ask you if you could have a look at 72D which is a photocopy of a handwritten letter beginning "Statement by Mariana Pearce". It's a bit hard to read, but I just want to know whether you have a recollection of ever seeing that document before?---No, I haven't seen this document, but I recognise some of the information that was given to us.

1

All right; and are you referring to the information concerning - - -?---Well, I'm referring to, "Peter narrowed his eyes, somewhere glaring and speaking in angry tones, appearing to spit words out and other times his manner was one of ridicule." They were the sorts of - they were the sorts of statements coming out of these words that were there.

10

What, to Mr Heiner?---To Mr Heiner, yes.

All right. We will take back 72D?---But I haven't seen those letters.

No. I will get you to look at 72E which is a handwritten letter apparently from Lorraine McGregor and ask you have seen that before?---No, I haven't seen that before.

20

All right. I will get you to have a look at 72F which is an affidavit from a Brendon Sean Collins and ask you have you seen it before?---No, I haven't seen this; no.

So you just said, "No, I haven't seen this"?---No, I haven't seen this before.

Thank you. All right. Could you have a look at 72G which is from a Peter McNevan?---No, I haven't seen that before.

Thank you. Would you look at 72H which is a document dated 3/10/1989 and signed by someone who wrote their name under the nom de plume of "very concerned"?---I remember the - I remember hearing that within the meeting with Mr Heiner about the - - -

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Hearing what, Ms Flynn?---"I do not support the use of handcuffs as a form of restraint."

I see; so you remember people - - -?---I remember that bit at the time, yes. I remember them saying it. I remember some of the - I remember quite clearly because I was really very concerned about these youth workers. At the time they were - these were men who were totally upset about what was going on and it was very, very hard to sit and listen to them because they - they showed a lot of emotion when Mr Heiner was talking to them.

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Did you find that - were you embarrassed for them that they were so emotionally?---I wasn't embarrassed. I was upset. I found it - I was very, very concerned for them because of

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the way in which they described their treatment by the manager. 1

All right. Could you have a look at now the next letter 72I which is a longish one which has been handwritten by a man called apparently Lex Clements? I will just ask you have you seen that document before?--No, I haven't seen this document before but - no, I haven't seen this document. No, I definitely haven't seen it.

Thank you. Finally, I will show you exhibit 72J which is dated 3 October 1989 addressed to Mr Pettigrew. The signature at the end of that one is Sabina Konicanin and I'll ask you if you've seen that document before?--No, I haven't seen this document. I haven't seen the document. I know some of the material in it but I haven't read the document. 10

All right. When you say you know some of the material - - -?--Well, I'm looking quickly at some of this - some of this stuff that's come, "I'm concerned, as are other staff, about my emotional and psychological wellbeing. I've been at John Oxley since its opening and had always been secure in the knowledge that" - that's the sort of thing that I remember. 20

Okay. Do you recall - - -?---They were emotionally and psychologically upset.

Yes. You spoke of them complaining about the manager. Do you recall his name?---Peter Coyne.

Did Peter Coyne appear before Mr Heiner?---He did; he did.

Were you present for that?---I was, yes. 30

How did that go?---He was just very upset about the whole - well, it wasn't really an inquiry as this is. It was almost like a departmental investigation, but he was upset that it had come to that point, I think.

Coyne was?---Yes.

Right; and do you recall what he and Mr Heiner talked about?---No, I don't remember it really. I have a vague recollection that it was just some denial of the process. 40

What about Anne Jutney, do you remember her?---Well, Anne seemed to be very upset about the whole process. That's all I remember about it, because we all remarked that all we saw at her interview was the whites of her eyes.

1

Right?---Which indicated that there was some stress involved in her coming before the inquiry.

Could you have a look at now, please, another document, exhibit 88, a one-page typewritten document, and I'm going to ask you if you've ever seen this document before. You will see on it there are names on the left-hand side of it and those names correspond with the surnames on those letters that I showed you just before, none of which you recognised. Have you seen that typewritten document before?---No, I haven't seen this document before.

10

Okay?---As a matter of fact, I can't - I can't remember any of the names of the officers but I can remember some of this information that's in there.

All right, thank you. You said in your statement that Mr Heiner would explain in some detail to the people that came before him that there was going to be complete confidentiality and that anything they said before his inquiry could not be disclosed?---That's true.

20

That was said by him?---That was, yes.

On the occasions that you recall him saying that, was that said to every witness, every person, that came - - -?
---Every person that came in he said the same thing to them.

Was it something he simply volunteered to them or was it something he said in an effort to get them talking?---No, I think he was genuinely giving them immunity from anything they told him.

30

All right?---That was my understanding, and I think that was one of my worries once the - - -

Well, we won't probably go into that at the moment because it's probably not responsive to my question?---Sorry.

That's all right. Now, you said in paragraph 18 of your statement that over a period of time since the inquiry ended you'd read in the newspapers various commentaries on the inquiry, in particular that you have been concerned about the so-called cover up of evidence of child sexual abuse that was allegedly given to the Heiner inquiry. You state, "This is totally untrue. No allegation of sexual abuse was ever raised during the inquiry." Is that assertion by you the truth as far as you're concerned?
---Well, it's the truth as far as I'm concerned.

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Yes, so as far as your recollection is concerned, nobody came in there and complained about matters to do with the sexual abuse of children in detention?---To my knowledge, it wasn't mentioned.

1

All right. Now, after the inquiry ended did you take away, keep, retain, any of the documents that were created by Mr Heiner during the inquiry?---I never took away anything.

All right?---I didn't have anything. I just went there and that's - I didn't have anything. I didn't keep anything.

10

In paragraph 17 you state that after the inquiry was closed Mr Heiner advised you of that fact and said that all of the documents had been sealed and handed in to head office? ---That's what he said to me.

Were they the words he used, "Handed in to head office"? ---Yes.

Or is that your summation of what he said?---No, well, he handed them over to the then director-general.

Right, and that was?---That was Miss Ruth Matchett.

20

Did you know her?---I had been a staff member under her supervision.

Was she a person that you would speak to, though, from time to time, or was she rather a distant figure?---Not in those years, no.

Okay?---No, not as director-general.

What do you mean by that, not as director-general?---Well, because I knew her - I knew her socially prior to her becoming the director-general, but once she became director-general I didn't have any close association with her except where business was concerned.

30

Thinking back to those days, 1989, 90, when there was a director-general, in the case of Pettigrew or in the case of Matchett were either of them considered by staff in the department to be - were they regarded as a remote figure that a person approached with a degree of trepidation or were they regarded as people that you could just approach and tell your problems to or talk with?---Well, Mr Pettigrew was a very gentlemanly man. You could talk to him. Ruth was rather more aloof in terms of dealing with - she was very professional in the way she dealt with staff and you didn't sort of - you just didn't front up and just talk to her. I didn't do it, anyway, and I don't know that anybody did, much. It wasn't that she wasn't approachable, but she was just a very professional person and I respected that.

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To your observation in 89, 90 under Pettigrew and Matchett, and if there's a difference between the two regime you tell me, but to your observation and to your recollection if a person wanted to write a memorandum complaining about something and he was at the rank of classification - do you remember those classifications they had of one-nine or I9 and I12 and that? If a person was at that level would he be able to, or was it expected, that he would write directly to the director-general or would he be expected to put his communications through someone lower down but higher up than himself?---Normally it went up the line.

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So that - - -?---If it could be dealt with at a lower level it was, but it could go up if the person demanded it. It would go up through the various levels.

Yes, well, I suppose if a person simply resolved that, "I was going to write to the director-general," he would no doubt write his letter and pop it in the mail?---Well, I think if you wanted to send it directly to the director-general you just put "Personal" on it and it would go through.

I see?---I never had occasion to do it so I - but I presume that's what could have happened, and I think either of those director-generals would have accepted it.

20

I don't know if you've told me this, but when did you retire? What year was that?---1999.

Okay, thank you. No further questions, thank you.

COMMISSIONER: Thank you. Mr Bosscher?

MR BOSSCHER: Thank you, commissioner.

30

Ms Flynn, you were talking earlier about Ruth Matchett and your relationship with her. Did I understand you correctly to say that you interacted with her socially before she became director-general?---Because I was part of her work group down in the valley. I left the convent in 1980, in 1979, 1980, and at the time it was a very difficult period for me and the group that I worked with were very good to me, and that was the sort of way in which I suppose I reacted socially. It was purely to do with the way they helped me through that very difficult period.

Apologies if this seems rude. When you say you left the convent, were you previously in the orders?---Well, I had been a Sister of Mercy for 30 years, yes.

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And so - - -?---I was - - -

Sorry, I didn't mean to interrupt you?---I beg your pardon.

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I didn't mean to interrupt you?---No, no, I just - I had been working with the department as a Sister of Mercy for 12 months and then at 47 years of age I finally left and I was still working in that group when I left. So I had a relationship with that working group.

1

Mrs Matchett was one of that group?---She was my supervisor and I had the greatest respect for her, yes.

So would you describe yourself and Ms Matchett as friends at that time?---Well, I was friends in the sense that I was friends also with the other people in the group, yes.

10

But when she became director-general there had to be a little bit more distance put between you because of the position she held?---Look, I wasn't - I wouldn't have said that I was so friendly with her at that stage that it made a difference. I suppose I had a great respect for the woman. She herself was somewhat reserved in her manner.

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She wasn't really one that was, I suppose, as socially outgoing as I was, but when she became director-general I think that I didn't closely associate with her because she did put that distance between herself and people in her job.

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Ms Flynn, we're talking about events in relation to the inquiry, the Heiner inquiry that occurred many, many years ago now, of course?---Yes.

And in September of this year you provided a statement to police recounting your best recollections of what took place at that time?---Yes.

10

Now, that would, I expect, be solely based on your memory, not from notes or other things?---No, I had no notes.

And it's as best as you can recollect now?---It is as best as I can recollect after that time.

Yes. And you'd accept that after the passing of so many years, that not everything you put in there, despite your best efforts, maybe 100 per cent accurate?---I would say that that's as accurate as I could get after those years, yes.

20

Yes. And you rely obviously on your memory in relation to those matters?---Yes.

Now, so far as the inquiry was concerned, you give in your statement some information about interviews being conducted at the John Oxley Youth Detention Centre?---Mm.

And I think your evidence is that you sat in on them, as did Jan Cosgrove?---Yes.

30

You recall approximately how many people were interviewed there?---Look, I wouldn't like to hazard a guess because I think from - and I could be wrong about this, but I think we only sat - went out there about four afternoons, and not many - I don't know whether we even interviewed the whole of the people who were aggrieved, because there was a change of government and immediately that happened the whole thing was cut off, so it was never completed. And I can't - I can only remember a few afternoons. We'd go out there after lunch and I can't remember - I cannot remember it, and I'm sorry, it's just - - -

40

Okay. So the best of your recollection is there would have been a relatively small number because you only went out there on a relatively small number of afternoons?---Yes.

So far as the interviews being conducted at John Oxley Youth Detention Centre, were any of them conducted at a time to your knowledge when you weren't there?---Not to my knowledge, no.

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Could that have occurred?---It could have, but I think I would have been told by Mr Heiner.

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Mr Heiner also had an office during this period of time as I recall in the Children's Court building. Do you recall that?

---He must have had an office up on the top floor, yes. I think he did.

Now, to your recollection did he conduct any part of his inquiry - as in interviews, et cetera - in that particular building?---He did not tell me if he did.

10

So it may have occurred, but if it did you were present for any of those?---My presence was only at John Oxley.

Just to clarify something you said earlier and you say in your statement, you now have no independent recollection of there being any subpoenas, statements or submissions presented to the inquiry?---I didn't see any if there were.

Again, that may have occurred but you didn't see any at the time?---No, I didn't see them. Well, I don't recall seeing them.

20

Now again, just working through your statement, you indicate that there was a debriefing in the car after it hearing?

---Yes.

I assume that's on the way home?---That was on the way home, yes.

And in that car was yourself, Mr Heiner and Mrs Cosgrove?---Mm.

30

Yes?---That's right.

I just need you to answer because we are recording the record and they can't see you nodding?---Right, thank you.

And that would be a standard practice on the way home, to debrief what had been talked about during the course of the hearing that afternoon. Is that right?---Yes, that's right, yes.

And one conversation you recount in your statement, you recollect was about - and I'll just quote this to you, "About the relationships between members of the management group at the John Oxley Youth Centre." Do you remember putting that in your statement?---Mm.

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Just to clarify, are you talking about there just general working relationships, or something else there?---It was - I don't have any fact on this, and I think that needs to be noted - but there was some agreement between Mr Heiner and

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myself that we gathered that the group were interacting socially. We felt there was some - and these are my words - dysfunctional process within the management group which was somehow causing some of the problems that existed with staff. That was my assessment from those conversations.

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Do you know a person by the name of Michael Roach?---No.

You don't recall him giving evidence at any stage before the inquiry?---No. Was Michael Roach a pilot?

I do believe he was?---Yes. I didn't - I remember particularly his interview, but I didn't talk to him outside the inquiry.

10

You do remember his interview?---I do.

As in you remember that he was interviewed, or you remember - - -?---I remember he was interviewed because I remember - I don't recall every word that he said, but I do remember his distress.

Do you recall now where the interview took place?---That interview took place out at the John Oxley Youth Centre.

20

If I were to suggest to you that it could have taken place in the Children's Court building in the city, would you agree or disagree?---I wouldn't agree with that. I'm not - if it did, I wasn't party to it. I heard him at the John Oxley Youth Centre.

So he certainly gave evidence at the John Oxley Centre? ---He did.

But - - -?---To my knowledge, because that would have been the only contact I would have had with him.

30

But you can't say whether or not he gave a subsequent interview?---I don't know if he gave a subsequent interview.

Do you remember a person by the name of Irene Parfitt giving evidence before - giving an interview before Mr Heiner?---No, I don't.

COMMISSIONER: Do you remember what the airline pilot was distressed about?---He was distressed - one of the things he was very distressed about it was that - he was a commercial pilot, as I remember, and so he had had some experience with life generally and he went out there and he felt he was being treated as if he had no brains, and that's putting it in my words. But also he was very distressed because he would be at home in bed with his wife and he'd get a call from the manager, and just generally he felt very aggrieved at the way he was treated. I remember him well because I took notice of the fact that he had been

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a commercial pilot, so he was a man who'd had some standing, and yet he was being treated very badly. That's what I remember, Commissioner.

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Do you remember anything else that - - -?---No, I don't remember anything. He was particularly upset as he came in before Mr Heiner.

How did he display that?---I think he was in tears, if I remember. But he was very distressed. And I felt that his nerves were really a bit shattered, I think, as I remember.

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Do you know how long he was questioned by Mr Heiner for? ---I wouldn't hazard a guess at that, but for as long as he would have wanted to be there.

Thank you.

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Okay. Yes, Mr Bosscher?

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MR BOSSCHER: Thank you, Commissioner.

It's also from your statement your specific recollection that both Mr Coyne and Ms Dutney appeared before the inquiry?---Yes.

So you have an independent recollection of that now?---I remember but I don't remember - I had been somewhat subjected to the same sort of behaviour whilst I was in the department. I was very busy in the Children's Courts at the time and Peter Coyne would ring me up to talk to me about the inquiry and he would hold me on the telephone and say nothing for a long period of time to the degree that I went to my senior officer and said, you know, "This was bad behaviour and I wasn't - I was a bit concerned about it," but Peter would do a bit of that emotional blackmail or whatever you'd call it and - - -

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Right. Just going back - sorry?--- - - - I'd sit there with the phone. In the end in the silence I used to just keep on doing my work, but I said quite clearly to him, and I have said all along, that it wasn't - the inquiry wasn't anything to do with me and I wasn't prepared to talk about it.

20

I put a double-barrelled question to you. You have a specific recollection of Mr Coyne giving evidence. That's correct?---I do.

Yes?---Yes, I do.

And a specific recollection of Ms Anne Dutney appearing before the inquiry?---I do.

30

Do you remember a person by the name of Daniel Francis Lannen?---I remember the name but I can't recall the person.

Do you remember whether or not he gave evidence before the inquiry?---Look, I couldn't - I couldn't say definitely I did remember him giving evidence before the inquiry.

You can't say that for sure?---I can't say it for sure. I remember the name.

Did you conduct any of the inquiry or questioning in the absence of Mr Heiner?---No; no.

40

Just before I go back to Mr Lannen, when my friend Mr Copley was asking you some questions, you indicated some knowledge about some handcuffing of children?---I read it in that statement and I have a faint recollection and I couldn't - until I read that I wasn't sure whether I knew that from the inquiry or from outside of the inquiry, but I

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have a faint recollection of somebody talking about the boys being handcuffed. Yes, I did remember that little bit of information.

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When you say from inside or outside the inquiry, are you meaning subsequent media material?---No, I'm talking about I visited the John Oxley Youth Centre. You heard things; you know, people would talk about it. The other thing I'd just like to say to you is that after the inquiry a lot of these men came back to me because they felt they hadn't - they hadn't been satisfied with what went on, that the inquiry had been ended, so some things - some things I've got to be careful of because sometimes they talk to be outside of the inquiry and I had to tell them that I couldn't do anything about it and I felt really upset for them, but I couldn't do a thing for them. I wasn't in any position. My only role was to assist Mr Heiner. I have no other role whatsoever.

10

So you have been very careful when giving your statement to try, as best as you're able given the length of time, to differentiate between what occurred in the parts of the inquiry you were present for and what might have been said to you at other times?---I'm pretty clear about that, yes.

20

So the handcuffing - you have a recollection of being made aware of that, but you can't place it within the inquiry or perhaps another conversation?---No, I can't; no. It just hit a little bit of a memory corner of my mind when I read it there but I don't - I knew there was some little thing that I was concerned about but I hadn't been able to grasp what it was in my mind and just when I read that, I knew that was what I was trying to recollect.

Ms Flynn, I'm going to put some statements to you or some propositions to you that another person has said and just ask you to tell - ask whether you agree or disagree with what's been stated. For the purpose of the record, commissioner, it's the statement of Mr Lannen at paragraph 31.

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It states as follows. I will just read the first part because it doesn't require comment:

I was at work when I was called to the inquiry. It was a usual working day and I was asked to go to the conference room downstairs at JOYC. I went into the room and met Barbara Flynn. I think there was another woman present at the meeting. The woman was an associate taking notes. Heiner was not there when I attended the meeting.

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Can you comment on particularly the last statement, "Heiner was not there when I attended the meeting"?---I don't know how that would have occurred because Mr Heiner didn't - I was always there with Mr Heiner. I can't recall that.

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I'm just asking you to comment. I'm not saying it's factually true. I'm just asking you to comment?---I can't recall it, no.

I will leave the next sentence. It's not relevant:

I sat down at a table opposite Barbara Flynn. I don't have a lot of recollection of what I said or what was actually said to me. I think the discussion was about any concerns I may have had at JOYC.

10

Does that assist at all? No?---I have no recollection of that whatsoever.

It goes on:

I think I told Barbara about the abuse of kids, including handcuffs, use of drugs and victimisation of staff, although I don't recall specifics of these conversations?

---No, I don't remember that. I would've been very surprised if - because I always travelled with Mr Heiner and I was always very sure of what my role was, that he was the person conducting the inquiry. I was the assistant. I have no recollection of that whatsoever.

20

And you always travelled with Ms Cosgrove as well, didn't you?---Yes.

Yes?---Yes.

I will put these last two sentences to you:

I don't recall telling Barbara about sexual abuse. However, I believe I would have spoken about this as it was a concern to me?

30

---I have no - I have no recollection of that. Had I experienced that, I would've been very, very concerned.

Is there any possibility, given the course of time that's elapsed, that that's just something that's now escaped your memory?---No. I have consistently said and I have been reminded year after year after year through newspapers about the Heiner inquiry and I have consistently said that I don't recall any mention of sexual abuse during that - the inquiry.

40

That's the words you use in your statement "during the inquiry", but I think you've agreed that - sorry, I'll put it to you a different way. You've agreed Mr Heiner had an office in the Children's Court at this time?---Yes, well, I - you tell me. I mean, I presume that - I know that they

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made available the judge's chambers up in the top floor and he did - he was retired at the time so it could well have been that he was up there. 1

And there's some submission that he conducted some interviews from those offices?---Well, he didn't tell me if he did.

So if that occurred, it was done without your knowledge?
---It was done without my knowledge, yes.

So would it be slightly preferable to say this in relation to your statement, "No allegation of child sexual abuse was ever raised during the inquiry when I was present"?---Well, yes. 10

COMMISSIONER: You couldn't say anything else, could you?
If you weren't present, you wouldn't know.

MR BOSSCHER: That's exactly so.

COMMISSIONER: Yes.

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MR BOSSCHER: Now, you also say in your statement that you had many years later a conversation with a person by the name of Mr Grundy?---Yes. 1

He approached you at your home?---He did.

He asked you questions about the Heiner inquiry?---He did.

Now, as I read your statement, firstly you told him you didn't want to discuss that with him?---I think I told him I couldn't discuss it with him. It wasn't really my responsibility. 10

And that you didn't discuss it with him at that time?---I didn't, no.

That was effectively the sum total of the meeting that you had with him?---No, it wasn't the sum total of the meeting. He went to walk out the gate and turned around to me and said, "You are just one other person who is covering up child abuse."

Could I ask you - - -?---I said, "You'd better come in here," and I took him inside the house, and I - - - 20

Well, I'll just stop you there. You then took him inside the home, not outside the home?---I sat him down.

Inside the house. Yes?---Yes.

Yes, and you had conversation with him then?---I did.

How long did that conversation take, to your recollection? ---I cannot remember. I was very angry about it.

Without endeavouring to put words in your mouth, is it the case that you told him that what he was suggesting was wrong and that it was an improper thing to be suggesting and then turfed him out the door again? Would that be a reasonable summary?---Well, that's what I would have done. Whether I was more polite or not, I don't know. I can't remember. 30

Very good answer. Would it be fair to say that it was a very short conversation?---Yeah, it wasn't too long, no.

A matter of minutes as opposed to an hour or so?---Yes. 40

COMMISSIONER: How did he end up at your place?---That's a good question, commissioner. I don't know.

Did you have any prior notice?---No. No.

MR BOSSCHER: So you didn't discuss with him what the inquiry was about, what was said, et cetera. It was just a - until he raised that comment with you about a cover-up it

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was a very short conversation. You set him straight and that was the end of it?---And when he walked out the gate he said, "You've left me nowhere to go.

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You put that in your statement. I'm really asking you whether it was a long, sit-down chat over a cup of tea or - - -?---I don't think it was very long. I don't remember. I was very, very upset about the allegation that he made.

COMMISSIONER: Which was what?---Was that I was another one of those who was covering up child sexual abuse.

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Did he tell you how you were covering it up?---He didn't. He didn't. I was a bit - I was a bit upset about it, because I didn't think that - well, it definitely wasn't true, as far as I was concerned.

What wasn't true?---That I was covering up sexual abuse of children.

Did he tell you in what context you were supposed to be covering up child sexual abuse?---No, he didn't, he just made the accusation.

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MR BOSSCHER: Just out of the blue?---Well, he said it as he went out the front gate. He threw it back at me.

So as I understand your evidence, he asked you to discuss the inquiry. You said, "I'm not allowed to do that," and the next response from him was, "You're just another one covering up sexual abuse - - -"?---No, he said to me, "10 years have passed and now there's no - you can actually talk about it," and I had never talked about it. It really - it wasn't something that I felt I should be mouthing about and so I didn't. I didn't - I didn't talk to anybody about it.

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So you said to him, "I'm not discussing it." He then suggested that you were covering up child sexual abuse? ---Yes, he threw it at me as he was going. "You're just another one of these who are covering up child sexual abuse."

Then you took him inside your home?---I did, because I really wanted to - I really wanted to answer that allegation.

You answered that allegation and that was the end of your meeting?---That's as far as I know, yes.

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That's the best now of your recollection, is it?---That's the best of my recollection, yes.

Now, just to summarise so far as a couple of things are concerned in relation to your recollection and the best of your recollection, firstly, Jan Cosgrove was present within

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all of the conversations held at John Oxley Youth Detention Centre, to the best of your recollection?---To the best of my recollection there were three of us present. 1

And that she took notes during the course of those meetings?---My understanding was that she was taking down the minutes of the meetings.

To the best of your - - -?---Look, I saw myself in a very minor role there.

To the best of your recollection, those interviews weren't tape-recorded?---To my recollection they - well, I mean - - - 10

I'm just asking to the best of your recollection?---I can't - no, I can't recall it, no.

To the best of your recollection you travelled to and from the John Oxley Youth Detention Centre with Mr Heiner and Mrs Cosgrove?---That's right, yes.

Also to the best of your recollection there were no statements, et cetera, tendered before that inquiry?---I don't recollect it. Look, I don't recollect those details. My memory is of a broad brush stroke of what went on. 20

To the best of your recollection the inquiry proceeded once a week for a few hours for a period of four weeks?---That's my recollection. It was a very short period.

To the best of your recollection, before starting every interview Mr Heiner told the person present that everything being said was confidential?---I distinctly remember that, and I remember it because subsequently when I heard that the documents had been shredded my immediate thoughts were that I was glad they had. 30

To the best of your recollection, there was no evidence put to Mr Heiner in relation to child sexual abuse?---To my recollection, I don't remember child sexual abuse. I do remember that little bit about the children in the handcuffs, and I didn't remember the handcuffs until I read it there, but always in the back of my mind there was some little thing that I remembered about the boys that was a little bit upsetting, and when I read that the two things came together in my mind. 40

My final question for you, to have everything on the record, is it the case that you're related by marriage to Mr Miller QC?---I'm his sister-in-law.

Thank you, commissioner.

COMMISSIONER: Thank you. Can you tell me, Ms Flynn, was the pilot one of those people who spoke to you after the

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inquiry?---No, I didn't ever see him again.

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Had anyone before Mr Grundy connected the Heiner inquiry that you were involved in with child sexual abuse?---No.

Had anyone connected a cover-up with the Heiner inquiry before Mr Grundy?---No. No.

All right, thank you.

MR COPLEY: Who is Mr Miller QC?---Mr Miller QC is my brother-in-law.

10

Yes, what's his first name?---Royce.

All right, and did he hold any office or offices in the state of Queensland?---He was a judge of the District Court, he was a Director of Public Prosecutions.

Do you recall when he - he was a judge first, then he became the director, didn't he?---Yes.

Yes, and do you recall when he became the Director of Public Prosecutions?---It was when the Goss government came into power.

20

All right, so it was some time after 2 December or thereabouts in 1989?---Yes.

He succeeded Mr Sturgess in that office, didn't he?---He did, as far as I know, yes.

During the course of the Heiner investigation, let us assume for the moment that we don't quite know whether Mr Miller was then the director or not, but whatever office he then occupied, be it judge or director, during the course of the Heiner investigation were you - did you have occasion to deal with Mr Miller on a professional basis?---No. No.

30

Did he perform any role in advising Mr Heiner, as far as you know?---Not as far as I know. I kept quite a distance from him in terms of his role. He never discussed any matters relating to his position in front of me and I never talked to him about anything, because I just respected the way the man was and I didn't - I didn't even talk to him about the Heiner inquiry.

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All right. He was then and still remains married to your sister?---Yes.

No further questions. May - - -

COMMISSIONER: I've got to ask a couple of others if they have any, Mr Copley.

MR COPLEY: I'm sorry.

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COMMISSIONER: Mr Harris?

MR HARRIS: I have no questions, commissioner.

COMMISSIONER: Mr Hanger, no questions? Okay, Mr Copley. Ms Flynn, thank you very much for coming and providing your evidence. You're excused and released from the obligations of your summons?---Thank you very much, commissioner.

Thank you.

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WITNESS WITHDREW

MR COPLEY: So, Mr Commissioner, we now turn to exhibit 18 and in my submission there is nothing contained in Ms Flynn's statement that cannot allow it to be published in its entirety.

COMMISSIONER: Anyone dispute that? All right. In that event I'll direct that exhibit 18 be published without amendment. Yes, Mr Copley?

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MR COPLEY: There will be two more witnesses that we'll be able to call this afternoon, both of whom are witnesses who were on the list for yesterday but were never reached because of the number of documents to tender, so could I ask you now to consider adjourning until 2.30?

COMMISSIONER: Yes.

MR COPLEY: That should be sufficient time to finish those two this afternoon.

COMMISSIONER: All right. Does that inconvenience anyone? All right, that's what we'll do. We'll adjourn until 2.30. Thank you.

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THE COMMISSION ADJOURNED AT 12.30 PM UNTIL 2.30 PM

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COMMISSIONER: Mr Copley?

MR COPLEY: Mr Commissioner, I call Warren John Christensen. Exhibit 10 will be relevant.

COMMISSIONER: Thank you.

CHRISTENSEN, WARREN JOHN sworn:

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ASSOCIATE: For recording purposes, please state your full name and your occupation?---My name is Warren John Christensen. I'm a team leader, training liaison, Department of Environment and Heritage.

COMMISSIONER: Yes, Mr Copley?

MR COPLEY: Could Mr Christensen be shown exhibit 10, please?

Mr Christensen, would you look through that document and after you have looked through it, will you be able to tell us whether or not that is the statement that you provided to the police in connection with this matter on 26 September 2012?---It is.

20

All right, thank you. In 1989-90 you were employed at the John Oxley Youth Centre?---That is correct.

All right. Do you recall the month of the year that you began working there?---I started on 4 April.

Of?---1989.

30

And how long did you stay there for?---I stayed there until June 1999.

All right; so quite a period of time?---Yes.

Now, are you aware of an event that was called the Heiner inquiry or the Heiner investigation?---Yes, I'm aware of that.

All right. When did you first become aware of Mr Heiner and an investigation?---I became aware of it when I was arriving for my shift. I think it was a 3.00 to 11.00 but I can't be absolutely certain of that, but I think it was the afternoon shift and I was informed that we were to - all of us that were coming on at that point in time were to wait in a room and that we would be spoken to by a Mr Heiner who was conducting an investigation into the management of John Oxley Youth Detention Centre.

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So that occurred during an afternoon shift?---Yes.

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Do you recall who it was who advised you to wait in a room?---No, I don't. I have no recollection at this point as to who that would've been.

Okay. You state in paragraph 15 of your statement that prior to meeting with Mr Heiner you had not furnished any complaint or provided any statement to anyone about any grievances that you had at the centre?---No, none whatsoever.

10

None whatsoever?---None whatsoever.

All right. Did the person who asked you to wait in a room explain to you why you needed to wait in the room to be seen?---No, and I actually raised it as an objection at the time. I said I didn't know what it was.

Yes?---I had no knowledge of it and, to be perfectly honest, I had nothing to say and just wanted to go about doing my job and I was told that we had no choice. We had to speak to Mr Heiner.

20

Okay. The person that said that to you, was it a person you knew or was it a person - - ?---It would've been - I can't be sure who it was, but it would probably have been the senior in charge of the shift that day.

All right. Well, did you eventually go in to see Mr Heiner?---Yes, I did.

Did he insist that you answer questions or did he give you the option to answer questions?---I think I was given the option.

30

Right?---I was asked questions about aspects of the detention centre and what were my comments or did I have any comments to make.

Okay. Now, when you spoke with Mr Heiner, was there anybody in the room besides him and you?---I think there was somebody recording the proceedings.

How were they recording it? Do you remember?---I'm not certain. I think - again it's a fair while ago. I think it was being both written and I think it was taped.

40

Do you remember whether the people or person doing the recording was male or female?---I think it was a female.

Okay; and what sort of questions did Mr Heiner ask you? ---They were very vague but they were principally around Mr Coyne's management of the detention centre.

You state at paragraph 20 that Mr Heiner did not ask you

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any questions about sexual abuse at John Oxley?---No,
nothing at all. 1

Is that true?---That is true.

You state at paragraph 21 that he did not - that you did
not tell Mr Heiner anything about sexual abuse at John
Oxley?---No.

Is that true?---That is true.

No further questions at this stage. 10

COMMISSIONER: Thank you. Mr Bosscher?

MR BOSSCHER: Thank you, Commissioner.

Good afternoon, Mr Christensen. I have some questions for
you - there aren't too many - predominantly around some
information you give in your statement. As I understand
your statement, particularly at paragraph 35, you appeared
and gave evidence before what was known as the Forde
Inquiry?---That is correct. 20

Were you summonsed to appear before that inquiry?---Yes, I
was.

And when you appeared before that inquiry, were you aware
of the general topics of evidence that were going to be
sought from you?---There had been a preliminary period
where they had actually asked us to come in and give
statements and so I did have some vague idea as to what was
occurring at that point.

So you gave a written statement to the Forde Inquiry before
appearing to give evidence?---Yes, that's correct. 30

Again, was that something that was requested of you or did
you volunteer that?---At that point I volunteered.

So it was basically in response to what's usually a call
for submissions or that type of thing?---Yes, it was.

As a result of what you put in that statement, you were
called to give evidence before - - -?---That is correct.

Was it in a room similar to this with the commissioner
sitting up on the bench and lawyers sitting at the bar
table?---Absolutely. 40

To your knowledge, was it done in open court or was it
done - - -?---It was open court.

It was open court. Particularly, as I read your statement,
you gave evidence in relation to the handcuffing of a

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particular inmate or detainee at the centre?---There were three involved at that incident. Yes, that is correct.

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So that was part of the information you provided to the inquiry?---Yes.

You also say in your statement that you gave evidence in relation to an incident involving a young woman that had occurred at the John Oxley - she was an inmate or detainee at the John Oxley Youth Detention Centre, the incident having occurred somewhere else?---Well, I gave some information in regards to that but it was more so - it was very hearsay.

10

But it was information that you put before the inquiry? ---Yes.

MR COPLEY: Which inquiry?

MR BOSSCHER: The Forde Inquiry.

You were specifically asked about that at that time?---Yes.

When you were in the witness box?---Yes.

20

Throughout the period of time you were employed at John Oxley, were you a member of a particular union?---I was a member of two unions. The first one the acronym escapes me at that point but it was the - what was the equivalent of the State Services Union in those days and then after they amalgamated the Professional Officers Association I joined the AWU.

Insofar as other employment is concerned, have you ever worked in ministerial staff capacity for any minister of the Labor government?---Yes, I have.

30

Which ones?---I've worked for the - Henry Palashay.

Anything with the Goss or Beattie governments?---I was a DLO with the minister's office for a brief period there. I can't remember the name of the minister at that stage.

What about Senator Ludwig?---Yes, Senator Ludwig - the Commonwealth.

So you worked for him as well?---Yes.

40

COMMISSIONER: A DLO is a departmental liaison officer? ---A departmental liaison officer.

And who did you liaise with?---It was to act between the minister's office and the department. It was a departmental position.

MR BOSSCHER: Thank you, Commissioner. That's all I have.

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COMMISSIONER: Did you apply for that or were you appointed?---I applied.

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Mr Harris?

MR HARRIS: Thank you.

Mr Christensen, can I just take you to paragraph 36 of your affidavit or your statement written for this inquiry where you say, "Within the centre I heard grumblings about the Annette Harding incident. It was said in talk this was badly handled and swept under the carpet." Could you elaborate on that a little bit just for the inquiry?---Yes, look, it was a very undertone rumour that Annette Harding was sexually assaulted on an outing.

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There seemed to be a great deal of dissatisfaction amongst a number of the staff members that wasn't handled in an appropriate manner. I suppose justice wasn't served at that stage. And it just was handled very, very poorly.

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Did you have any personal knowledge of the incident or anything like that?---No, I didn't. I wasn't actually - I'm pretty sure I was on leave at that point in time. I came back after the event.

And it was widespread around the department or around John Oxley that this incident had happened?---It was widespread, it wasn't quite like that, it was just this - if I can say it was an undercurrent of rumour. You really could not get a genuine handle on what had actually occurred. But to say that there was a definite unsettled feelings towards it.

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Thank you, Mr Christensen. No further questions.

MR HANGER: Just one.

COMMISSIONER: Yes, Mr Hanger.

MR HANGER: In paragraph 28 you say, "I never witnessed any sexual abuse at the John Oxley Youth Detention Centre." That's correct?---That is correct.

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Thank you.

COMMISSIONER: Yes, Mr Copley.

MR COPLEY: Mr Christensen, you said you worked for Mr Palashay?---Yes.

What was he the Minister for when you worked for him?---He was Department of Primary Industries.

30

Okay, and - - -?---And he later - sorry, just also further he was then transferred ministries to the Department of Natural Resources and Water

All right. So did you work for him when he was at Primary Industries?---Yes.

And then did you go over with him to Natural - what was it, Natural - - -?---Natural Resources and Water.

Okay. And what years were they to worked for him?---I commenced work with Senator Ludwig in early 2000. I probably worked with Senator Ludwig for about two years.

40

Yes?---And so it was probably in around about 2002, maybe 2003, that I was working with Minister Palashay.

Okay. Now, this job that you had with the minister - the

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state minister - was it a job that wasn't a public service position?---No, it wasn't a public service position.

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Okay. Was it - well, can you tell me how you describe the job?---You're a ministerial appointees, you're employed by Premier and Cabinet by the Premier's office.

I see?---I'd left John Oxley in 1999 following an injury.

Yes?---I was then picked up and worked for Senator Ludwig down in Canberra for a period, then I moved back to Queensland and picked up a position with Minister Palashay.

10

Okay. And so were you one of those people that if the minister went, you went?---Yes.

So if the minister's the government lost office you lose your job?---If the minister went there was no - and the government remained in, there was still no guarantee that you would actually retain your position.

Okay?---You were formed with the minister themselves.

So it was like a political position that you occupied? ---Yes, absolutely a political position.

20

Okay, thank you. There are no further questions. May the witness be excused?

COMMISSIONER: Yes, he made.

Mr Christensen, thank you for coming. You're excused and relieved of the obligations of the summons. Thank you? ---Thank you.

WITNESS WITHDREW

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MR COPLEY: Turning to exhibit 10.

COMMISSIONER: Yes.

MR COPLEY: If you were to go to - I did have it noted here - yes, if you would turn to paragraph 30, Mr Commissioner, you will see there a reference to a man known by a nickname.

COMMISSIONER: Yes.

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MR COPLEY: And an allegation.

COMMISSIONER: Yes.

MR COPLEY: You will also see further down, rumours that he heard about a female detainee called - two names.

COMMISSIONER: Yes.

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MR COPLEY: My submission is that the statement could be published or should be published with the nickname and the Christian and surname of the female person later mentioned in that paragraph obliterated. And as far as I can see they're the only matters that I wish to raise.

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COMMISSIONER: Thank you. Anyone wish to be heard? That is consistent with my previous directions, so I'll direct that Mr Christensen's statement, which is exhibit 10, be published in full except for the nickname starting with B on the third line of paragraph 30 and the name of the detainee on the eighth line of that paragraph, neither of which shall be published. Yes, thank you, Mr Copley.

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MR COPLEY: I call Sabina Konicanin.

KONICANIN, SABINA affirmed:

ASSOCIATE: For recording purposes please state your full name and your occupation?--My name is Sabina Konicanin and I'm a senior training officer with the Department of Communities, Child Safety, Disability Services training community recovery.

20

MR COPLEY: I pronounce your name Ms Konicanin?---Yes.

Thank you. Could Ms Konicanin be shown exhibit - - -

COMMISSIONER: 29?

MR COPLEY: 29, please, yes. If you'd look through that document, check to see if your signature appears on the foot of every page, and look at the last page and let me know whether or not you can confirm that that is a statement that you signed on 15 October 2012?---Yes, it is.

30

Okay, thank you. Now, before we discuss anything in there, are likely to have a look at Exhibit 72J, please. Have you seen - perhaps not that document, but a copy off or the original of that document before?---Yes, a copy. I've seen this copy when I gave my statement.

All right. Do you have an original there or - - -?---Yes, I have the original.

You have the original, okay?---Here.

Yes, that's fine?---Yes.

40

I just couldn't remember whether the document we tendered was an original or a copy. So you were the author or the writer of that statement?---Yes, I was.

And to whom did you give that document when you wrote it? ---I was instructed that if we had a complaint we were to leave it. My recollection is that I had it in an envelope

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and I left it and I gave to someone.

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Okay, all right. Mr Commissioner, seeing as that is a handwritten document, and to clear up any ambiguity that might subsequently arise about what's contained in it, I surprise to have this witness - and indeed any other witness who has authored a handwritten document - to read it into the record. And so I'd ask Ms Konicanin if she'd now read that document, every word on every page, including that date, including the signature and everything else, out to us so that she can tell us what she wrote.

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COMMISSIONER: And that relieves us of the need to interpret her handwriting.

MR COPLEY: That's right.

So just start - - -?---The letter is dated 3 October 1989:

Mr Pettigrew, as a youth worker at John Oxley Youth Centre I would like to begin by stating the perceived philosophy of the centre: to provide a caring, consistent, secure and just environment. Certainly this is not reflective of the present management in my opinion. Within the past two years I have watched my fellow colleagues being harassed and victimised, resulting either in termination of their employment or voluntary resignation, as they were unable to cope with the extreme amount of pressure being placed upon them. My concern is great. As you are probably aware, the stress factor involved in working with particular youth population is -

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Just a second, in working with what?---"With this particular youth population."

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Yes, go on?

---Is high level and added emotional and psychological stressors as a result of unnecessary harassment by management leads only to confusion and eventual dysfunction of staff. Ultimately it is the child in care that becomes it yet again the victim. I have observed a number of staff being victimised over what seemed to be minor misdemeanours; staff that have been asked to explain in writing incidents that have been witnessed and misinterpreted by management based on assumption rather than fact; staff being singled out and continually having to justify their actions and their position. I find the style of management to be somewhat unprofessional, insensitive and inconsistent. I also find some management techniques to be quite devious and calculating. Badgering staff -

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Now, can I just interrupt you there for a moment? It would appear that on the photocopies that we all have a couple of those words haven't been reproduced. Please continue?
---"Badgering staff to gain information on other staff, briefing children to gain information."

Can you just have another closer look at that sentence to make sure you're right about what it says?---"Bribing."
"Bribing children to gain information." "An incident where a child was told" - I'm not sure of that word. "An incident," something -

where a child was told that if he didn't provide information on who was apparently supplying him with tobacco he would not be allowed to smoke for the remainder of his time at JOYC. This punishment was enforced but at a later date disregarded. Another situation that affected me greatly occurred at a debriefing session following the riot in March 1989. Most of the staff involved in the riot were present at the meeting. Individual staff were then singled out by the manager who successfully managed to leave them feeling quite inadequate.

After the stress that I had endured for being involved in the riot, the last thing I wanted to hear or feel was guilt, shame, inadequacy and incompetence. I feel that no-one deserved that kind of rubbishing, as all who were involved in the riot had performed admirably in a highly stressful and delicate situation. I found this insensitive approach by the manager to be destructive and detrimental to my confidence and self-esteem. I am concerned, as are other staff, about my emotional and psychological wellbeing.

I have been at John Oxley Youth Centre since its opening and have always been secure in the knowledge that I could rely on management for support. I cannot truly state that I will ever feel secure or supported by the present management. A management that uses anxiety as a tool for control can only, I believe, lead to ineffectiveness and disrespect where staff are concerned. In my eight and a half years with the department, I have never felt the need to express my dissatisfaction and concern as I do now. Apart from the current management at John Oxley Youth Centre, I have always maintained a healthy and respectful working relationship with management of Sir Leslie Wilson Youth Centre and John Oxley Youth Centre.

*Yours faithfully, Sabina Konicanin, youth worker,
John Oxley Youth Centre.*

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So had you worked at the Sir Leslie Wilson Centre prior to working at John Oxley?---Yes.

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Was there some difference in philosophy or approach or the technique for controlling the John Oxley Centre compared to the Sir Leslie Wilson Centre? I'm interested to know what it is you're referring to there when you say that you always had a healthy and respectful working relationship with the management of Sir Leslie Wilson and initially the management of John Oxley?---It was just the management style. The management style was very different. The previous manager of John Oxley - - -

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Who was?---Terry McDermott.

Yes?---He was just a different person and had a very healthy relationship with his staff, and John Oxley Youth Centre was opened under a very different philosophy than the Sir Leslie Wilson Youth Detention Centre was.

What do you mean by that, that it was opened under a different philosophy? What do you mean by that?---Well, when I worked at Sir Leslie Wilson Youth Detention Centre I was initially employed there and it was run under health. It was run under a health model. Then it changed to a welfare model and then the John Oxley Youth Centre was opened under the philosophy of normalisation, rehabilitation, positive behaviour programming.

20

Yes?---It was a co-educational facility, so we had young - we had boys up to the age of 15, we had girls or young women to the age of 17, and they were co-located, where they were separated at Sir Leslie Wilson Youth Detention Centre.

You use the expression "normalisation". What do you mean to convey by that expression?---So that the activities and the operations of the centre were more normalised. They were less - even though the youth people, you know, were detainees, they were there under court orders, they were locked up at night, it was opened under a philosophy that the activities would be normalised, that there would be therapeutic intervention if there needed to be therapeutic intervention, that they would go to school.

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Yes?---Even though that did happen in the last few years of the Sir Leslie Wilson Youth Centre, it was introduced there, but it was a more normal kind of a day, so that reintegration into community would be easier, would be an easier process.

40

Are you familiar with an expression called "care and control"?---Yes, it was part of a legislative provision.

Yes, and it used to apply, didn't it, under the Children's Services Act of 1965?---Yes.

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Would you agree with this proposition, that some of the inmates of John Oxley were there as sentenced detainees, that is to say, they had been sentenced by a court to serve a period in the care and control of the director-general?
---Yes.

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What about the notion that there might have been children there who were there not as sentence detainees under care and control orders but nevertheless children who were there under a care and control order for their own protection. Does that ring a bell?---No.

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Okay?---I didn't think there were children there under care and protection.

I didn't say that. I said care and control orders?---Under care and control.

Yes?---I always thought it was care and control.

You thought anyone who was there was sentenced?---Yes.

Were there any of remand - - -?---Yes, there were.

20

- - - awaiting a court hearing?---I recall that the kids on remand were held at Sir Leslie Wilson Youth Centre.

All right. Now, in paragraph 15 of your statement you state that you were interviewed by Mr Heiner and Barbara Flynn?---Yes, that's right.

By that do you mean to convey that both of those persons asked you questions or that one of them asked questions simply in the presence of the other, or what was the position there?---They both asked questions.

30

Was the interview recorded in any way?---I recall that the interview was recorded.

Do you recall how it was recorded?---On tape.

All right. Was there anybody present operating the tape machine at all?---In my - when I gave a statement - - -

To whom?--- - - - I recall no.

To whom, sorry? When you gave a statement to whom?---When I gave a statement to Detective Sergeant Collis.

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I see, this year?---Yes.

Your answer was you didn't recall anyone operating a tape machine?---No. I thought Barbara Flynn might have been operating that, but I can't - I can't say 100 per cent.

Now, the letter that you read into the record for us a

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moment ago, did that letter, as far as you could see, from your observations when you were with Mr Heiner, end up in his possession?---Yes.

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Did you see it in his possession?---Barbara Flynn said to me, and I'm - I can recall that she - when she - she said to me, "You must be very frustrated. You must be" - and she was holding my letter and she said, "You must be very frustrated with what's going on."

Okay, so did anyone ask you questions about the contents of that letter?---I was just asked generally to give some examples about, you know, different things that were in the letter.

10

Were you asked any questions by either Mr Heiner or Ms Flynn about any alleged sexual abuse of children at John Oxley?---No.

Did you provide any written or oral information to either Ms Flynn or Mr Heiner concerning any knowledge you might have had of the sexual abuse of children at John Oxley?
---No.

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Do you recall how it came to be that you went and saw Mr Heiner on that day that you did?---Yes, I recall - but not so clearly - that I attended a meeting, and it was a gathering of staff and we were called to a meeting and there was an executive - as staff executive, not from the centre, and I'm not sure if it was Mr Nix or Mr Peers, I'm not sure. They were talking about that there would be an inquiry and that we could - if we had, we could make an interview, we could submit a complaint, and it would all be treated confidentially.

1

Okay. Did Mr Heiner say anything to you when you were interviewed by him about whether what you said would be confidential or not?---I can't recall.

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Were you interviewed in the morning of the afternoon?---I'm not sure. I'm not sure, it might have been morning.

All right. Could you excuse me just for a moment, Mr Commissioner.

Now, you said in your statement at paragraph 21 that you did not attend the Forde inquiry and did not give any evidence, provide any statement, or make any submission to the Forde inquiry. And you said that you - all right. Now, I'll just get you to have a look at this document. I just want to see if this refreshes your memory. I'm not suggesting that you've said anything there that's inconsistent with the document I'm showing you, but I'm just wishing to see whether or not this document might revive a memory of you. Do you recall a man called Tresise?---No. I've been made aware of this document and that in my statement I said that I hadn't provided any - or been interviewed to provide any evidence and so I've just been made aware of this document. I can't - - -

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Do you want to just take a moment to flick through it? ---Yes, I'll have a look.

You can take as long as you want, actually. You're under no pressure. Would you agree with me that it appears to be a typed record of a process of question and answer?---Yes, it is. I just can't recall having that interview.

All right. And your name does appear on the document, doesn't it?---Yes, and I'm very familiar with the information that's within it.

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See, I'm not suggesting to you that you've said something wrong in your statement, but I just wanted to give you the opportunity to consider whether or not paragraph 21 and 22 of your statement was in fact complete in the sense that I'd suggest to you that it did appear as though you were interviewed; not gave a statement, but interviewed by Detective Tresise, I think in 1999 according to the document, isn't it?---Yes, it appears like that and could

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very well have happened. I just don't have - - -

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But you don't recall it now?---I just can't remember it.

All right then. Thank you, I'll have that back. No further questions of this witness.

COMMISSIONER: Thank you. Mr Bosscher.

MR BOSSCHER: Just a question; that document Mr Copley was just referring to, is that in evidence or an exhibit?

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MR COPLEY: No, it's not.

COMMISSIONER: It's not in evidence?

MR COPLEY: No.

MR BOSSCHER: I have no questions of this witness, thank you.

COMMISSIONER: Mr Harris.

MR HARRIS: I have no questions.

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COMMISSIONER: Mr Hanger.

MR HANGER: No questions.

COMMISSIONER: Mr Copley.

MR COPLEY: No re-examination. Maybe witness be excused?

COMMISSIONER: Yes. Thank you very much for coming. You're excused from the obligations of your summons.

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WITNESS WITHDREW

MR COPLEY: Turning to the exhibit, the statement. If you would turn to page 5 of the statement, in paragraph 24 there's a Christian and surname of a person mentioned on the last line that I'd suggest that name should be obliterated for the purposes of publication. Similarly in paragraph 25 there's the Christian name and surname of a male person on the second line, that should be obliterated in my submission. And apart from that there is nothing else but I wish to draw to your attention about that exhibit.

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COMMISSIONER: All right. Anyone want to be heard? I direct that Exhibit 29 be published in full except in paragraph 24, the name on the last line of that paragraph be deleted before publication; and likewise in paragraph 25 the full name on the second line - that's the second no mentioned there which has both the Christian name and surname - be deleted before publication. Do you want to

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have a look at the last line of paragraph 25, Mr Copley? I 1
suppose we've deleted the
name - - -

MR COPLEY: That's sufficient in my - - -

COMMISSIONER: - - - that relates back - yes, okay.
Thanks.

MR COPLEY: We leave it alone other than the obliteration
is you've ordered.

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COMMISSIONER: Yes.

MR COPLEY: Mr Commissioner, I might just ask for a short
adjournment to see whether or not we'll be in a position to
call any more witnesses this afternoon.

COMMISSIONER: All right. I'll stand down.

MR COPLEY: Just five minutes.

COMMISSIONER: If you're not, I'll - I'll come back.

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MR COPLEY: All right, thank you.

COMMISSIONER: Just let me know when you're ready.

THE COMMISSION ADJOURNED AT 3.12 PM

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04122012 17/ADH (BRIS) (Carmody CMR)

THE COMMISSION RESUMED AT 3.15 PM

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MR COPLEY: Mr Commissioner, we're not in a position to call any further witnesses today, but of course we will be ready to resume at 10 in the morning.

COMMISSIONER: All right. Excellent. In that case I will adjourn till 10 am tomorrow morning.

MR COPLEY: Thank you.

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THE COMMISSION ADJOURNED AT 3.16 PM UNTIL
WEDNESDAY, 5 DECEMBER 2012

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4/12/12

COPLEY SC, MR

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