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TRANSCRIPT OF PROCEEDINGS

THE HONOURABLE TIMOTHY FRANCIS CARMODY SC, Commissioner

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 01/11/2012

..DAY 1 (in relation to term of reference 3(e))

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 10.14 AM

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COMMISSIONER: Good morning, Mr Copley.

MR COPLEY: Good morning, Mr Commissioner.

Mr Commissioner, after the time for compliance with procedural guideline number 5 passed, which was about 28 September 2012, it became obvious that there was some uncertainty as to whether any interest or interests that some people profess to have in the subject matter of paragraph 3(e) of the order in council of 1 July 2012 was of such a nature that authority to appear was a matter that couldn't be determined without the benefit of further oral submissions. So on or about 12 October 2012 those persons who I identified as falling into that category received correspondence inviting them to attend a hearing today for the purpose of them advancing any oral submissions that they might seek to make relevant to whether an authority to appear should be extended to them. They were asked to direct their attention to the nature of the interest or interests that they asserted they had in connection with paragraph 3(e) and how they say that interest or those interests may be affected by the inquiry into the matters raised in that paragraph.

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At around the same time there was a decision made by you to grant authority to appear to a number of persons because they were regarded as meeting, perhaps, the relatively low test for having an interest in the subject matter of this aspect of the inquiry and I propose to tender the authorities to appear in a moment. First of all, I tender and read the commission of inquiry order number 1 of 2012 and ask that that be made exhibit 1.

COMMISSIONER: The order in council will be made exhibit 1.

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ADMITTED AND MARKED: "EXHIBIT 1"

MR COPLEY: On 12 October 2012 you signed an authority to appear authorising Mr Gordon Harris to appear before the commission for the purpose of representing Annette McIntosh and I tender the authority to appear for Mr Harris to represent Ms McIntosh.

COMMISSIONER: The authority for Mr Harris to appear to represent Annette McIntosh will be admitted and marked exhibit 2.

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ADMITTED AND MARKED: "EXHIBIT 2"

MR COPLEY: On 12 October 2012 you signed an authority authorising Mr Harris to appear before the commission for the purpose of representing Ms Shelly Farquhar and I tender the authority to appear.

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COPLEY SC, MR

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COMMISSIONER: Mr Harris's authority to appear to represent Shelly Farquhar before the commission will be exhibit 3. 1

ADMITTED AND MARKED: "EXHIBIT 3"

MR COPLEY: On the 18th day of October 2012 you signed an authority to appear authorising Mr Ian Hanger QC and Mr John Selfridge, counsel, to appear before the commission for the purpose of representing the Crown in the right of the State of Queensland and I tender the authority to appear. 10

COMMISSIONER: Mr Hanger's authority and Mr Selfridge's joint authority to appear to represent the Crown in the right of the State of Queensland will be exhibit 4.

ADMITTED AND MARKED: "EXHIBIT 4"

COMMISSIONER: Mr Hanger?

MR HANGER: I announce my appearance with Mr Selfridge, Mr Commissioner. 20

COMMISSIONER: Thanks, Mr Hanger. Good morning.

MR COPLEY: I should put on the record that I wrote to Mr Harris in October informing him that in view of what was anticipated to occur today he need not be here unless he wished to be here. I am aware that he's in the public gallery and I just ask you to be aware of that.

COMMISSIONER: Thank you. I'll take his appearance, I think.

MR COPLEY: Okay. 30

COMMISSIONER: Mr Harris, good morning.

MR HARRIS: For the record, your Honour, my name is Harris, initials G.L. I'm a solicitor with Family Law Doyle Keyworth and Harris and I appear on behalf of Annette McIntosh and Shelly Farquhar.

COMMISSIONER: Thank you. Take a seat there, Mr Harris.

MR COPLEY: On 12 October 2012 you signed an authority authorising Michael Bosscher, solicitor, to appear before the commission for the purpose representing Kevin Lindeberg and I tender the authority to appear. 40

COMMISSIONER: The authority given to Mr Bosscher to appear for the purpose of representing Kevin Lindeberg will be exhibit 5.

ADMITTED AND MARKED: "EXHIBIT 5"

1/11/12 COPLEY SC, MR

MR COPLEY: Mr Bosscher asked me in October if he could be excused from appearing today and I said that as the interests of the party or the person he's representing wouldn't be affected by today's proceedings, that there would be no difficulty in Mr Bosscher not appearing today, so he's not here today. The position in relation to those persons who were written to on or about 12 October is as follows. On 23 October 2012 Ms Elizabeth Fraser, the Commissioner for Children and Young People and Child Guardian, wrote to me and advised that she did not propose to pursue further her application for authority to appear in relation to paragraph 3(e) of the terms of reference so no ruling is required in relation to her application made in July. 1 10

On 31 October 2012 Ms Sidonie Wood, the official solicitor to the Crime and Misconduct Commission, wrote to me indicating that the Crime and Misconduct Commission did not wish to be heard further in connection with the authority that was given to them on 17 July 2012 and so they would not be appearing today. On the 30th day of October 2012 Mr Bruce Grundy forwarded - or sent an email to the commission of inquiry stating, "I have decided not to pursue my request to appear before your inquiry. Thank you for your consideration. Bruce Grundy." So no ruling is required now in relation to his application for authority to appear, which has been abandoned. 20

In these circumstances may I suggest that you adjourn any further hearings in connection with paragraph 3(e) until Monday, December 3, 2012 at Brisbane. On that date it is proposed that the commission convene in the Brisbane Magistrates Court to hear evidence from a large number of witnesses who will be called by me and I anticipate that we will sit for 10 days from Monday, December 3, to hear the evidence of those witnesses, who will be called one by one. 30

COMMISSIONER: All right, and how many witnesses, at this stage, do you think we will be hearing from in that period?

MR COPLEY: At the present time it would appear that there may be approximately 94 persons who were employed or associated with the John Oxley Youth Centre in late 1989, early 1990, and the officers from the Queensland Police who have been seconded to the inquiry have at my request been involved for some months now in the process of locating those people, interviewing them and obtaining statements from them about matters relevant to paragraph 3(e). So my intention is to call - to summon every one of those persons to attend and give evidence before the commission of inquiry. If they decline to provide a statement, which of course is their right, they will still receive a summons to attend and give evidence. So there is potentially about 90 witnesses in that category. Some of them will be very short, I anticipate, some of them might be longer. 40

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COPLEY SC, MR

Beyond that, of course, there are witnesses who worked for the State of Queensland and who have yet to be approached in connection with providing statements in relation to their involvement in the establishment of the inquiry by Mr Noel Heiner, the conduct of the inquiry by Mr Heiner and the decision to terminate the inquiry conducted by Mr Heiner. The number of people concerned there would, and I'm really speaking off the top of my head at the moment, be in the vicinity of 20 to 30 persons.

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COMMISSIONER: We anticipate hearing from them next year.

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MR COPLEY: We do. My intention was to perhaps after the fortnight ends in December suggest at that time that the commission reconvene on Monday, 22 January for a fortnight to continue receiving the evidence of witnesses in both categories.

COMMISSIONER: All right. Thanks, Mr Copley. Anybody - anything arising from that? All right. In that case I will adjourn the further hearing of evidence in respect of term of reference 3(e) in the order in council until 10 am on 3 December 2012. Thank you.

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THE COMMISSION ADJOURNED AT 10.26 AM
UNTIL MONDAY, 3 DECEMBER 2012

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