



SPARK AND CANNON

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THE HONOURABLE TIMOTHY FRANCIS CARMODY SC, Commissioner

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

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

BRISBANE

..DATE 25/01/2013

Continued from 24/01/2013

DAY 16

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

THE COMMISSION COMMENCED AT 10.04 AM

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COMMISSIONER: Good morning, gentlemen.

NEWNHAM, NOEL RONALD:

COMMISSIONER: Good morning, Mr Newnham?---Good morning.

Thanks for coming back. Yes, Mr Harris?

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MR HARRIS: Thank you, commissioner. Could the witness see his affidavit or his statement?---I have that.

Thank you. Now, Mr Newnham, could I ask you to go to paragraph 15 of your statement and the last sentence in that paragraph? Could you read that paragraph and then could I ask you to comment on what you say you mean in the last paragraph of that?---The last sentence reads, "I commented about the adequacy of the apparent handling of the complaint but I was not in a position to take any further action."

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What do you mean by that?---From what I read in the file or what I took to be the file dealing with the incident involving Annette Harding, the priorities for the department were strange and they were wrong. The work that the police officers were reported to have carried out was grossly inadequate for whatever reason. They were supposed to investigate a reported crime and they chose not to.

All right. Can I just now take you to the general instructions that the police had in those days? I believe they were kept in two volumes called the "Policeman's Manual". Do you recall that?---Mr Harris, I've heard of it but I don't know that I can take it any further since we're talking about 1990 - - -

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COMMISSIONER: I thought they were called the "Commissioner's Instructions", those two brown volumes.

MR HARRIS: Two brown volumes.

COMMISSIONER: Policeman's Manual?

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MR HARRIS: Policeman's Manual. They were general instructions and I'm not absolutely sure, commissioner, and I'm trying to investigate it to see whether or not they were called "Policeman's Manual".

COMMISSIONER: Yes, I don't think they were, but anyway - - -

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MR HARRIS: No.

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What were contained in those instructions were really the instructions of the commissioner to all serving police officers. Is that correct?---So I would understand.

COMMISSIONER: Just so that we know, Mr Newnham was the commissioner of police - I don't think they were still in place then when - - -

MR HARRIS: I think they were still in place until 1991, when Commissioner Newnham brought in another set of - - -

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COMMISSIONER: You would have issued commissioner's instructions from time to time, I suppose?---Yes, sir.

MR HARRIS: Now, these were a general instruction outlining what police would have to do with respect to investigations?---Yes.

Now, when you made comment here in respect to their apparent handling of the case, were you referring to the general instructions or was that just your general knowledge of what police should have done?---The latter.

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Thank you. In an investigation like that, what should have the police officers done?---Well, the guiding principle is search for the truth. That's what an investigation is. That involves talking to all available witnesses and in this case from what I've read there were at least five people who could be classed as witnesses, even if some of them were also potentially offenders. There was also, of course, Annette Harding herself. It appears to me that the police took no more than the most superficial of details from Annette Harding. From what I've read, it appears to me that they knew that she had been subjected to coercion by her assailants or their colleagues and yet she remained in the same environment even while they were talking to her.

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With respect to the actual investigation of the matter - and I just want to put historically to you what we have heard in this commission is that on the evening of 27 May 1988 with her mother she formalised to Mr Coyne at the John Oxley Centre a complaint of rape. From there - - -

MR COPLEY: Well, with respect to Mr Harris, I think he needs to be careful how he words the proposition to a witness who hasn't seen this evidence and so to suggest to the witness that the young woman formalised a complaint conjures up some notion that she did anything more than apparently with her mother speak with Mr Coyne and say to him what she said to him. It's not as if there was any written document put into place by the woman and her mother asserting X, Y or Z. It really creates an atmosphere or those sort of adjectives generate notions that really the

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evidence doesn't support at the moment. It would be more correct for Mr Harris to say, "On the evening of this date she and her mother told Mr Coyne that they wanted to make a complaint." If that's put like that, then that accords with the evidence. 1

COMMISSIONER: We don't know what complaint at that point they wanted to make, do we?

MR HARRIS: Yes, commissioner, I understand.

COMMISSIONER: Yes. 10

MR HARRIS: On the evening of the 27th, Ms Harding told Mr Coyne that she wished to make a complaint to the police with respect to - - -

COMMISSIONER: What happened to her.

MR HARRIS: - - - what happened to her?---So it appeared in the file.

Mr Coyne then contacted Inspector Jefferies, who in turn contacted the Juvenile Aid Bureau, who then attended to the centre and spoke with Ms Harding. Ms Harding was at that stage in the presence of the two police officers and two of the personnel from the John Oxley Centre. Now, in your experience as a police officer, what would have you done in that situation? Bearing in mind Ms Harding is virtually in a prison there, what would have you done in that situation?---I would have tried to obtain a detailed statement from her. 20

And if that took all day, you would take all day getting it?---However long it takes. 30

Would you then make an official report on that complaint - that you had received that complaint from - - -

MR COPLEY: That presupposes that in this hypothetical situation Mr Newnham would have received a complaint. The evidence in this case reveals that the child did not make a complaint to the police and said she did not wish to make a complaint.

COMMISSIONER: Yes.

MR COPLEY: So the question should be, "Mr Newnham, if the child had made a complaint to you, would you then have done X, Y or Z?" 40

COMMISSIONER: Or, "What would you have done?"

MR COPLEY: Yes.

COMMISSIONER: If Mr Newnham doesn't mention something that you think he should have, then you can prompt him and then I think the next question would be, "Well, given that these police officers received a noncomplaint, what should they have done about that?" What would Mr Newnham himself have done which may reflect best practice; may not, but I'll take it into account, comparing what he says should have been done with what was actually done. And therefore we need to compare apples say that in order for me to get any benefit from Mr Newnham's opinion, he needs to be in the same context as the actual police were, as much as it possible.

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MR HARRIS: Thank you, Commissioner.

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Mr Newnham, if you would have arrived there and the complainant had said she did not wish to make a complaint, what would you have done then?---She is a minor.

Yes?---She'd already been examined, apparently without being required to give her consent. I would have persisted in trying to obtain a statement from her.

Thank you?---And if I may go on - with some reservations because it arises from your earlier questions - I would not have simply put in my report "based upon her statement"; I would have continued to investigate it. I'm reminded of what Barry Beach, later Mr Justice Beach, said to the police in Victoria, that they were to investigate.

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Now, with respect to your responsibilities when you were the Commissioner of Police, your responsibilities were to essentially uphold the laws of Queensland and in some parts, the Commonwealth?---Yes.

There was Commonwealth legislation there. I just put that in because it does cross over. Now, you in your position did not have the actual power to direct a police officer to arrest someone; that was wholly and solely the power of the police officer, wasn't it?---That is correct.

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Okay. And that's been the common law of Australia since its implementation.

MR COPLEY: Well, he's asking the witness for a legal opinion which I continually object to, no matter who asks it of what witness. He can ask Mr Newnham whether or not - well, the question he asked prior to that was proper and that's as far as Mr Newnham could take it.

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COMMISSIONER: Yes.

MR COPLEY: He can't comment on what the common law of this drove here was since the year dot.

MR HARRIS: I won't take it any further, Commissioner. I have no further - - -

COMMISSIONER: It is a historical artefact.

MR HARRIS: Yes. I take it no further. I have no further questions for Mr Newnham.

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COMMISSIONER: Thanks. Yes, Mr Lindeberg?

MR LINDEBERG: Thank you, Mr Commissioner.

Good morning, Mr Newnham?---Good morning, Mr Lindeberg. I'd ask you to keep your voice up, if you would, please.

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Yes, I will?---Thank you.

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Mr Newnham, may I refer you to point 4 of your statement, please?---Yes.

You refer to our initial discussions at that time were concerning an interpretation of the Criminal Code about the destruction of evidence?---Yes.

Well, as a former police commissioner can you elaborate on what you understood my concerns to have been at that time in relation to that provision, how it impacted upon the Heiner inquiry documents?---You're asking me to say now what I understood your state of mind to be then and I'm prepared to answer that.

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MR COPLEY: And in my submission, that illustrates the irrelevancy of the question. Mr Lindeberg's state of mind then is no more relevant than it is now.

COMMISSIONER: Well, even if it was relevant, Mr Newnham can't give evidence of what it was. At best he can give evidence of what he thought it was or what you told him it was, neither of which are probative of anything.

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MR LINDEBERG: I was just trying to make the point that my initial concern to you was about a matter of the shredding of the Heiner inquiry documents and I spoke to you on the basis that you may have had some knowledge in respect of the law in regard to the destruction of documents, but - - -?---I could go a little further. I think part of it was Mr Lindeberg thought I might have had knowledge of the event.

COMMISSIONER: Did Mr Lindeberg tell you that - - -?
---Yes.

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- - - that's what he thought?---Yes.

MR LINDEBERG: That's true. Point 5 in your statement, you state, "I provided some views and I thought the matter could be resolved by the Criminal Justice Commission." In regard to your knowledge of the Criminal Justice Commission's handling of the matter did you think it was resolved properly?---No.

Can you elaborate on that, please?

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COMMISSIONER: That is, in what way was it deficient?
---The Criminal Justice Commission's interpretation of the law was wrong. They had known for years that it was wrong. It seems to me plainly obvious that they made no attempt to have that wrong corrected.

Now, can I just interrupt there? How do you know it is wrong as a fact, and then how do you know they knew it was wrong as a fact?--Well, the first thing is you can't interpret the section in the way that it was chosen to be interpreted, in my humble opinion.

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Righto. So it is wrong because you think it is wrong?---It is wrong because the High Court of Australia said it was wrong.

MR LINDEBERG: So this - - -

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COMMISSIONER: What, they specifically decided that the CJC was wrong in its interpretation of section?---No, they interpreted - given an interpretation of the law.

MR COPLEY: So, Mr Commissioner, we again get into irrelevancies where we're asking a man who is not a lawyer to form an opinion about the lawfulness or otherwise of somebody else's conclusions or actions based upon that gentleman's understanding of the case law from the High Court.

COMMISSIONER: I know, but I think he's entitled to say that he thought it was deficient; and the reasons he thinks it's deficient, to the extent that they involve his interpretation of the law, well, that's his opinion. But it is evidence of why he thinks it was deficient. It doesn't make it deficient; it just why is he thinks it is, and one of the reasons he thinks it is is because he thinks the High Court has contradicted - but generally I take your point. So okay, it's because their interpretation seems to be inconsistent in your view with something the High Court said. Is that right?---It's a little more than that.

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Well, okay, add the bit?---The plain reading of the section does not allow for the interpretation that before it can be applied to anybody a legal action must have been commenced by the issue of process.

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So they misinterpreted the plain words of the section and failed to follow the High Court's interpretation of similar or the same words. Is that right?---And failed to correct their mistake.

Right, so that's their mistake; and their failure to correct it, what did that consist of? Wherein lies the failure to correct?---Failed to find out the truth.

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They failed to find out the truth of - - -?---Of the shredding.

The shredding?---Whether it was a breach of the law.

So what you're saying is not that they didn't correct their
mistake in view of the law, but they didn't correct the
situation by finding out the truth about the shredding?
---Yes.

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Because of their misinterpretation?---Why they didn't, I
leave others to judge.

Okay. So what you're saying to me is they made a mistake
at law and they didn't get to the bottom of the shredding?
---Yes.

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MR LINDEBERG: Thank you. Mr Newnham, can I point to you point 8 - can you go to point 8, please?---Yes. 1

Mr Newnham, do you recall at that time my then counsel Robert Greenwood QC, junior Peter Feeney and lawyers Ryan and Bosscher had earlier indicated, around 3 March, that we were in the early stages of preparing a private prosecution and that is what formed your efforts to search for the truth and why you gave a report to Ryan and Bosscher?
---Yes.

Can I ask you to go to point 11, please? 10

COMMISSIONER: Just so I understand it, you were pursuing the truth about the shredding to assist the preparation of a private prosecution by these lawyers, or was the basis of their private prosecution your investigative work?---I'm reminded that that was in the offing at that stage, yes, the potential private prosecution.

Based on your work? Based on your investigations?---I wouldn't say that. That's going too far.

Well, that's what I thought Mr Lindeberg was - - - 20

MR LINDEBERG: No, it was a part. It was not based - I put it to - it was just a part. It wasn't reliant upon you, but you - - -?---Certainly not.

- - - but you offered to assist in getting further facts on the matter?---Yes.

MR COPLEY: There's a number of propositions in there, including a proposition that's never before been established, that Mr Newnham offered to assist. 30

COMMISSIONER: That's what I was trying to find out. I'm trying to get which is first, the cart or the horse here.

MR LINDEBERG: I see.

COMMISSIONER: Was the private prosecution in the offing at the time Mr Newnham was first approached to investigate?

MR LINDEBERG: No, the facts show that letters had gone in beforehand.

MR COPLEY: The facts don't show anything of that nature in this Commission of Inquiry so it would be better to ask a question, a clear question, one proposition at a time and we'll see where we go. 40

COMMISSIONER: Yes. Could you just establish why Mr Newnham was investigating, for what purpose? I'll ask

him the question. For what purpose were you investigating it? You told me yesterday it was because some enterprise body had asked you to do so?---Mr Moss invited me to conduct some inquiries.

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Did he say it was for the purposes of potential prosecution?---I think it was to do with a submission before Ms Dick, who was parliamentary commissioner.

Right, so when did you first hear about a private prosecution?---Somewhere around about the same time.

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Was your work connected to that private prosecution?---It may have been, sir. I can't say that there was a definite causal link, but there may have been.

As far as you were concerned, you were investigating it because Mr Moss asked you to, not because Bob Greenwood was considering a private prosecution?---Well, I would not have gone to Queensland except upon Mr Moss's invitation.

Okay?---And to be blunt about it, I think he paid the airfare.

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MR LINDEBERG: Mr Newnham, can I go to point 11, please, where you indicate that you were speaking to Mr Rudi Pekelharing?---Yes.

In the course of that seeking for the truth you learnt about handcuffing?---I'm sorry, I missed that.

In the course of talking to Mr Pekelharing the issue of handcuffing of children came up?---Yes.

May I ask the witness to look at this newspaper article, please?

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COMMISSIONER: What is the purpose of showing Mr Newnham the newspaper article? Is it to refresh his memory about something?

MR LINDEBERG: To refresh his memory.

COMMISSIONER: Okay. How can he refresh his memory from - - -

MR LINDEBERG: Well - - -

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COMMISSIONER: Just a sec.

MR LINDEBERG: Sorry.

COMMISSIONER: How can he refresh his memory from someone else's document? See, if you want to ask him about a fact that is in there or that's reported in there, you just ask

him the fact. Showing him the newspaper will only inform him of something that he may not otherwise know.

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MR LINDEBERG: Okay.

COMMISSIONER: We want to know what's in his head now. We don't want to be putting things in his head and then asking him questions.

MR LINDEBERG: Mr Newnham, were you aware that the matter of the handcuffing appeared in The Courier Mail shortly after your interview with Mr Pekelharing?---If I was aware at that time I have no knowledge now of that awareness.

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COMMISSIONER: Sorry, but just assuming for the moment that it was, what's the point?

MR LINDEBERG: The proposition I put, Mr Newnham, is that prior to your investigation the thrust of my contact with you was on the simple matter of shredding of evidence, but by your talking to these people it reached the level of the contents of the documents and that is manifest in your report with Mr Pekelharing and it reached - - -

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COMMISSIONER: Yes, well, they're not questions; they're really submissions to me. I was asking you what your point was and now I understand your point, but Mr Newnham can't give it any more credence than it's got.

MR LINDEBERG: Thank you very much, Mr Commissioner.

Mr Newnham - - -?---Well, may I say, sir, that my report to Ryan and Bosscher set out my state of mind when I commenced in May?

COMMISSIONER: Thank you.

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MR LINDEBERG: Mr Newnham, you are acquainted with the chronology of events surrounding the Annette Harding incident?---I've seen what I understand to be an expurgated departmental file.

Can I walk you through some of those events and get your comment as a former police commissioner on whether or not you thought the matter was properly handled?

MR COPLEY: Well, I have no objection to that as long as the questions are confined to whether or not Mr Newnham, as a former commissioner of police, thought the conduct of police officers was proper or not. Mr Newnham has no expertise to comment upon the conduct of Mr Coyne or upon the conduct - - -

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COMMISSIONER: Or the teachers.

MR COPLEY: - - - of the teachers or upon the conduct of the department or of a minister or of a doctor or of anybody else. 1

COMMISSIONER: Well, anyone other than the police.

MR LINDEBERG: Anyone other than the police.

COMMISSIONER: Yes. I mean, he's an expert in the conduct of investigative inquiries by police and what the rules and professional codes expect of them, but him making a comment about what a teacher should or shouldn't have done is about worth as much as me saying it. Unless it's - you know, and I would only make a comment if I had something - a rule which seems to have been broken, and that's just matching a rule with a fact, whereas you're not asking Mr Newnham to do that, you're just asking him as a respected former public official whether he thinks that was good or bad. 10

MR LINDEBERG: I understand, commissioner. I may have been taking it too far in that sense, I don't know.

It is your view, Mr Newnham, that the police officers in terms of what you know of their investigation, it was insufficient?---Yes, for whatever reason. 20

Would you go so far as to say the matter therefore was not properly investigated?---Yes, clearly.

Thank you, Mr Commissioner. No further questions.

COMMISSIONER: Thank you. Mr Copley?

MR COPLEY: Yes, thank you, Mr Commissioner.

Mr Newnham, do you recall receiving a letter from the Enterprise Council dated 13 May 1998?---Yes. 30

It was one written, was it, by a Mr Moss?---Yes.

He said in that letter that he was seeking your assistance to undertake what he described as the supreme role of managing the interviewing of witnesses relating to a proposed prosecution of the Goss cabinet, or the Goss government?---He said that, yes.

Yes, that was the heading to the letter, wasn't it, regarding the proposed prosecution of Goss government, the Goss cabinet?---Yes. 40

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Yes, and the letter said that that council, the Enterprise Council, had pledged financial and other support to Mr Lindeberg?---It did. 1

Yes, so you didn't, as Mr Lindeberg faintly put to you, offer to be involved. You were sought out and asked to be involved, weren't you?---Yes, before 13 May.

Yes, and in fact an income or a recompense was actually offered to you, wasn't it, to be involved? Whether you were ever paid or not is another matter, but just on this proposition they weren't expecting you to work for free, were they?---I don't think there was an offer of remuneration, was there, in the letter? 10

I'm asking you. I'm not suggesting it's in the letter but I'm asking you generally. You weren't asked to work for free, were you?---My out of pockets were to be paid and there was a hire car. I didn't pay for that.

Yes?---There was an air fare. I didn't pay for that.

Yes?---That's about it. 20

So you were happy otherwise to work for nothing for them? ---Yes.

But they sought you out. Do you agree with that proposition?---Yes.

Yes, okay, just so we're clear on that. The letter said that Mr Greenwood and Mr Feeney had spend considerable time preparing the submission on behalf of their client, didn't it?---Yes.

The letter stated that your assistance was sought to prepare statements and affidavits that are required to be interviewed in preparation of a submission before the parliamentary commissioner Ms Dick?---Yes. 30

Do you agree?---Yes.

Thank you. No further questions. May the witness be excused?

COMMISSIONER: Mr Selfridge?

MR SELFRIDGE: Before you do so, please, if I may, yesterday at close of business I intimated that I had no questions of Mr Newnham. 40

COMMISSIONER: Yes.

MR SELFRIDGE: He has subsequently given some evidence before the commission which, in effect, to paraphrase it,

casts some doubt in terms of the Queensland Police Service investigation in relation to Annette Harding. 1

COMMISSIONER: Yes.

MR SELFRIDGE: I would like to reserve my client's right to respond to that, commissioner.

COMMISSIONER: Yes.

MR SELFRIDGE: I can do it in one of two ways. Last week, as I understand it - sorry, the week previous Ms Foster, who gave evidence before the commission, was required to return at a later date or by telephone in order for there to be some formalised response from the department in that instance. As far as Mr Newnham is concerned, we can do it one of two ways: either by telephone, because I understand that he's in Victoria and there is no need, in my submission, for a requirement for him to come back to Queensland or for the Queensland Police Service to have an opportunity to formalise in writing maybe by submission responses to that. 10

COMMISSIONER: I think you would need to know a bit more from Mr Newnham what he says the deficits are so that they have got a target to fire at. 20

MR SELFRIDGE: Yes.

COMMISSIONER: There is no point in Mr Newnham saying it wasn't proper and then the Police Service say, "Yes, it was." I wouldn't be helped by that. I would be helped by Mr Newnham telling me in what respects the investigation was deficient and then the Police Service can say why he is right or why he is wrong. 30

MR SELFRIDGE: Sure; I am happy to explore that with Mr Newnham at this moment in time or order to avail by client the opportunity - - -

COMMISSIONER: I have had evidence from Mr Jefferies, haven't I?

MR SELFRIDGE: You have had evidence from Mr Jefferies but also the actual evidence that has fallen before the commission in its entirety surrounding that incident, in my submission - and I can put in a formal question to the witness - has not been paraphrased properly in terms of how the Queensland Police Service had an involvement in the investigation immediately post - - - 40

COMMISSIONER: Yes, see, before Mr Newnham's opinion would be meaningful I would need to know what he - - -

MR SELFRIDGE: Understands.

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COMMISSIONER: Yes, what he thinks was done or not done and why he thinks those actions or inactions were unprofessional or inadequate as a forensic police investigation. 1

MR SELFRIDGE: Sure.

COMMISSIONER: So I don't know any of that. I don't know much about either of those things yet.

MR SELFRIDGE: It might be then, Mr Commissioner - I have some knowledge only of that which has fallen before the commission, the same as yourself. 10

COMMISSIONER: Maybe we will get another statement from Mr Newnham about those things. Could we do that?

MR COPLEY: What you seem to have in mind, Mr Commissioner, is a statement that might be obtained from Mr Newnham about what he understands was done or not done and what in his opinion was deficient or insufficient.

COMMISSIONER: Yes, and also what he thought was being investigated or the facts he thought were - - - 20

MR COPLEY: We could do that. We could do that, but my submission is the more efficient way to proceed so that there's no risk of Mr Newnham's statement perhaps not being fully expressive of what he wants to say - because we had the example yesterday afternoon where he said a certain thing about Mr Grundy but then when presented with further material, he had to alter the effect of what he was saying about Mr Grundy. Surely the more efficient way to proceed, given that Mr Newnham has probably cogitated about these matters for many years, is for him to be asked here and now what his understanding was of what the police did, perhaps where he derives that understanding from - and we may know that answer at the moment because he has got an expurgated version of the file - and then how and why he says that investigation was deficient. 30

COMMISSIONER: That is what I meant to ask you. Have we got that file?

MR COPLEY: I don't know what file he's referring to, Mr Commissioner.

COMMISSIONER: I might have a look at that. 40

Have you got your file there, Mr Newnham?---Yes, sir.

All right. Mr Selfridge, I know that you may only have a smattering of understanding yourself, but I think Mr Copley is right. I think it's important that while Mr Newnham is here we get evidence from him of those matters, what he

knew about the incident, what he knew about the investigation, the conduct of the investigation, why the investigation was deficient from a policing point of view and what his sources of information of those things were.

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MR SELFRIDGE: I understand. I'm happy to put some questions to him in that regard so that my client is availed of an opportunity to address it fully.

COMMISSIONER: Yes.

MR SELFRIDGE: Mr Newnham, sorry, are you looking for that document?---Yes, I am. I'm looking at my copies of the files that were referred to, the expurgated file.

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Yes, sure. You were obviously privy to the entire discussion that has commenced between the parties on the bench with Mr Commissioner. You have been privy to that and there are certain things I would like to ask you?
---Sorry, could you repeat all that a little more slowly, please?

Yes, sure?---I have a problem with my accents.

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Yes, and I understand I have something of an accent?
---Thank you.

Okay. I will put the questions to you slowly and precisely and ask you to respond to the best of your ability. Okay?
---Thank you.

First of all, in terms of the Annette Harding incident, and we're talking about the incident from 24 May 1988 - - -?
---Yes.

- - - what do you know about it? What's your understanding in generalised terms and then I might ask you more specific questions thereafter? What's your understanding of what happened on that excursion to the Lower Portals?---My understanding is that there was an outing of inmates and staff from the John Oxley Centre to an area known as the Lower Portals; that during the course of that outing Annette Harding was alone with five male inmates; that she was subjected to sexual intercourse by two of those boys.

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Can I just stop you for one second there? When you say "subjected to sexual intercourse by two of those boys", what do you mean by "subjected to sexual intercourse"?
---I've tried to avoid the emotive expression "rape" because on the file it appears that there was sexual intercourse between her and two of those boys at a time when she was under pressure.

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What do you mean by "pressure", "a time when she was under pressure"?---I think Mr Coyne used the expression "peer pressure" and something else. 1

So we're talking about either emotional or psychological pressure?---Something like that, yes. They were his words, not hers, as I understand it.

Yes. You say those were his words. Where did you get that information from, that those were Coyne's words?---From the file. 10

Which file?---The file I'm referring to.

Okay?---(indistinct).

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Yes, thank you, Mr Newnham. That information contained in the file: what sources - where was that information obtained from?---Well, it's an expurgated file of what I understand to be the Department of Family Services file dealing with the incident obtained under Freedom of Information.

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Okay. Who obtained that file and when did they obtain it, do you know?---It was probably Mr Grundy, but it may have been Mr Lindeberg.

How did it come into your possession? Was it Mr Lindeberg that you obtain it - - -?---One or other of them.

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I'm sorry?---One or other of them.

When are we talking about, Mr Newnham? How long ago?
---After 1998.

So at some point after the letter which Mr Copley has put to you after the time that you were - I use the term loosely - commissioned or engaged to conduct some investigative processes?---Yes.

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Now, apart from that which you state in your statement you've given to the commission, were there any other investigative processes that you undertook in order to obtain any further information?---I saw the press release put out by the Criminal Justice Commission where they commented upon the handling of the Annette Harding incident.

So please continue. Earlier in the piece I asked you the question of what you knew about the incident and I stopped you for a minute just to identify certain features. And that time I stopped you you were talking about the Annette Harding and your interpretation of it and being subjected to sexual intercourse on the trip to the Lower Portals by two males from - two or five males who accompanied her on the excursion. Can you please continue?---Okay. Staff became suspicious and indeed, one of the staff heard some of the boys talking about the incident. Later that afternoon some of those males decamped. They were later located. Later that evening Annette was questioned, and on the file confirmed, in broad terms, what I've just referred to.

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Okay. In terms of the actual police involvement, QPS involvement, what do you know about that? What's your understanding?---According to the file it was at the behest of the police by telephone that Annette was medically examined at the Mater Hospital, I think, from memory, some days later.

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Do you know when?---Yes, if I can find it.

If it assists, I believe it was a Dr Crawford?---I'd need to check that. It was Friday the 27th, according to the file - of May 1988 - - -

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Yes?--- - - - when Mr Coyne contacted Inspector Jefferies. Now, he doesn't take it any further in that particular report, but it was after that that Dr Forbes at Mater Misericordiae Children's Hospital provided a report on 27 May.

So according to your file it is not definitive when she was examined but Dr Forbes provided a report on 27 May is that what I'm to take?---No. He said, "I was asked to examine Annette on 27 May 1988."

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And he provided a report that same day - he or she, Dr Forbes?---His report is dated 9 June.

Okay?---Sorry, it's her report, Dr Marie.

What do you understand to be the outcome in terms of that medical examination?---I would hesitate to try to interpret the medical language and I'd leave that to the commission to interpret itself.

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I understand what you say about your hesitation - - -? ---There's one line there that I can understand.

Okay?---"Superficially Annette appeared unperturbed by events. She has not had adequate contraceptive advice to date."

Notwithstanding any medical jargon or content of the report which you hesitate to interpret, as such, is there anything contained in the information you have that would lead you to believe that there are allegations of rape or that Annette had been subjected to sexual intercourse or anything of that nature, any evidence to support that? ---Not in that report.

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No, okay. So I asked you - the first question I put to you on this topic on this theme was about the Queensland Police Service involvement, and that's why we've been doing this course, in terms of - at the behest of the Queensland Police Service by telephone Annette was medically examined? ---That was my understanding.

But not - for the time being now?---Sorry?

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What else do you understand to be Queensland Police Service's involvement in this Annette Harding incident? ---The file indicates that two police officers arrived at JOYC the following day.

What do you mean by "the following day"? The following day to what?---The day after the medical examination, which would be the 28th, I think, of May. 1

Does it go on further to state what - Queensland Police Service involvement on the 28th?---Mr Pekelharing said that - this sounds superficial, but I can only go on what I'm told.

Sure, I understand?---"On arrival of the two police officers, Annette and Lorraine came down from the wing and they all made themselves some coffee in the staff room. They decided that the staff room was the nicer, sunnier room to conduct the interview." 10

So Annette and who, sorry? My apologies; I never picked up on the second person. Who was with Annette at that time? ---Annette and Lorraine, a staff officer, staff member.

We don't know who that lady is, do we? We don't actually know who Lorraine is at that - - -

MR COPLEY: Well, it doesn't matter what we know; it's what Mr Newnham understands from the file, I remind my friend. 20

MR SELFRIDGE: I accept that, Mr Commissioner.

So you understand Lorraine to be, or you interpret Lorraine to be someone from - working there as a youth worker. Is that fair?---Well, Mr Pekelharing said two police officers arrived at about 9.20 am and that the interview with Annette with all the intervening factors finished at about 10.48 am.

Can I just stop you for a second? You're obviously reading from a document that you've got in this file. Which document is that you're reading from? What's the source of that information?---I'm reading the report of Mr Pekelharing which is labelled folio 42 within that file. 30

Okay, can you please continue in terms of any Queensland Police Service involvement?---This is Pekelharing and the public has had reports on the same incident. "She" - that is, Annette - "implied that some of the reasons for not going ahead with the complaint were (a) the length of time for it to come to court, six to 12 months." 40

Yes?---And (b), "The fact that she was receiving verbal abuse from some of the boys and somebody else."

You see, this is a report of Mr Pekelharing. Are we talking about - how do we know, or do you interpret it that this report of Mr Pekelharing was put to the Queensland Police Service at that time? Do you understand that the

Queensland Police Service, or do you interpret it that the Queensland Police Service had a copy of that report at that time?---I don't know. 1

You don't know, but it's not a formal police statement as such?---No, it's Mr Pekelharing's departmental file, as I understand it, not a police file.

Sure, okay. Please continue.

MR COPLEY: I don't think the witness has understood your - - - 10

MR SELFRIDGE: Sorry, would you please continue? Please continue in terms of the overall question in relation to Queensland Police Service involvement as you understand it? ---Okay. This is Mr Pekelharing here, "The interview finished at 10.48 am after Annette was asked to sign a note she read out aloud in the police officer's notebook acknowledging the fact that she had decided she would not make a formal complaint. Lorraine and I were both asked to witness her signature and both police officers signed as well." 20

Any other information that you have on file or in your understanding of Queensland Police Service involvement? ---There's more similar kind of information in the file which I can't immediately lay my hand on.

Sure. In a generalised sense then, please, as best as you possibly can - Mr Newnham, in a generalised sense, as best as you possibly can, can you tell the commission your understanding of any other police involvement at that time? ---I don't know of any other. I have no understanding of any other police involvement. 30

Okay, so that which we explored just now in terms of the police being involved in the - sorry, the police requesting that Annette be medically examined and that taking place and then the police involvement in terms of attending upon the JOYC on 28 May 1988 and the narrative of the descriptions of - the testimony you've just given, is that the extent of your understanding of police involvement at that time?---Yes.

Just one or two other questions, if I may. As I understood your earlier evidence, you were appointed as police commissioner to that commission in May 1989. Is that correct?---No, November. 40

November, 1989. My apologies. You were in that position for some three years, approximately, until about 1992? ---Correct.

Did you have any knowledge - obviously this incident we're talking about took place prior to your appointment as police commissioner?---Yes. 1

Did you have any knowledge of JAB, Juvenile Aid Bureau, policies of investigation prior to your appointment?---No.

So any interpretation of same, any interpretation you've given or opinion that you've given before the commission is based on generalised police procedures and generalised - based on your experience and knowledge?---Yes. As I outlined, what Beech J told us in Victoria I think applies certainly across Australia. The police task is to investigate. 10

Sure, I don't doubt that, Mr Newnham, and I'm not casting any doubts in relation to - - -?---No.

I just have to understand and that commission has to understand the extent of (a) your knowledge and (b) in terms of your experience and what your opinion is. Can you just bear with me for - - -?---And I'll mention, whatever reason the police had for not conducting what I would have called a thorough investigation, I don't know. 20

Can I ask you now then, moving off that topic about your understanding of events, in terms of Queensland Police Service conduct as such, why do you say that the investigation was deficient? What do you say was deficient?---They accepted the failure to complain formally, whatever that may mean, of a minor who could not consent to sexual intercourse, who was not, on the face of it, asked for her consent before she was medically examined, who had been coerced by people where she was confined and they didn't take the first step of taking a statement from Annette detailing the events although there had been a report of a serious offence and although there appeared to have been witnesses to it quite independent of Annette and although there appeared to have been overheard conversations confirming her original complaint. 30

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So is in essence, the deficiencies you suggest - and I'm paraphrasing here and the record of - the transcript from these proceedings will detail it further but I'm paraphrasing, but (1) is there's an acceptance by the Queensland Police Service investigative officers of that failure to complain of a minor; (2) the knowledge of that minor had been coerced or allegedly coerced in the course of that incident and, thirdly - - -?---Coerced on her return to JOYC.

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Okay. What do you mean, "Coerced on her return"? Do you mean by "Coerced on her return" to remain silent? Is that what you mean?---The file is rather vague on that point. I can find the observations of the staff.

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You're reading significantly from a report of Mr Pekelharing and you have made reference to that. What date is that report that you're making reference to, please?---It's undated.

Okay?---The reports around about that - no, I shouldn't say that.

We don't actually know?---No, Mr Pekelharing's report is undated.

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Okay, thank you. So I was paraphrasing before and you corrected me and the first one was in relation to Queensland Police Service acceptance of a failure to complain by a minor. The second one related to a coercion or alleged coercion on her return from the Lower Portals. The third one, as I understood it, relates to Queensland Police Service not taking the first step of taking a statement detailing events, although there had already been a report available to them on that very issue. That's as I understand your evidence?---Yes. Leave aside the failure to obtain scientific evidence because they weren't aware of the incident until two or three days later.

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Sure?---So I make no criticism of the police on that score.

Sure, I understand. So what are we to take from that in terms of that point I repeated back to you that you made about a failure by the Queensland Police Service to take the first step of effecting a statement detailing events even though a report was available to them at that time? ---They surely had the report verbal of what the staff had to say, what the staff had heard and what the staff had been told.

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When you say "surely had the verbal", that's an inference that you're drawing as such, isn't it?---Yes.

Yes, okay. The last thing that you made mention of prior - and I'll be corrected if I'm wrong - was that there were seven overheard conversations that the Queensland Police

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Service might have been available to - had that knowledge available to them. What do you mean by that?---I think I understand the question.

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Yes, I'm only repeating what you said. You said that there were other things available to the Queensland Police Service, including overheard conversations that they should have acted upon. That's what I took from it, but if I'm wrong, please tell me?---Okay. The staff who were on the outing on this file say - two of them on this file say that they overheard boys talking about the incident.

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Sure?---At least one member of staff spoke to some of the boys and obtained a measure of confirmation.

Do we know the extent of what was allegedly overheard on your interpretation?---I'd need to look at this file because that's what I'm going on.

Sure?---Jeff Manitzky.

Yes?---His memorandum is undated. It's folio 10 in this file and page 2. I have to read this:

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My suspicions were aroused about possible sexual contact between the children while they were missing and when I saw them on top of the mountain. My brief investigation there failed to prove this by officers.

He's a psychologist.

Yes, I understand that?

---While we were working back to the carpark I kept close surveillance on (names deleted) towards the end of the track (names deleted) and myself paused to allow Sarah, Karen and Annette to catch up. During this pause the four boys were talking about sexual activity with Annette. Whilst this talk was similar to the talk that these boys would engage in in their normal conversation, combined with the fact that they had spent some time missing my suspicions were further raised. Again I talked briefly with the boys about what happened while they were missing but they wouldn't answer my questions.

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Okay. I asked you a question before in relation to the statement of Mr Pekelharing, whether we knew - given it was undated, whether that was available to the Queensland Police Service at the time they interviewed Ms Harding.

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MR COPLEY: With respect, it couldn't have been available to the Police Service because Mr Pekelharing at the time the police were interviewing the girl was present when the

police were doing it. So he couldn't have made a statement; that is, Pekelharing, until after the events were ended because he was a - - - 1

COMMISSIONER: Historian.

MR COPLEY: - - - person present at least for some part of the police interaction with the child.

COMMISSIONER: Yes, and he is reporting what happened.

MR COPLEY: Subsequent to the police leaving presumably. So I just point that out. 10

MR SELFRIDGE: I understand that entirely, and that's the reason for my question. How could it possibly be true that the police relied on or had an opportunity to avail themselves of that statement in order to inform themselves of it?

COMMISSIONER: Because it wasn't made.

MR SELFRIDGE: It's just not possible. 20

COMMISSIONER: Yes.

MR SELFRIDGE: I don't need to pursue it anyway.

Mr Newnham, notwithstanding that which we have discussed and the evidence that you have given before the commission, is there anything else that you would like to point the commission to in saying that you've had reference to in forming the opinions that you have expressed?---Yes, there is.

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What's that?---There's a report of Mr Coyne here, if I can find it. In Mr Coyne's report, which seems to be folio 5, dated 27 May 1988, he talks about having - I'll try not to take too long -

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placed people (names deleted) in their rooms at approximately 11 am. I inquired about the possible sexual assault of Annette, the absconding and the behaviour in the admission area, with all four boys. I spoke with (name deleted) on three occasions, (name deleted) on three occasions, with (blank) on two occasions and (blank) on two occasions. I also spoke with somebody else (name deleted) about the possible sexual assault of Annette Harding on one occasion. After these interviews I spoke with Ms J. Foote, who had spoken with Annette Harding. A copy of her report -

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that's Foote's report -

is attached. Shortly after lunch I spoke with Annette Harding in the interview room. I explained to her that I had spoken to the five boys. I asked her if she had sexual intercourse with anyone the previous day. She said, "Yes, with two boys." I asked who they were and she indicated two names (names deleted).

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And we can go on. I'm not suggesting that the police had these reports. You've asked me why I thought the police activity was deficient.

Yes?---And I'm suggesting that there was material that should have been obtained and doesn't appear to have been obtained.

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With some precision, what material - with some specificity what do you say the material that could have been obtained and was not obtained?---What people said.

So can you elaborate on that? What people are we talking about in particular?---Well, on the basis of what Coyne has said in the file, he had information that the police might have been able to obtain had they asked.

COMMISSIONER: So what you're saying is they shouldn't have been deflected from their duties to investigate by Annette's reluctance for formally complain because she was a minor. Is that one point?---That is, sir, yes, one.

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The other point is just because she didn't want to complain didn't mean they could stop investigating; and if they continued as they should have their investigation would have included taking statements from people like Mr Coyne and Mr Pekelharing and anybody else who might have heard or

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seen something that was supportive of or suggestive of a sexual offence against Annette?---Not just supportive of, but whether they could show that the allegation was true or false.

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Well - - -?---Going partway - - -

- - - they're investigators; they're not decision-maker - well, they're not judges, are they? They're not there to work out whether it's true or false, are they?---No.

They're there to find out all the facts - - -?---Yes.

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- - - and present them to somebody else?---Were they exculpatory or inculpatory.

That's right. So that's what you're saying; they didn't ask the questions of the people they should have asked in the course of an investigation into an apparent sexual offence?---Yes.

All right, I understand that.

MR SELFRIDGE: Yes. And Mr Newnham, just so it's clear, that as summarised by the Commissioner is my understanding of why you say there were deficiencies in the Queensland Police Service investigation. Do you agree?---Somewhat, yes.

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Okay, thank you. I have no further questions for this witness.

COMMISSIONER: So really summarised, it's they were too easily deflected from their investigative duties?---It's really summarising it, yes, sir.

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Yes. Now, when you were investigating what Mr Heiner found out and what was in his material that was shredded you were undertaking the same pursuit of the truth as the police investigating the Annette Harding incident, weren't you? You were an investigator of that matter while they were the investigator of the Annette Harding incident?---I don't think the parallel applies, but otherwise, yes.

Well, you were pursuing the truth?---Yes.

And you were doing it by a forensic method of investigation drawing on all your long experience as a police officer? ---I was asking people what they could tell me, yes.

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Yes, to find out the truth?---Yes.

About what Heiner knew and what was in the documents he compiled and the tapes that were shredded. That was your mission, you told me yesterday?---Yes.

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NEWNHAM, N.R. XXN

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But you didn't accomplish your mission either, did you? 1
---No.

And I think you told me yesterday the reason you didn't actually come back with the goods that you went out to get; that is, the truth on these two aspects, was because you didn't want to push Mr Heiner too hard. Is that right?---I think you summarise again, but yes.

I'm just wondering. I mean, you're criticising the investigation on one count. Some people might criticise your investigation for being a bit limp as well?---I 10
acknowledge that, and can I just add (a) I didn't have a public duty; (b) I had limited time and limited resources; and Mr Heiner in particular, and others, were reluctant to - not all, but some were reluctant to give me the information that I thought they could.

Right, okay. So you weren't in too much a different position to the police investigating Annette Harding?---I think I tried somewhat harder.

Did you? But you've still failed to find out two things which I would really like to know, and you had the perfect opportunity: (1) what was he told in his inquiry; (2) what was shredded?---Yes. 20

Opportunity missed. Yes?

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MR COPLEY: You used your professional judgment in 1998 that you'd pushed Mr Heiner - and I don't mean it in a nasty way, but you'd imposed upon Mr Heiner as far as you thought prudent in the circumstances on the day you went to his house unannounced, didn't you?---Yes.

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That's right, and in forming an opinion about the adequacy of these police officers' behaviour did you have access to their diaries or notebooks, because surely if you did you would have mentioned it to Mr Selfridge as part of the material you had available?---Not quite, because you asked me whether I had access - - -

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Well, sorry - - -?--- - - - and now you're asking me whether I had the documents themselves.

Okay. All right?---There's two - - -

I'm sorry, did you have available to you any documents from the police officers who spoke with Annette Harding which recorded their interpretation, their understanding, any information at all from those officers about their interaction with her when forming your opinion that their investigation was deficient?---I think not.

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You think not. Did you speak with those officer - - -? ---No.

- - - before forming the opinion their investigation was deficient?---No.

Would you agree with this proposition, that in the material that you had available to you in forming the opinion the investigation was deficient that material is completely and utterly silent about the degree of certitude that Annette expressed when she said she didn't wish to make a complaint? For example, the material doesn't say she was adamant that she didn't want to make a complaint, the material didn't show she was hesitant about forming the conclusion she didn't want to make a complaint, the material didn't show that she was diffident about whether she wanted to make a complaint or not?---I agree with your proposition.

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The material is completely silent, isn't it?---Yes.

So what do you say to the proposition that a former police commissioner who is prepared to make a professional judgment on the conduct of police officers without knowing something as basic as that has perhaps, with the benefit now of reflecting upon the matter for a minute, formed perhaps a hasty judgment or a judgment arrived at without the benefit of some very important information?---What I'm saying is that on the information I have the police so-called investigation was seriously defective.

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Yes. Yesterday in your - - -

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COMMISSIONER: Sorry, but partly - you're criticising because partly they didn't have the information they should have had?---No, because they didn't look for the information.

Okay, but because they didn't look, they didn't have it. Likewise with you, you say, "I'll critique their investigative performance based on what information I've got whether it's complete or not"?---That's true.

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MR COPLEY: These police officers were, as you've agreed, deflected by the young child's refusal to make a complaint? ---If you want to put it that way, yes.

Well, you've agreed with that proposition before, haven't you?---Yes. Generally, yes.

There was something in the manner or the demeanour or the interaction between you and Noel Heiner that deflected you or deterred you from pushing him too hard to seek information, wasn't there?---More a matter of his attitude and approach rather than our interaction. Our interaction was quite harmonious.

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Yes, I'm not suggesting - I haven't suggested anything to the contrary, but there was something perhaps about his demeanour that you could pick up that caused you to leave things where you left them. That's fair, isn't it?---Yes. I've said he was reluctant to talk to me.

Yes, and as you've already conceded, you don't know with what degree of certitude the young girl expressed her wishes to the police, do you, because the material you've got is silent on the point?---That's correct.

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On the material that is available let us assume hypothetically that Annette maintains her position she didn't want to speak and on the material that is available let us assume that there was material sufficient to prove that the boys made an admission that there was sexual intercourse. If you had discovered that as a police officer, that there was evidence from one of the youth workers that the boys made an admission of sexual intercourse but Annette wasn't willing to talk about it, what would you as a police officer done in terms of charges then?---I think under those circumstances I would have taken the matter to the director of public prosecutions, or the director of prosecutions. I'd have been reluctant to prosecute on that basis alone.

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But what about prosecuting the boys for an act of unlawful carnal knowledge based on their alleged confession? ---I don't like those kinds of hypothetical questions.

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Well, it's not hypothetical at all, is it? You're asserting that in the material there was evidence available that these lads had made an admission to an act of carnal knowledge?---But there's another factor that you've overlooked.

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What's that?---The admissibility of the admissions.

What question could arise about the admissibility of the admission?---Well, there's a question of whether admissions were made and then there's a question of whether those admissions were admissible against the people if they were prosecuted.

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The other way around, isn't it? There's a question of whether admissions were admissible, then there's a question of whether they were made. These are the steps, aren't there? In law, are the admissions admissible? The next question, if they are - okay, all right, if you want to debate admissibility, we'll talk about it?---No, I'm asking - - -

COMMISSIONER: Mr Copley, aren't we - this is a legal area, isn't it?

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MR COPLEY: Yes, but, you see, we're talking with Mr Newnham in terms of his experience as a police officer, and what Mr Newnham is portraying an awareness of, I'd suggest to you, Mr Newnham, is that these admissions were made to people arguably that the kids might have perceived to be in authority, mightn't they?---Exactly.

Exactly, because they were - these kids, these lads, they were - or offenders, whatever you want to call them, criminals, they were in a detention centre, weren't they? ---Yes.

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COMMISSIONER: So therefore they were likely to be inadmissible and so they would have - and that would have militated against rather than for a prosecution, wouldn't it?---You've jumped to prosecution and I've talked about ascertaining the truth.

Right?---Prosecution doesn't necessarily flow from what you know about the facts of a case - - -

MR COPLEY: Yes?--- - - - because a prosecution depends upon what is admissible under the laws of evidence.

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Yes, and we got into this whole debate because I asked you to posit the scenario that a proper investigation, if Annette remained silent, might have only resulted in a state of affairs where the police were aware that the boys had made admissions to intercourse, and then I said to you what charges or what charge - what would you do then, would you charge them with something, and you expressed a

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reluctance to charge them with anything if that had been the scenario.

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COMMISSIONER: But see, of course, by this stage Mr Newnham's investigation is finished because he's found the facts, and then whether he does anything with those facts depends on admissibility questions. Is that right? ---Yes.

Yes, see, and he's been just commenting on right up to the stage where the facts are ascertained, not beyond. Is that right?---Yes, sir.

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So it's the failure to find the facts that's the - - -

MR COPLEY: That's the deficiency.

THE COMMISSIONER: - - - deficiency, not to charge or go beyond that. I'm just curious about this, though. You know you said you were a bit reluctant to push Mr Heiner, what less information would you have got than you did if you had? You didn't find anything out so pushing him a bit you might have found out more, but not trying to push him a bit you got no more than you got. Nothing?---I guess that's a fair comment, sir, yes.

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So what was the risk in pushing him?---The risk was wrongly, if ever, perceived. I was uncomfortable with pushing a man in his own home when I'd arrived unannounced and wanted to get from him information that in my perception he wasn't comfortable to give me.

I know, but it was a sort of a wasted effort, wasn't it, because you went to all the trouble to get out there to find out the truth about what he knew and what was destroyed? You got there, you have a conversation with him, you get on okay with him, and then you come away empty handed after all that. Someone has paid your air fare up and your cab fare out and all your out of pockets and here you go, you got the man, ye has got the information you need and you don't even seem to have actually put it on him, "What did you find out"?---I can only say what I did find out and how the conversation evolved and Mr Heiner recorded it. He didn't want me to record it.

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Fair enough. Mr Copley, do we want the file that Mr Newnham has been referring to?

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MR COPLEY: My understanding of the exercise that Mr Selfridge undertook with him was that he invited him to lay before the commission all of the facts and circumstances that he relied upon to reach his conclusion of deficiency.

COMMISSIONER: That's fine. I'm happy with that part of it but - - -

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MR COPLEY: I posit the - - - 1

COMMISSIONER: You don't want it anyway.

MR COPLEY: Mr Newnham has taken some time to lay that material out before the commission.

COMMISSIONER: Yes, but it's not relevant for anything else, is it?

MR COPLEY: No. 10

COMMISSIONER: All right, sorry.

MR COPLEY: That's all.

COMMISSIONER: Have you finished?

MR COPLEY: Yes.

MR SELFRIDGE: For what it's worth, I have no intention of seeking the file. I sought, as directed or suggested by yourself, to posit those questions to Mr Newnham so that he's availed of every opportunity to express before the commission the sources of material and the substance of the material on which he relies on and formed those opinions. 20

COMMISSIONER: Yes.

MR SELFRIDGE: That was my intention.

COMMISSIONER: Yes. Is that it for Mr Newnham?

MR HARRIS: Nothing further, Mr Commissioner.

COMMISSIONER: Mr Newnham, thanks very much for spending so much time in the witness box giving the evidence. It's appreciated and you are formally excused from your summons? ---Thank you, sir. 30

Thank you.

WITNESS WITHDREW

MR COPLEY: I can't recall if I tendered Mr Newnham's statement. I did.

COMMISSIONER: 286. 40

MR COPLEY: Thank you.

COMMISSIONER: Yes, Mr Woodford?

MR WOODFORD: I call Brian William Parker.

PARKER, BRIAN WILLIAM sworn:

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ASSOCIATE: For recording purposes please state your full name and your occupation?--Brian William Parker; I'm currently a senior manager in accommodation, support and respite services in the Department of Communities, Child Safety and Disability Services.

Please be seated.

COMMISSIONER: Thank you, Mr Parker. Welcome?
---Thank you.

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MR WOODFORD: Mr Commissioner, may Mr Parker see the two-page document that he supplied the commission?

COMMISSIONER: Sure.

MR WOODFORD: Mr Parker, I have had - placed in front of you there a two-page document. Could you just examine it and confirm for the commission that that is a statement that you supplied?---It is the statement I supplied.

I have some brief questions this morning for you about that statement. You commenced at the John Oxley Youth Centre shortly before it opened. Is that correct?---Yes, round about early February 1987.

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You were working with Mr Terry McDermott, the manager, in the setup of some parts of the centre, were you?---Correct, yes.

You remained on at the centre for a period of time, finishing up in March 1991?---Yes, that's correct.

However, during that time, did you have a 10-month secondment or move elsewhere, did you?---I did. I tried to get the dates off the HR system when the police interviewed me but I couldn't find the information.

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Your recollection is that it was around 1989 to 1990?
---That's correct, yes.

You mention in your statement that you worked for Mr Peter Coyne at some state?---That's correct.

Was it while you were working for Mr Coyne that you were - part of the time that you were working for him that you were away on secondment?---That's right, yes.

40

You mention in your statement that there were a couple of camps, if you like - that's how you describe it - at the centre while you were working there?---Yes.

You refer to it as an "in camp" and an "out camp". By that you're indicating in with management or out of favour with

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PARKER, B.W. XN

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management. Is that the case?---I think I mentioned in my statement that was my perception based on conversations that youth-worker staff would have with me because I was an admin officer at the time. 1

I see?---So you had a lot of contact with the staff at that time and people would have conversations with you and what they told me was that there were - you were either in or you weren't in.

Right. I'm just curious then about the last sentence in paragraph 5 of your statement where you indicate that you yourself were in the out camp. Is that what you were trying to express there?---Yes, that's correct. 10

In terms of that, was that under any particular manager or was that the experience the whole way through from when the centre opened?---No, it was only - it was the experience only when Mr Coyne was in the manager's position.

So notwithstanding that you had had conversations with the other youth workers who were employed there and that flavour of in and out was expressed to you, you yourself felt that you were not part of the in camp?---Correct. 20

Very well. There was an inquiry we have heard of at the centre in 1989, going into 90 conducted by Mr Heiner. Do I understand that you had no involvement whatsoever in that inquiry?---That's correct; that's correct.

From paragraph 9 of your statement, do I understand that you had no knowledge of any sexual abuse taking place at the centre while you worked there?---That's correct. There was nothing of that nature discussed with me.

I have no further questions, Mr Commissioner. 30

COMMISSIONER: Thank you. Mr Selfridge?

MR SELFRIDGE: No questions for this witness, thank you.

COMMISSIONER: Mr Harris?

MR HARRIS: No questions, commissioner.

MR LINDBERG: No questions.

COMMISSIONER: Mr Woodford? 40

MR WOODFORD: May Mr Parker be excused, Mr Commissioner?

COMMISSIONER: Yes, thanks for coming, Mr Parker. We appreciate the time you have taken. You are formally excused?---Thank you.

WITNESS WITHDREW

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MR WOODFORD: I tender Mr Parker's statement,
Mr Commissioner. It may be published in its entirety. 1

COMMISSIONER: Thank you. That will be exhibit 290.

ADMITTED AND MARKED: "EXHIBIT 290"

MR WOODFORD: Thank you. I call Mark Harry Mills.

MILLS, MARK HARRY sworn:

ASSOCIATE: For recording purposes please state your full
name and your occupation?--Mark Harry Mills; currently a
trainer and assessor. 10

Please be seated?---Thank you.

COMMISSIONER: Yes, Mr Woodford?

MR WOODFORD: Thank you, Mr Commissioner. May Mr Mills
see the seven-page document that he has supplied to the
commission?

Mr Mills, I have had placed in front of you a document, a
seven-page document. Is that the statement that you
supplied this Commission of Inquiry?---Yes, it is. 20

I have some questions for you this morning about the John
Oxley Youth Centre. You started there as a youth worker in
1989, did you?---Yes, that's correct.

You remained employed right through till when the centre
closed in 2001?---Yes, that's correct; a little bit after
because I was involved in decommissioning. So there was a
number of people who sort of stayed a little bit after to
clean it all up, shift stuff over to the new centre, so
that was probably a period of about four to six weeks, from
memory. 30

Right. Where did you move on to after the centre closed?
---A few different things. I spent 12 months working at
PCYC. I went and did a teaching degree which was then - I
was teaching for a little while and then I've gone into
training and assessment.

While you were at the John Oxley Youth Centre you worked
under a number of different managers?---Pretty much all of
them except for Terry McDermott, as in a managerial
capacity. 40

Yes. You worked for a Mr Peter Coyne?---Yes.

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And his deputy, Mrs Dutney?---Yes.

Just looking at your statement, you detail various issues at the John Oxley Youth Centre in paragraphs 7 through 10, various conflicts that appeared to be going on there between management and staff, et cetera. Do I understand from the last sentence of paragraph 10 that while you were aware of these issues going on, you yourself stayed very much out of it?---I think it was more that certain things happened on certain - being shift work, I wasn't necessarily there at the time the incidents occurred.

10

I see. I'm specifically referring to the staff and management conflict sorts of issues?---Sorry, I misunderstood the question.

That's okay. We'll come to the other in a moment?---That - I was probably fairly young at the time, and having started at John Oxley, the two groups were sort of divided between John Oxley and Sir Leslie Wilson.

Yes?---So for my perspective I'd only ever been involved in one model so, you know, as a 22-year-old you're not really going to question what management are doing.

20

There were stressors, if you like, around you between a Sir Leslie Wilson - people who were experienced under that program and who were now working under the John Oxley - - -?---Yes, that's correct.

Okay. Now, I'd like to show you a document. You refer to it in paragraph 12 of your statement. May the witness see exhibit 101, please, Mr Commissioner?

30

Now, could I take you, Mr Mills, to page 7 of that document first? You will see page 7 is a letter dated 25 September 1989, a letter directed to Mr George Nix of the department. Is that correct?---Yes. Sorry, I just had to find what you're - - -

That's okay, take your time. Is that your signature on the bottom of the letter?---Yes, it is.

Now, that letter - have you had a chance in recent times to have a look at it?---It was given to me by the detectives when I was interviewed, yes.

40

Right. The letter, is it a note of your support for the management at the centre at that time?---Yes, that's correct.

If you - I'm looking back at paragraph 12 of your statement now - it's the case, is it, that now you can't recall the how, whens and whys you wrote that letter?---That's

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correct. I couldn't remember writing it. When the
detectives asked me if I'd ever written anything I said no,
and then she gave it to me, and it wasn't until she gave it
to me that I actually had any recall of that whatsoever.

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Since giving your statement have you reflected upon why you
gave that letter at all?---A little bit, yes.

And what's your recollection sitting here now?---I think,
again, there were the two groups. I was asked by somebody
to put something on paper for support. I at that point in
time didn't have any issues with the management. I wasn't
being treated unfairly, I was given anything exactly the
same as anybody else.

10

Yes?---While there was the conflict between the two groups,
from my perspective at that time it was more about the two
different models that were being run. And we were employed
- the newer people that were employed at John Oxley were
employed under this model so that was how we were taught to
work, whereas the Leslie Wilson staff had a different model
to compare to and there was a bit of conflict between the
two, sort of, ways that things have been run or their
expectations of how they wanted them to be run.

20

Okay. You express the way you felt about how the centre
was being run in that letter?---Well, again, at that point
in time my background was as a recreation officer so the
management were expecting the people that were employed at
the time, for example to get involved, play football with
the kids, the actually active from that point of view,
where the old Wilson way was a bit more stand-offish and
sit back and watch. So looking back at what I wrote it
now, after thinking about it, I was very supportive of
being involved and getting involved with what was
happening, not just sitting back and supervising.

30

And indeed the way the management ran the centre - and I'll
quote you - you say, "I have found the management team to
be approachable, informative and fair"?---That's correct.

That was your experience at John Oxley?---Yes, that was my
experience, yes.

Okay. Just move back a page, if you could, onto page 6 of
that exhibit that I've sent you, just the one behind the
letter. That was in response that you received back from
Mr Nix, was it?---I would assume so. This is the first
time I've seen this response in recent times. Obviously I
saw it 20 years ago or whatever.

40

All right. Just for the record so everyone can keep up, it
is a letter dated 28 September 1989. It's addressed to you
and it's signed by G.E. Nix, deputy director-general. Is
that correct?---Yes.

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MILLS, M.H. XN

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You haven't seen this letter in recent times?---No. 1

Can you recall receiving it?---I can't recall receiving it but I would assume that I did.

Okay. Around the time - - -?---I wouldn't question that I did but I have no physical memory of it.

Looking at the other letter, though, the one on page 7, you sent that out around 25 September 1989. If we just jump back to your statement, I'm interested in paragraph 13 of your statement now. There - we've heard - was an inquiry conducted out at the John Oxley Youth Centre by a gentleman by the name of Heiner. Do I understand your recollection to be that you were aware of it but you didn't participate in it at all?---I have no recollection of participating in it and if I did I think my contribution would have been very insignificant. 10

That's a little speculative, isn't it? I mean, the fact is you can't - - -?---I have no recollection of ever being interviewed but I couldn't swear that I never was either.

I see, okay?---Like, I have no memory of ever - I remember it occurring, I don't remember ever being invited to - but I would have only been employed there may be 12, 18 months at that point in time. 20

Just moving forward in your statement, in paragraphs 15 through to 19 you make mention and provide some details in relation to a number of events or incidents that are alleged to have taken place at the centre. Is it the case that your knowledge of those matters is not direct at all, they are matters that you have heard about. Is that what you're saying in paragraph 14 of your statement when you say, "All of which is third or fourth hand"?---Can I break them into separate incidents because it's probably a slightly different answer? 30

Okay. Well, you've supplied some detail in relation to each one of those incidents in your statement. Are you saying that there is more detail for any of those - - -? ---No, if we're looking at paragraph 15 - - -

Yes?--- - - - the incident occurred prior to me being employed at John Oxley.

Just stopping there, on that particular incident what you're indicating there in your statement is that all you know is what you've seen from the news. Is that correct? ---I would also have been made aware of at that point later than that. That particular person came back into detention and I'm fairly certain that one of the senior youth workers took me aside and had a quiet word in my ear to advise me 40

that there were maybe some issues there that I needed to be aware of, but I couldn't recall. 1

Okay. But again in terms of the actual incident itself, that was something second-hand that was being relayed to you some years after the initial event?---Yes.

The incident in paragraph 16 that you refer to, again you have no direct knowledge of what took place there?---That's correct.

Is there anything about the matters that you detail in paragraph 17 through 19 - just take your time to have a look through for yourself - are there any other details in there that you have or that you've reflected upon that are not contained in your statement?---No, I tried to be as accurate as what I remember at the time of writing it. 10

We thank you for that. In particular paragraph 18 you note your knowledge there was based upon rumours. Again when we move down to paragraph 19, the fourth word there, you note "rumours"; and on the last line of that paragraph 19 you note "staff gossip". That is natural, I'm not being critical; when you work in the centre with that sort of pressure, perhaps. You've never made any other statement in relation to matters at the John Oxley Youth Centre? ---No. 20

Thank you, Ms Mills. I don't have any further questions but some others may.

COMMISSIONER: Thank you. Mr Selfridge.

MR SELFRIDGE: I have no questions for this witness, thank you. 30

COMMISSIONER: Mr Harris?

MR HARRIS: Nothing, Commissioner.

COMMISSIONER: Mr Lindeberg?

MR LINDEBERG: No, Commissioner.

COMMISSIONER: Mr Woodford?

MR WOODFORD: Mr Commissioner, may Mr Mills be excused? 40

COMMISSIONER: Certainly. Mr Mills, thank you very much for coming and giving us your evidence?---Your welcome.

It's much appreciated. You're formally excused.

WITNESS WITHDREW

MR WOODFORD: And if exhibit 101 could be returned to the custody of the commission. I'll tender Mr Mills's statement. There are some matters in there, Mr Commissioner, that I have to deal with. Firstly on paragraph 16 there is a name there on the third line, second word in, that name appears in a number of places throughout that paragraph; consistent with the orders that have been made that name would not be published.

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COMMISSIONER: The name in paragraph 16 beginning with W and WA will be deleted before publication.

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MR WOODFORD: Paragraph 17, the second line there, the names that are in brackets, my submission is that they would not be published. Similarly at the end of the third line the names, and in fact the entirety of those words that are contained within the brackets starting at the end of the third line and going halfway through to the fourth line at paragraph 17; my submission is they would not be published.

COMMISSIONER: The passages in brackets in paragraph 16 will be deleted before publication.

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MR WOODFORD: 17, Mr Commissioner.

COMMISSIONER: 17.

MR WOODFORD: Thank you. Moving down to paragraph 19, there are two names contained within that paragraph; consistent with the orders that you have made, Mr Commissioner, they also will not be published.

COMMISSIONER: Likewise the two names appear in paragraph 19 will be deleted before publication.

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MR WOODFORD: Those are the only matters I saw in Mr Mills' statement.

COMMISSIONER: Mr Mills' statement will be Exhibit 291.

ADMITTED AND MARKED: "EXHIBIT 291"

MR WOODFORD: Thank you, Mr Commissioner. Mr Copley has the next witness.

COMMISSIONER: Who is your next witness, Mr Copley?

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MR COPLEY: Mr Trevor Walsh.

COMMISSIONER: He'll be some time.

MR COPLEY: Yes, but - yes, he will. What time are you intending to adjourn today?

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COMMISSIONER: Now.

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MR COPLEY: Now, right. Okay.

COMMISSIONER: And I'll resume at 2.00.

THE COMMISSION ADJOURNED AT 11.58 AM UNTIL 2 PM

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(Reporter's note: commencement not recorded)

MR SELFRIDGE:as to how best that could be done.

COMMISSIONER: Yes.

MR SELFRIDGE: I would just like to make it clear that we maintain that position and subject to instructions obviously - and I don't have those clear instructions with the QPS, but in particular might seek to respond to Mr Newnham's evidence by putting in some form of submission before the commission. Thank you.

10

COMMISSIONER: Thanks, Mr Selfridge. Mr Copley?

MR COPLEY: Mr Commissioner, I call Trevor Reginald Walsh.

WALSH, TREVOR REGINALD sworn:

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ASSOCIATE: For recording purposes please state your full name and your occupation?---Trevor Reginald Walsh. I'm retired.

Please be seated?---Thank you.

COMMISSIONER: Good afternoon, Mr Walsh, welcome. Thanks, Mr Copley.

MR COPLEY: Thank you, Mr Commissioner. Could Mr Walsh be shown a copy of his statement?

30

COMMISSIONER: Sure.

MR COPLEY: Would you peruse that document, please, Mr Walsh, to confirm that that is a statement that you provided and certainly signed on 22 December 2013?---I did.

I tender that statement, Mr Commissioner.

COMMISSIONER: Exhibit 292.

ADMITTED AND MARKED: "EXHIBIT 292"

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MR COPLEY: Thank you.

Now, you have still got that document with you, haven't you?---I have.

When the state government changed from the National Party government to the Labor Party government, you took on a role in the public service that was closer to the people

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running the Department Family Services than you had had prior to the election, didn't you?---That's true. 1

You became the executive officer to Ms Ruth Matchett?
---Yes.

Was that the title of your job?---At the time I was acting executive officer. I was officially appointed later in the year.

So did you have to apply for the job before you were officially appointed and go through a selection process? 10
---I did, yes.

But prior to applying for the job and undergoing a selection process, did you act in the role?---Yes.

Had the previous director-general Mr Pettigrew had an executive officer?---Yes, Mr Pettigrew had an executive officer called John Hogan.

When you became Ms Matchett's executive officer or acting executive officer, where was Mr John Hogan?---I'm sorry, but I don't recall. 20

Okay?---I know that Mr Pettigrew was moved from his position but I don't recall what happened. I suspect that Mr Hogan retired.

Right. Now, when was Mr Pettigrew moved?---It would've been round about December 1989, from memory.

When did you become the acting executive officer to Ms Matchett?---In January 1990.

Do you recall the date?---Not specifically, no. I was on holidays at the time actually and was recalled from holidays. 30

When you say you were recalled from holidays, were you asked to become her executive officer?---I was.

And did you agree to do so?---I did.

Now, if one had access to your diary and saw that there were no entries for the week commencing Monday, 1 January and for the week commencing 8 January 1990 but there were for the week commencing 15 January 1990, would that perhaps suggest a date on which you commenced duties as acting executive officer?---It could very well. The diary was given to me as a gift and it could be that that was when the diary was actually handed to me, but it would've been the 15th or perhaps the week before. 40

Who gave you the diary as a gift?---An officer from the minister's office.

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Was the diary a special type of diary, was it?---It was an executive officer's diary that was given to a number of people around the department.

1

And so we should not assume that you only started as the acting executive officer on 15 January simply because that's when the entries in the diary Started?---No.

It could have been the week before?---It may have been a week earlier.

Thinking back about it now, would you have started on a Monday or a later day in the week?---No, I expect it would have been a Monday, but I couldn't be sure of that.

10

Now, when you started with Ms Matchett and thinking back to the week commencing 15 January and the weeks that followed into February, where in a geographical sense was Ms Matchett's office?---There was my office, then executive secretary's and then Ms Matchett's office.

When you use the expression "executive secretary", was that just a title, was it?---There were two executive secretaries in that office.

20

Yes, but the title "executive secretary" - was that meant to denote that those secretaries were secretaries to executives as opposed to secretaries to just some ordinary public servant?---Yes.

So there's your office, the executive secretary's office and when who else's?---And then Ms Matchett's office.

Where in town, if in town they were, were those offices? ---Corner of George and Elizabeth Street in the Family Services building on the seventh floor.

30

Were there any other officers of the Family Services Department on that floor?---Yes.

Who else was up there?---Myolene Carrick was on that floor who was one of the deputy director-generals.

Yes?---The minister's office was on that floor.

Yes?---Barry McPhee who was a 2IC to Myolene Carrick was on that floor and some secretaries. That's the only things - the only ones that I can recall offhand.

40

You can have a drink of water, if you like, while I'm asking a question?---Thank you.

I will wait for you to finish. When you say the minister's office was on that floor, are you referring to the Minister for Family Services' office?---Yes, Anne Warner's office.

All right; and when you took up duties as acting executive officer, was she there at work, that is to say, she wasn't on leave or anything, was she? Was she there?---I was in the office before she took up duty because I can recall collecting keys to drop to her personal house before she'd actually started work.

1

Well, we have some evidence to suggest that she was appointed on December 7, 1989?---Right.

So about a month before?---Right; okay.

10

What do you say to that proposition?---Well, I still recall dropping keys around to her office.

Okay?---I'm sorry, I just can't be specific on the dates.

And this is her office on that seventh floor - - -?---Yes.

- - - or is it an office at her house?---No, offices on the seventh floor.

And what were they keys to?---The keys to her general office.

20

We have heard some evidence that this floor had been refurbished?---Mm'hm.

Is that true?---Yes, it was. There was a relocation of the minister's office and the director-general's office. The minister had been in a corner office and I'm speaking from memory now but I think the minister's office was moved slightly down one end and Ruth Matchett's office was moved slightly another way.

So did Mr Pettigrew occupy an office on that floor when he was director-general?---He did, yes.

30

And did the minister Beryce Nelson occupy an office on that floor?---She did, yes.

Now, what about Mr George Nix? Where did he sit in January in 1990?---He was on a different floor. I'm sorry, I can't remember which floor now.

Okay; and what about Mr Ian Peers? Do you remember - - -? ---He was on the same floor as Mr Nix, to my recollection.

40

Now, you state in your statement that you also took on the role of cabinet legislation and liaison officer which you say was a role that had been created by the new government, so does that mean that that title and that position didn't exist under the old National Party government?---That's correct.

1

When did you take on the role of cabinet legislation and liaison officer - well, perhaps I should say when were you - were you ever appointed to an office or a position bearing that title?---No. Each department was invited to have a cabinet legislation and liaison officer and I was asked to take on that role immediately as part of my duties as acting executive officer for the department.

10

I see, okay. So from whatever date in January you started it would have been correct to have referred to Mr Walsh as either the executive officer and/or the cabinet legislation and liaison officer?---Yes.

Did you have different duties as executive officer from cabinet legislation and liaison officer?---Yes.

That would be commonsense, wouldn't it, because there's two different titles?---Yes.

20

When you took on that new role of cabinet legislation and liaison officer was there a position description that you were given that described what you were supposed to do in that role?---A cabinet handbook was developed. Initially I think it was probably a series of handwritten - of typed notes.

Yes?---But it became a formal handbook and in some form or other it still exists today, which defines the role of cabinet legislation and liaison officer.

30

Okay, but when you started being the cabinet legislation and liaison officer was that cabinet handbook extant?---No.

It wasn't?---No.

So to what document or to what person did you have recourse to find out what your duties were as cabinet legislation and liaison officer in early January 1990?---The cabinet office itself. The various people who had been appointed from the different departments to the cabinet liaison roles were invited to come up and meet in the cabinet office and we were given details about timing of cabinet submissions and formats. I think we may have been given some sort of templates of what the cabinet submissions were to look like. That's about as clear as I can be after all this time.

40

Having been there under the previous government, when you were there under the previous government, did you see any

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cabinet submissions in those days?---Very rarely. If I saw any it would be cabinet submissions after a decision had been taken where there was a document to go on file. 1

I see?---But it would not be a cabinet submission, it would be a referral to a decision that had been taken.

So you can't help then explain whether there were any differences between the format or type of submission the Labor cabinet expected to receive compared with the format and type of submission the National Party cabinet had been receiving?---Not really. I had previously worked for Mr Colin Thatcher who was one of the deputy director-generals and Mr Thatcher used to receive the cabinet bag in the old government and I believe the documents were of a different style to what was introduced under the new government. 10

Now, you used the words "the cabinet bag". That conjures up that there was perhaps a receptacle?---There was.

It wasn't a bag?---It was - - -

A box?---It was a bag. 20

It was bag, okay?---Well, sorry, it was a satchel with a combination lock on the top.

Okay, and generally speaking, what would go into the cabinet bag in the department?---In the department?

Yes, in the department. Let's say the cabinet bag is going from the department to somewhere?---Right, yes.

First of all, where would you send the cabinet bag?---No, the cabinet bag came to the department with the cabinet documents in it for the next week's cabinet. 30

I see?---At the following cabinet the minister would bring the bag back to the department and it would then be returned to the cabinet office.

I see, so this receptacle was used to convey documents from cabinet to department?---Yes.

How did documents, generally speaking, get from department to cabinet then?---Individual cabinet submissions went in bulk to the cabinet office. There was a rule about the format and how many copies and that sort of thing and they would be just transmitted to the cabinet office and it was in the cabinet office itself that they would put together the cabinet bags and the cabinet folders. 40

When you went to that meeting with people from other departments about your role as cabinet legislation and liaison officer was there someone from the cabinet office who instructed all you people about what your role would

be?---Stuart Tait would have spoken and possibly Ken Littleboy, who was his offsider. I can't really recall.

1

Who was Stuart Tait?---Stuart Tait was the new acting secretary of cabinet.

When did he begin, do you know, as the acting secretary?
---As part of the new government. I can't give you a date.

What happened to the old one?---I'm sorry, I don't know.

So the only people - is it correct to say the only people that you met with on that day when you and these other departmental people I assume from treasury or agriculture or whatever it was then called came was Tait and Littleboy, was it?---Yes, that's right. I can recall at one meeting the new premier came in welcomed us and invited us to take the role seriously, but that was a brief hello.

10

Now, this cabinet office, was it attached to any government department or was it its own department of the government?
---The cabinet office was part of the premier's department.

Who was the head of the premier's department in early January 1990?---I'm sorry, I can't recall off the top of my head. I know that Mr Rudd was in charge of the office of cabinet.

20

Was he? When was he in charge on the office of the cabinet?---I can't give you dates, I'm sorry.

Well, it's important, I think, to be sure about who was who here?---Yes.

Do you remember who was in charge of the premier's department under the National Party government at the time immediately - say the day before the election?---I would have known but I just - I'm sorry, but I just can't recall.

30

Do you recall whether that person stayed on after the state election or not?---I believe there was a change.

Thinking back now as best you can, can you remember - I know you've said you can't but I'm just going to ask you again to try. Thinking back as best you can, can you remember who was heading up the premier's department when the new premier took over, from that time on?---No, I'm sorry, I just - I just can't think of who it was. I'm sure if I saw a name it may refresh my memory, but I can't think offhand who it is.

40

All right. So someone like the cabinet secretary Mr Tait, did he in the public service system have to report up to anybody?---He would have reported to the head of the office of cabinet which presumably would have been Mr Rudd.

Okay?---But again, I just - I never met Mr Rudd. Yes, I don't know at what stage he commenced duty up there. 1

So you can't categorically assert that from early January Mr Tait was reporting to Mr Rudd?---No. No, I can't.

He could have been reporting to somebody else, for all you know?---No. My point of contact was either with Mr Tait or with one of his staff.

Yes, okay. So as well as Mr Tait who were the other members of the staff?---Ken Littleboy. 10

Ken Littleboy. Anyone else?---There were others there but they were the two that I dealt with.

Was Littleboy number 2 after Tait?---Yes, Tait.

In your statement you state that the first that you really learnt of the Heiner inquiry was after it became an issue after Ms Matchett had been appointed. So does that mean that you were completely unaware of it prior to her appointment?---I believe I would have known that there was an inquiry on, simply because I'd been in the department and was aware of some of the major issues happening around the place, but I had no intimate knowledge of the inquiry until I was appointed to acting executive officer's position. 20

30

40

Okay. And how did you become aware that it was, as you called it in your statement, an issue for Ms Matchett, this inquiry?---We received a letter from Mr Coyne's solicitor - - -

1

Yes?--- - - - asking some questions and the matter was referred to the Crown Law office for legal advice.

Right?---In terms of the establishment of the inquiry and - yes, so it was through that action that I became aware of the details.

10

When you say that, "We referred it for Crown Law advice in terms of the establishment of the inquiry," what do you mean by that?---Well, Peter Coyne was raising some questions through his solicitor as to the legitimacy and the authority of the inquiry.

Yes?---And so we sought legal advice of behalf of the department to advise us.

All right. So was advice being sought to understand the legal basis of the inquiry?---Yes.

20

Now, do you know who set the inquiry up?---I know Beryce Nelson took a verbal submission to Cabinet and advised that the inquiry was being established.

Yes. You know that - - -?---I know that Mr Pettigrew selected Mr Heiner.

Yes. Well, you know each of those things now, did you know them - - -?---No, I didn't.

Okay. Well, one way of discovering how the inquiry perhaps existed would have been to speak with the people responsible for establishing it, wouldn't it?---Mm'hm.

30

So did you make any inquiries of the people who established it to understand why they established it?---I certainly didn't.

Did you suggest to anyone that inquiries could be made of those who established it to understand it better?---No.

Is there any reason why you didn't make any inquiries with those who established the inquiry to appreciate and understand more about it?---I didn't see that that was my role.

40

Well, your role was to assist Ms Matchett, wasn't it, in the running of the department?---Yes, to provide executive support and to coordinate documentation and communication.

So when you say, "Coordinate documentation and communication," does that mean that if she wanted to know something she'd say to you, "Would you get on to so-and-so or would you just find out who can inform me about the following issue"?---For some issues she certainly would, but she also had contact with other people in the department so she wouldn't necessarily go through me.

1

Yes, all right. Did she ever ask you to go and ask people in the department how the Heiner inquiry came to be?---Not to my recollection.

10

Okay. Now, you were on reasonably friendly terms with Mr George Nix, weren't you?---I only knew him in a professional way. I wasn't particularly friendly with Mr Nix.

I see. So why does one see in your diary for Saturday, 17 February 1990 the entry, "George Nix b-day"?---Okay. Well, someone would have told me and because he is a senior officer I would have probably wished happy birthday.

But it was on the Saturday?---Right.

20

Yes. You wouldn't have seen him on the Saturday, would you?---No, but it was just general practice to be courteous, to know when different people were celebrating events and to record them.

Okay. It was in issue, though, at this time in early January 1990 about how and why this inquiry by Mr Heiner had been instituted, wasn't it?---I'm sorry, could you ask that again?

Yes. It was in issue of concern in early January 1990 in the office of the director-general to understand how and why the Heiner inquiry had been commenced, wasn't it? ---Yes, that's correct.

30

I'll get you to have a look at exhibit 118, please. I'll just give you the opportunity to read that in as much detail as you feel you want to?---Okay, yes.

You did not sign that letter?---No, that's Ruth - - -

But you know who did, don't you?---That's Ruth Matchett's signature.

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Yes. Did you compose it or draft it - - -?---No.

- - - for her signature?---No.

Okay. In the letter she stated to Mr Heiner that:

Having perused the documentation relating to the establishment of the investigation and its terms of reference (copy attached) and your appointment I find I am unclear as to certain aspects of the source of your authority to initiate a request for some documents?

1

---Mm'hm.

So clearly the ambit of Heiner's authority was an issue that was occupying the mind of the director-general at that time?---Yes.

10

And you knew that, didn't you?---I was aware of that, yes.

Yes. And obviously one person that could clear that up would be Mr Heiner?---Yes.

And of course another person who could clear it up - or persons who could clear it up were people such as George Nix or Alan Pettigrew, weren't they?---That's probably correct, yes.

Yet as far as you're aware there were no communications to either of those gentlemen?---As far as I'm aware, that's correct.

20

All right. In that letter Ms Matchett talks about perusing some documentation relating to the establishment of the inquiry?---Mm'hm.

Did you see any documentation concerning its establishment?---At some stage I did.

Yes?---But I can't categorically say that I saw it at this time.

30

Okay?---I certainly have seen it subsequently.

The material that you saw subsequently, did it contain any advice from lawyers about how to set the inquiry up? I'm not talking about advice from Crown Law in January 1990?---No.

But advice from - - -?---No, I haven't seen any advice from lawyers about how to set it up, no.

Okay. Now, do you remember Mr Heiner having submitted, then, a letter in reply to that one, exhibit 118, to Ms Matchett?---I do recall a letter back from Mr Heiner.

40

Yes. And the consequence of that was that you had to contact Mr Heiner, didn't you?---Yes.

Okay. I'll get you to have a look at exhibit 119, please?---Mm.

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I'll let you peruse all of that document first?---Right, 1
okay.

So dealing with exhibit 119, without going into every
paragraph of it, we can see that Mr Heiner basically was
reluctant to come to a meeting with Ms Matchett. As he
stated his position in that letter, it said, "Unless there
are other matters, I see no reason to meet with you,
Ms Matchett"?---Yes.

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And there's a file note there on the front page on the right-hand side that seems to have the name "Trevor Walsh 18/1/90" on it?---Yes.

1

Is that your signature?---Yes.

And did you make the file note or the running writing on it?---I did.

Can you read it out, please?---It says, "Mrs Cosgrove was advised that Ms Matchett has other matters that she wishes to discuss with him."

10

Did you tell Ms Cosgrove what those other matters were? ---No, I didn't.

Did you know what they were?---Yes.

What were they?---It was the advice from Crown Law Office in relation to the setting up of the inquiry and some issues relating to Mr Heiner's indemnity or lack of indemnity, I should say.

All right. Now, I want you to have a look at just another document first and it's exhibit 98. That's a memorandum to Ms Matchett with a copy sent to Ian Peers from Peter Coyne dated 18 January 1989 - 18 December, rather, 1989, isn't it?---Mm'hm.

20

Do you recall seeing that in December - well, in January 1990?---I may very well have seen that letter but I can't recall under which circumstances. The documents that I recognise much more easily are the terms of reference and the attachment which was the list of a number of people who'd made complaints, but, I'm sorry, I don't recall that particular letter.

30

Well, we'll get exhibit 97, I think, back from you and I will just get you to have a look at exhibit 101 which is a memorandum addressed by Ian Peers to the acting director-general, for the record dated 2 January 1990. You will see, Mr Walsh, that he attaches certain documents to the memorandum. One of them is a report of a meeting with staff on 14 September 1989 which is attached, another is letters of support for Mr Coyne, then the letter of appointment of Mr Noel Heiner, then a letter to Ms Matchett from Mr Coyne asking 21 questions. So if you just look through that document, then I will ask you to address this question of whether or not you ever saw that correspondence from Mr Peers?---I have seen all of those documents before. I recognise them all.

40

Yes?---I can't tell you under what circumstances I first saw them, but I certainly recognise them all.

You would agree with this: that if the director-general thought it was necessary to get legal advice about this inquiry, it was a matter concerning her?---I'm sorry? **1**

You would agree with this proposition: that if the director-general thought it necessarily to get Crown Law advice about this inquiry, it must have been a matter that was concerning her?---Yes.

Indeed, could you go further and say positively that you have direct knowledge that it was a matter that concerned her?---I was aware that it was a matter concerning her, yes. **10**

Is that because she told you that?---I think that would be fair to say, yes.

Yes?---Yes.

Did you suggest to her the simple expedient of talking to George Nix about it?---No.

Did that occur to you to do?---No, it - well, no, it didn't - - - **20**

Did she - - -?--- - - - simply because I didn't believe it was my place.

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What do you mean by that remark, sir?---Well, I was managing a very large office. Ruth Matchett was looking at the Heiner issue and I didn't believe it was one of the issues that I needed to provide advice to Ms Matchett on.

1

All right. We'll have that document returned. Just on another subject, in your statement you state that Don Smith was another person in your office, okay. I'm going to make this suggestion to you to see what you say about it, okay, and you can tell me if this is a correct suggestion or not? ---Sure.

10

The suggestion is that Don Smith did not commence duty in the director-general's office until 7 March 1990?---That's correct.

That's correct?---Yes, because I've got it in my diary.

That's right, and that's where I'm drawing the suggestion from?---Yes.

So whatever was going on up there in January and February of 1990 at least until 7 March 1990 did not involve Don Smith?---That's right.

20

Where did he come from?---To my knowledge.

To your knowledge, okay?---Yes.

Where did this Don Smith come from?---Well, Don Smith had been the principal child care officer previously. He has qualifications in social work and law.

That's okay, you don't need to give him a pedigree?---Yes.

I just wondered where he'd worked, whether he was in the department prior - - -?---He was in the department, yes.

30

All right, so in the family services department prior to March 7th but from March 7th he's in the director-general's office?---Yes.

Thank you. The next document I want to show you is exhibit 102. The contents of this one don't matter so much, but in summary it's a memo from Lyn Draper to the director-general advising that she was going to cancel her appointment to see Mr Heiner. You will see at the top it says, "Refer to Ms L. Draper, principal youth worker," and just above the word "principal" there appears to be some running writing and a date 5/1/1990. Do you recognise that writing there?---Yes, that's Ruth Matchett's initials.

40

From your experience with her, what significance should one attach to the fact that her signature is on that document? ---Ruth would quite often - Ms Matchett would often initial

documents that she had seen just to demonstrate that she was aware of it.

1

Okay, and was she in the habit of putting the date under her signature to show what date she'd seen it?---Usually.

So it's possible to conclude that this document which was received in the department on 5 January, according to the stamp, was shown to Ms Matchett on 5 January 1990?---Yes.

Thank you, that may be returned. I want you to have a look at exhibits 109 and 109A. They are two memoranda. One is signed - the first one, 109, is signed by Peter Coyne, and the second one, 109A, is signed by Anne Dutney. You will see that they're dated as having been typed on 15 January 1990 and each of them is stamped as having been received in the office of the director-general on 16 January 1990? ---Yes.

10

There's no signature on either document, is there, that matches Ms Matchett's signature?---No.

If correspondence came into the office of the director-general would it be shown to the director-general?---Not necessarily. Not every document.

20

No, okay. Having looked at these two here, which each of these people who are writing are claiming that there's been allegations made against them and in accordance with a regulation made pursuant to the Public Service Management and Employment Regulations they requested a copy of records held on themselves and they wanted to be advised whether they could have it within two days?---Yes.

Do you remember whether you ever saw those two documents, Mr Walsh?---I have seen them before. I can't say at what time.

30

All right?---Certainly - just to add to that, I can confirm that Peter Coyne was given the opportunity of coming in and reviewing his file.

Yes, well, I'll come to that in a sec, but so I don't forget anything I try to do it in the order - - -?---Yes.

In a different order to the way you're thinking. Could you have a look at exhibit 110, please, and there are three copies of this document because they've been copied with various degrees of reproductive clearness - clarity? ---Right.

40

I just want to know whether or not you recognise the handwriting in exhibit 110?---I'm sorry, but I don't recognise that writing.

Okay, thank you; if that could be returned?---Yes.

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Well, I don't want - you were going to add something, but unless it's - - -?---Well, it was in speculation, to say who I thought it might have been, but I don't recognise the writing.

1

It's not helpful to speculate anyway, I'd suggest?---No.

Could you now have a look at exhibits 111 and 112, and whilst they're coming I'll make this suggestion to you, that these in fact were the responses that Ms Matchett made to Mr Coyne's and Mrs Dutney's requests for access to their personal files?

10

---Yes.

They both bear Ms Matchett's signature, don't they?---Yes.

They're both dated 17 January 1990?---Yes.

So Ms Matchett complied with the time-frame that Mr Coyne and Ms Dutney put on her, didn't they, it would seem? Did you compose that correspondence or draft that correspondence for Ms Matchett?---No, I didn't.

Did you go and peruse the personnel file of either of those public servants?---I did at one stage. I can't - I would suggest that I looked at them before Peter Coyne did.

20

Would you have looked at them before she wrote this letter or these letters?---I'm sorry, I can't confirm that. I don't recall.

Okay?---I would expect that I would have.

Could that have been a task that she asked you to do?---I think it may be something that I initiated myself to satisfy myself that there was nothing on the file.

30

Would that act of initiative on your part have been the result of having received the correspondence from Mr Coyne and Ms Dutney?---Yes.

When you looked at those files of each of those officers was there anything on there?---No.

So if those files were in the same form if Ms Matchett looked at them - if she looked at them and they were in the same form as when you looked at them would you say that what Ms Matchett has written in each of exhibits 111 and 112 was in fact a truthful response to each of those public servants' request for access to their file?---I believe that they're truthful, yes.

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I'll have those returned, thank you. Now, could you look at exhibit 113, please? You will see that is, as complete as one could hope, a copy of correspondence from a

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solicitor's firm called Rose Berry Jensen, because it's got the fax sheet on the front of it, hasn't it?---Yes. 1

That fax sheet demonstrates apparently what time it was faxed from Rose Berry Jensen at the top left-hand corner and the date it was received?---The 17th.

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Yes. Now, have you seen that document before?---I have. 1

Okay. Did you see it on 17 January 1990 or the day after?
---I believe I did because my thought was that there was a very unrealistic time frame in terms of a response.

Well, did you take it upon yourself to contact the solicitor and say to him, "Listen, we'll have a look at this but to expect that we're going to have it done by - - -"?---The 18th.

"- - - 18 January at 2 pm is unrealistic when you faxed it through to us at or after 5.15 on the 17th." Did you get in touch with the solicitor and say that?---No, I didn't, no. 10

Did you say to Ms Matchett, "This is a bit high-handed. This is unrealistic. We should write to them and say, 'Look, we'll look into it but just give us a bit of time. The reasonable' "?--- I don't recall whether I said that to Ms Matchett or not.

But it certainly was a view you had, that it was - - -?
---It was a view that I had, yes. 20

Did she have a view about the reasonableness of the time frame that they were trying to impose on you?---In relation to this particular document, I'm sorry, I don't know.

Okay?---But to be fair, there were a number of times when there were unreasonable requests and we had a general discussion about being expected to respond very quickly, in very short time frames.

Do you know when Ms Matchett first contacted Crown Law or were you the person who first contacted Crown Law?---No, I wasn't the person who contacted Crown Law. 30

The first time, I mean?---No, it wasn't me.

Okay. Do you know who it was?---No.

Do you know when it was?---I believe it would have been January but I can't specify a date.

Do you know whether it was before or after that fax that arrived?---This may have been the one that initiated contact but I'm not absolutely certain. 40

All right. I'll have that back. I just want to show you exhibit 114 because I want to put to you that you made a note of these two documents and you can tell me whether you did or not?---Yes.

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And if you did I'd like to know what the significance of it is. See at the foot of each page of exhibit 114 there seems to be the name Trevor Walsh? That's your signature in each case, isn't it?---Yes. 1

And it's dated in each case - well, the first page is dated 19/1/1990, the second is dated 18/1/1990?---Mm'hm.

The notation reads on the first page - what did you write? ---"Information now attached."

And on the second page you wrote?---"Information requested by Mr Heiner on 17 January." 10

Okay. There's a signature on the first page above the name Geoff Loof which appears to be the word Geoff, isn't there? ---Yes.

On the second page there's also a signature besides the numbers 18/1. Do you know who's signature that is?---No, I don't. I don't know that.

Were you the person - because it states - it's a request for information on behalf of Mr Heiner, isn't it - - -? ---Yes. 20

- - - staff records. Would you be the person who caused those to be provided to him or provided them to him? Is that why you're initials or signature and notations are on those documents?---I have no recollection of what I did but this leads me to conclude that I acted upon it and sent the information on. But I must admit I don't recall.

Okay, thank you. That can be returned. I want you to look at exhibit 115, which is a letter to Mr K.M. O'Shea. You know who that is, don't you?---Yes. 30

And it from Ms Matchett, isn't it?---Mm'hm.

And this letter refers to the fax that came in at 5.18, she calls it, on 17 January 1990 and it says there is a copy attached?---Mm.

And it tells Mr O'Shea about the deadline - - -?---Yes.

- - - of Thursday, the next day, at 2 o'clock?---Yes.

And it sets out that she wants urgent advice as to what, if any, response she should make to the letter?---Yes. 40

And she says that she attaches, amongst other things, Mr Heiner's letter of appointment and the terms of reference?---Yes.

Then she says, "If you require any further information or assistance please contact Mr Trevor Walsh"?---Mm'hm.

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Well now, did you know that Ms Matchett was going to send that letter to Mr O'Shea?---Yes. Yes, I knew. 1

Did she tell you that if Mr O'Shea needed anything she'd leave it for you to handle?---Yes, she didn't leave - I don't think she was suggesting that I would handle it, but that I would coordinate responses within the department.

Okay. All right?---By this stage Don Smith was in the office and I think - - -

I thought you said - - -?---No, sorry, he would not have been. 10

No, because he didn't - according to your diary - - -? ---That's right.

- - - start until 7 March?---Yes. I certainly was aware of the letter.

Well, apart from the two secretaries up there - executive secretaries - was there anyone approaching your level of seniority working there at that time if Don Smith wasn't there?---Not in the office, no. 20

Okay. Now, do you remember whether Mr O'Shea did take up the offer and ring you?---I recall talking to Mr O'Shea. I'm not sure if it was in relation to this, I think it was.

Yes?---And I made a note of the discussion I had with Mr O'Shea because I can recall talking to him about the time frame.

Yes?---And Mr O'Shea making an indication that there was going to be legal action to let them litigate. 30

What did he say to you?---He said, "let them litigate."

Okay, and did you convey that sentiment to Ms Matchett?---I did.

And what did she say to that?---I conveyed in a memorandum. I can't recall if we had a discussion about it.

So did you perceive that Mr O'Shea was taking a fairly robust view by saying, "Well, let them litigate"?---Yes. And in fact I think I may have actually put a notation on file to the point of not replying to this specifically at that stage. 40

By "this", do you mean Mr - - -?---The letter from Peter Coyne's solicitor.

All right. However, Mr O'Shea got another letter, didn't he, from Ms Matchett on 18 January?---Yes.

I'll get you to have a look at exhibit 116?---Thank you. 1

And in this letter she refers to being grateful for the opportunity to have a discussion with him the day before. Now, were you present when Ms Matchett spoke with Mr O'Shea?---No.

Okay. And following that discussion she said was forwarding for his comment a draft letter to Mr Heiner seeking clarification about his interpretation of his authority to ask the documents. Now, did you compose either the letter that Ms Matchett signed to Mr O'Shea or the draft letter to Mr Heiner dated - - -?---No. 10

You didn't?---No.

So if you didn't compose that correspondence or draft it, who would have?---I don't know. Again, my thought would be that it was Ms Matchett herself.

Yes?---But I would not be certain.

It's unlikely to have been either of the secretaries?---No. 20

You wouldn't suggest that at all?---No.

You've regard that as a bit of a flippant suggestion?
---Yes.

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Yes, okay, thank you. Exhibit 116 can be returned. Now, Mr O'Shea responded before the deadline imposed by Mr Coyne's solicitor, didn't he?---I'm sorry, I can't recall. 1

I will just get you to have e a look at exhibit 117, please. You will see it begins with a facsimile transmission sheet dated 18 January 1990 and on the second page there's a typing to suggest that it was faxed by the Crown Solicitor at 12.45 on Thursday the 18th?---Yes.

Okay; and it's a letter to Ms Matchett apparently from Mr O'Shea referring to their telephone discussion "yesterday" acknowledging receipt of her letters and then talking about the possible bases upon which Mr Heiner had been appointed?---Yes. 10

Do you recall reading that on 18 January 1990?---I recall reading it. I'm not sure that I can categorically say I read it on the 18th.

Mr Coyne responded to Ms Matchett's memorandum in which she said, "There's nothing on your personal file," didn't he? ---Yes. 20

Could you see exhibit 120, please?---Yes.

Exhibit 120 was Mr Coyne's rejoinder or reply to Ms Matchett, wasn't it?---Yes.

And it is dated 18 January 1990?---Yes.

Do you know if Ms Matchett saw that?---I believe she saw it. I can't specify what date she would've seen it.

Well, all Mr Coyne wanted in that memo was a copy of these records?---Yes. 30

It would have been possible for you, if Ms Matchett had told you to do it, to get those records, wouldn't it?---It would've been possible.

Did she tell you to get the records Mr Coyne after?---No.

Did you say to her, "Why don't we get these records and just give them to him"?---No.

Why not?---Well, I can only think in retrospect now and I can't remember at what stage I found all of this out, but my understanding was that the list of complaints that went from the State Service Union - were passed from the people to the State Service Union to Alan Pettigrew was on the understanding that it was of a confidential nature and not to be widely distributed. 40

All right?---Those documents were then passed to Mr Heiner and Mr Heiner refused to pass them to Peter Coyne. 1

Right?---I'm sorry, I can't specify dates relating to that, but that was my understanding of the context of those letters.

Did Ms Matchett express to you any view about whether or not Mr Coyne could or should have access to those documents?---No; no, not that I recall.

I will just get you to look at exhibit 121. This document would also appear from the top of it to have been faxed in from the John Oxley Centre and you'll agree it's a document dated 18 January directed to the director-general and Mr Coyne is asserting that Mr Heiner was investigating grievances and that Mr Coyne feared that Mr Heiner had no legislative basis so to do and Mr Coyne requested advice as to the basis upon which Mr Heiner was acting. Do you recall seeing that document on 18 January 1990?---I have seen it before but I can't recall on what date I saw it. 10

Did Ms Matchett ever raise with you, "Look, I've got another letter from him. Now he wants to know the statutory basis for this inquiry"?---I can't recall a conversation like that. 20

Did you compose for Ms Matchett's signature exhibit 122 which I show you now?---No, I didn't compose that.

Did you see that document before it was sent?---I can't say whether I saw it before it was sent or not. I certainly have seen it before but - - -

All right. Now, a meeting did - Mr Blumke will take that back now. A meeting did take place between Mr Heiner and Ms Matchett, didn't it?---Yes. 30

Where did it occur?---In Ms Matchett's office.

And it occurred on 19 January 1990?---I can't specify the date, I'm sorry.

Were you present for it?---No, I wasn't.

Did you see Mr Heiner go in there or a man you believed to be Mr Heiner?---No; no, I didn't; no. 40

So how do you know that it occurred because you just agreed that it did?---I'd seen documentation afterwards.

Did Ms Matchett ever say to you, "I've met with Noel Heiner"?---I'm sure she would have and, I mean, I recall ringing and making the appointment for Mr Heiner to go and see Ms Matchett in the first instance.

Right, but you were not present when she spoke with him? 1
---No, I was not.

Did she ever give to you a letter from Mr Heiner that had been addressed by him to her?---I saw a letter from Mr Heiner saying that in light of the meeting he had had with Ms Matchett that he would not be proceeding with the inquiry.

All right. I will get you to look at exhibit 123. Forget about the first page, but if you look at the attachment, is that the letter that you saw that Mr Heiner wrote in which he said he wouldn't proceed with the inquiry?---Yes, it is. 10

On the first page of it there's a stamp "Received 19 January 1990, Office of the Director-General"?---Yes.

Then beside that there's what appears to be the notation "11.30 am"?---That's my initials.

Sorry?---They're my initials.

I see; so is that meant to convey that you, Trevor Walsh, saw this at 11.30 am on 19 January 1990?---Yes. 20

What did you do with it?---I would have given it to Ms Matchett.

She then attached it as an attachment to the letter that's on the first part of exhibit 123 which was a letter to Mr O'Shea, didn't she?---Mm'hm.

Did you compose that letter for her?---No, I did not.

Do you know who did?---I don't know. I'm again presuming Ms Matchett wrote it but I don't know for sure. 30

At around that time, was she in the habit of drafting her own correspondence?---Quite often.

That may be returned. Now, there would have been no other person drafting documents for Ms Matchett to sign. You were so close to Ms Matchett you would have been aware if there was anybody else drafting correspondence for her, wouldn't you?---Normally I would. Ms Matchett was speaking with the industrial relations people in relation to some of the matters concerning Mr Heiner's inquiry, but I can't say that she was asking them to write letters for her. 40

Okay. Could you look at exhibit 124, please? You'll see that's a facsimile transmission to Ms Matchett from Mr O'Shea dated 19 January and it appears to have been faxed off at 12.27?---Mm'hm.

1

Now, there are two copies of this and the first copy is a nice clean one and it bears Mr O'Shea's signature?---Mm'hm.

And the second one is not such a good photocopy but it bears a notation on the second page of it in hand writing, doesn't it?---It does.

10

And it says, "I confirm that I received this advice from Mr O'Shea, signed Trevor Walsh 19/1/1990"?---Mm'hm.

Okay. Why would you write something like that on this document? Was that like a self-protective mechanism that you have developed in the public service of noting the date that you saw something?---Well, it was simply because in that second-last paragraph Mr O'Shea said he confirmed my (indistinct) advice to me today, and I simply was confirming that was true.

And that was Mr O'Shea's advice that it would be better not to respond to the solicitor's letter?---Yes.

20

And that was a reference back to that one that had come in late in the evening?---I believe so. I believe so, yes.

Okay, thank you. Would you have shown that letter from Mr O'Shea to Ms Matchett?---I'm sure I would have but I have no recollection.

All right. Now, on that same day do you recall Ms Matchett meeting with people from the Queensland State Service Union and the Professional Officers Association?---I was aware that Ms Matchett met with both groups. I can't specify the date.

30

Did you go to the meeting with her?---No.

All right. I'd like you to look at exhibit 126. Do you recognise the handwriting on that piece of paper?---No, I'm sorry, I don't.

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

It's not Ms Matchett's?---No.

40

Are you familiar with Sue Crook? Do you know her?---I'm familiar with Sue Crook.

Would you be familiar enough with her writing to rule her out as the author?---I can't say categorically. There was another person called Ted Clarke - Edward Clarke.

Yes. Where did he work?---Mr Clarke worked in the industrial relations section under Sue Crook. 1

Okay?---It's purely speculation but I would have thought maybe Ted Clarke rather than Sue Crook.

Right. Well, let us just assume for the moment that it's purporting to record conversations between R. Matchett, S. Crook and B. Thomas - - -?---Mm'hm.

- - - at 11 am on 22/1/1990?---Yes. 10

Do you recall being present for a discussion between those three named people at any time?---No.

Okay. That can be returned. Please look at exhibit 127. And can I suggest to you that this exhibit demonstrates that there's a fairly careful process in place in the office of the director-general in that both you and the director-general are noting dates and the fact of having seen certain correspondence, and exhibit 127 is a good example of that, isn't it?---Yes.

Because do you agree that it can take your initial at the top?---It does. 20

And it records that you received it on the 25th of the 1st - possibly the 25th, maybe that's not the right - can you make out the date there?---Yes, I think it's the 25th.

Okay. And you forwarded it to be acting manager, AN Personal Services?---Mm'hm.

And it does Ms Matchett's signature appear on the document? ---It does. 30

And not in the signatories position down the bottom because she wasn't the author, but at the top me her name?---Yes.

Are you able to make out the date below her name?---No, I'm sorry, I can't.

Right. And that was simply just a letter from the State Service Union written by Janine Walker complaining about staffing levels at John Oxley?---Yes.

And even a document like that was sufficient to see both you and Ms Matchett each of noting - - -?---Yes. 40

- - - the date you sure it?---Yes.

Okay. I'll have that returned, please. Could you look at exhibit 129, please. This is a letter to Ms Matchett from Mr O'Shea, isn't it?---Mm.

Now, does it bear any notation that she's seen it or does it bear any notation that you had seen it?---There's nothing to indicate that either of us have seen it. 1

Yes?---But I've seen it.

You've seen it. Did you see it on the day that it arrived? ---I don't know.

Okay?---I don't know what date on would have seen it.

But you certainly seen it at some stage in the past?---Yes. 10

Perhaps is there a difficulty for you in remembering when you've seen it because some of these documents have been out in the public arena for many years now?---That is part of my problem.

Well, bearing in mind that difficulty - - -?---Yes.

- - - can you clear this up for me: on the occasion when you first saw it was it when it was out in the public arena or was it when you were in the office of the director-general?---No, I would have seen it in the office of the director-general. 20

Okay?---Yes.

And does that same answer hold in relation to the other documents that are showing you that Ms O'Shea sent to the director-general?---Yes.

Or that Ms Matchett said to Mr O'Shea?---Yes. I would have seen them in the director-general's office.

Okay, thank you?---Yes. 30

I'll get that one back. I'll just get you to look at exhibit 130. This is a memorandum dated 23 January 1992 Ms Matchett from Mr Nix. Now, she's initialled that as having seen and received it?---Mm'hm.

In this period of time between when you started in January and 23 January 1990 was there any - to your observation - communication face to face because - or if you were present, telephone communication between Ms Matchett and Mr Nix apart from that letter?---Not that I can say. 40

Right?---The only reason why I'm hesitating was there were senior management meetings when a number of senior officers would meet to talk about issues.

Yes?---Now, I cannot recall whether there would have been a senior management meeting where Ruth would have met with Mr Nix and others.

Okay. Well, we have heard some evidence from Mr Pearce that Mr Nix was on some sort of recreation leave or holiday leave in January for some period of time?---Right.

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All right, and that Mr Pearce was the acting deputy director-general. Does that ring a bell with you?---I recall that Mr Nix was on holidays at one stage, yes.

Okay, but he must have been back by 23 January?---I would - yes; obviously, yes.

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Yes, that can go back. The senior executive - what do you call it, that thing, that group?---Yes, senior executive - they had a different number of titles. Senior executive management team was one, SEMT. 1

All right. I'll get you to give that exhibit back to Mr Blumke. In your diary for 18 January there's an entry, "2.30 - 3.15 SEMT." What does that entry suggest to you now?---That there would have been a meeting of the senior executive management team.

On 18 January?---Yes. 10

If the entry is under 18 January?---Yes.

You're confident that I'm reading that out correctly. You don't want to check? You can if you want?---I'll check.

Good?---18 January?

Yes?---With the qualification I may have written it in without the meeting necessarily having occurred, but there was certainly a plan to have a senior executive management team meeting from 2.30 to 3.15. 20

I see. So you're not warranting that the meeting actually occurred?---No.

It could merely have been that there was an intention to have it. It may or may not have occurred?---Well, there was just so much happening at the time.

Can I ask you about - in relation to 18 January up the top it says, "7.30 - 7.30"?---Yes.

What does that mean?---That means that's the hours that I worked that day. 30

Then for Friday the 19th it says, "Worked 7.30 - 7.00"? ---Yes.

Then for Saturday the 20th it says, "Worked 10.15 - 1.30"? ---Yes.

For Sunday the 21st, "Worked 1.00 to - 7.30"?---Yes.

Just going over the page, 22 January 1990, next to entry 10 am it says "Cabinet"?---Yes. 40

Now, what does that mean?---Cabinet met each Monday.

Yes?---I had written a number of documents like that throughout the diary because working in the director-general's office some of the cabinet processes were new to me, so I was recording things like dates of

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parliament, dates when cabinet were meeting, dates when the cabinet bag had to be returned or received. 1

If we look through your diary for January, Monday, 22 January is the first time that we see the word "cabinet"? ---Yes.

Would that tend to suggest that that was the first cabinet meeting for - - -?---That could very well be the case.

Or at least since you returned to work in 1990?---Yes. 10

Because that entry appears on Monday, 29 January, doesn't it?---29th, yes.

"Cabinet", and then it appears again on - - -?---And again on the 5th.

The 5th?---Yes.

So in those days did cabinet meet on a Monday?---Every Monday.

Except it doesn't appear in the entry Monday, February 12, does it?---No. 20

It says, "Ruth, JOYC"?---Yes.

Is that what it says?---Yes.

Yes, okay, and it doesn't appear for Monday, February 19 either, does it?---No.

No?---I suspect it's because by that stage - - -

You were familiar that cabinet would meet every Monday? ---Yes. 30

You didn't need to remind yourself of that?---Yes.

Okay, thank you. The next document to look at is exhibit 131. If you open past the first page you will see that it is the same document photocopied in different sized print each time. Now, it purports to be a memorandum - we've heard evidence that it is a memorandum to the director-general from Ian Peers?---Yes.

Have you ever seen that document before?---Yes, I have. 40

Where have you seen it before?---Just within the files of the department. I can't be more specific than that, I'm afraid.

Did you receive it from Ian Peers?---Not that I recall.

Do you remember giving it to Ruth Matchett?---No, not that I recall. 1

Does it bear any notation to suggest that she received it or saw it?---No, not really. I notice on the front there's this comment that says, "File held, manager, office of the director-general."

Yes, what does that suggest to you?---Well, it suggest that there's a file in the director-general's office, but we didn't have individual files in the director-general's office. 10

No, but you would be familiar, or you could remember, perhaps, what the practice was if a memo came into the director-general's office in January 1990?---Sure.

If you got a memo from a man as senior as Ian Peers would you show it to the director-general?---Normally, depending upon the context and the content, but normally, yes.

For example, he could write memos about matters of differing importance, couldn't he, and if it was not important you may not show it to the director-general immediately or at all?---That's correct. 20

But if it was important you would show it to the director-general?---Yes.

Looking at the content of this memo which concerns a telephone conversation Ian Peers, who had recently been the acting deputy, had had with Peter Coyne concerning Peter Coyne's apparent intentions regarding legal action, would you regard that the type of matter that if he just gave it to you you'd give it to Ruth Matchett?---I would, yes, and in fact the note says they're expecting the solicitor Ian Berry to phone Trevor Walsh with this advice. 30

Right?---I believe there may be a note from me along these lines.

Well, the advice apparently, according to Ian Peers, was that they were going to continue their District Court action but discontinue their Supreme Court action. Okay? ---Yes.

Were you aware yourself of any legal action in either court having been instituted at all?---Definitely not. 40

Was it a matter of importance to you personally to know whether such things had occurred?---Yes.

Why?---Because up until the date the documents were destroyed I had never received any advice that there was any legal action taken anywhere.

Whose idea was it to destroy the documents?---It was a recommendation from the Crown Law office. 1

All right. What did Ms Matchett want to do with the documents? Do you know?---I don't know that she had an opinion.

She didn't - - -?---That was why she wrote to the Crown Law office, to say - - -

She didn't express a view to you about what she should do with them?---No. 10

All right, that can be returned. Could you look at exhibit 133, please? Do you recognise the handwriting on that document?---I don't. I think there is an initial there, "BT", which could very well stand for Barry Thomas.

But that would be a speculation on your part, wouldn't it? ---That would be, that's a speculation. I don't recognise the writing.

You only say that because he's about the only person you can think of at that time that had the same initials as BT?---Yes. 20

Okay, thank you.

COMMISSIONER: Did you ever see Barry Thomas referred to by just his initials like that on any other documents?---I may have, Mr Commissioner. I can't think of a particular document, though, I'm afraid.

But I'm just wondering if, as Mr Copley suggested, Barry Thomas is the only one you can think of or in fact you recognise that as a reference to Barry Thomas because that's how he was commonly referred to on documents? Do you see the difference?---Yes, I understand. 30

Which one of them do you think it is?---No, I simply thought Barry Thomas when I saw "BT" for no other reason.

Because you can't think of anybody else?---Because he was actively involved from the Crown Law Office.

He is the most likely candidate by a process of reasoning? ---Yes. 40

Could you see exhibit 134? Now, this is a letter to Ms Matchett from Mr Martindale who is from the POA. Ms Matchett has initialled that, hasn't she - - -?---She has.

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- - - that she saw it on the 2/2/1990?---Yes.

And in that letter the letter complains that that association believes that their members, Dutney and Coyne, were entitled to know what the allegations were against them. Did Ms Matchett discuss with you the content of this letter?---No.

10

Did she ever say to you anything like, "Those pesky chaps from the POA are still writing to me asking for this material on behalf of Coyne"?---Not to me, no.

She didn't express any views to you?---No.

Did she say anything to you at all in this time about this matter to do with Mr Heiner and the fate of the documents? ---I can't quote, but it was more in the broader context of, "This particular issue is taking up a lot of time."

20

Yes. Did you say, "Well, if we just give them the damn things, it will be over"?---I never said that.

Weren't you very familiar with her in the sense - not familiar in terms of knowing who she was but familiar in the sense of being able to speak frankly to her?---I was in a position to speak frankly but, no, I never suggested that she should do that.

I suggest to you that Ms Matchett with a Ms Crook met with Ms Ball and Mr Mann from the Queensland State Service Union on 6 February 1990?---Right.

30

Does that ring a bell with you?---I knew that she met with them. I couldn't have specified the date.

Did you accompany her to that meeting?---No.

I suggest to you that on 7 February 1990 Mr Heiner received a letter from Ms Matchett telling him that he, Mr Heiner, was terminated. Do you remember that?---Yes; yes, I do.

Yes, and in fact that letter was delivered by hand to Mr Heiner, wasn't it?---I believe so.

40

Could I get you to look at ext 136? Does any of your writing appear on that document?---It's my writing.

What does it say?---"Original delivered by hand to Mr Heiner by records on 7 February."

Okay. So it wasn't delivered by you?---No.

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But somebody told you it had been delivered to him?---Yes. 1

Where did you understand he was when he received that letter? It is addressed, of course, to an address Ferny Grove or Ferny Hills, but where did you understand he was, if at all, to receive the document?---I don't know but I would have assumed he was at home because he decided - - -

But you don't know?---No, I don't know; I don't know.

All right, thank you. That can be returned. Now, I just want you to look at exhibit 138 just to confirm for the sake of completeness that you were the author of this memorandum to the director-general?---Yes, I was the author. 10

Thank you. That can be returned. Could you look at exhibit 141, please? This is a letter from Rose Berry Jensen dated 8 February 1990 addressed to Ms Matchett. Is there anything on there to indicate that she saw it? ---There's nothing to indicate that I saw it but I did.

Yes, but you did she it?---Yes. 20

And if you saw it, would you have shown it to her?---I would have.

That can be returned. Now, at some point in January 1990 someone decided that it might be wise to inquiry into the actions of the previous National Party cabinet in relation to this Heiner matter, didn't they?---I'm not quite sure what you mean by that.

Okay. Well, did you take some steps to get access to the National Party government's cabinet records?---No, never. 30

I will get you to have a look at this document, please. Now, that appears to be a facsimile from the Premier's Department, isn't it, up the top there? We will go through it line by line, but from the top it says "From Premier's Department, 13th floor, 19/1/1990, 11.59". Do you agree? ---Yes.

And it says "Extract from collected minutes of 23 October 1989", then it says, "The Honourable the Minister for Family Services indicated that an investigation was to be conducted into the operations of the John Oxley Youth Centre." Do you see that?---I do. 40

Just stay on that page. We will look at the rest in a second?---Yes.

Then below that it says, "Extract forwarded to Trevor Walsh, CLLO." What does that mean?---Cabinet legislation and liaison officer.

"Department Family Services and Aboriginal Islander Affairs Brisbane," then underneath that there's a handwritten note. It's in your handwriting, isn't it?--Yes, it is. 1

Can you, please, read it out?---It says, "Note that this document is an extract of the records of the previous government and may not" - underlined - "be shown to a member of the present government except by approval of the Honourable the Premier."

It's signed by you?---Yes. 10

And dated 19/1/1990?---Yes.

Okay. Now, what were the circumstances in which that fax got sent to you?---I have absolutely no recollection; none whatsoever, I'm sorry.

You're not therefore in a position to tell me whether the next document came with it or not if you have no recollection of - well, do you have a recollection of receiving it?---Not of that page, even though I've got my writing on it. 20

Right. Do you have a recollection of receiving the next page?---It's more vaguely familiar to me than the first page.

Yes. Now, there's running writing at the bottom of that second page, isn't there?---Yes, that's Ruth Matchett's writing.

And there's a date below her signature, isn't there? ---January 1990.

Well, what was on the 13th floor of the Premier's Department from where that - - -?---13th floor was the cabinet office. 30

Okay?---Yes, the cabinet office.

All right. Who kept the collective minutes of the cabinet? Where were they kept?---I don't know.

Would it be possible that they were kept by the cabinet office?---I would expect so but I - yes, I have no knowledge of how they kept their records up there. 40

Well, look, just going back now and looking at the first page of that, can you enlighten us as to why that document was forwarded to you, Trevor Walsh, and can you enlighten us as to where you received the information that it was not to be shown to a member of the present government except by approval of the Honourable the Premier?---I'm sorry, but I can't. I just have absolutely no recollection of why I got it or how I got it.

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Okay. Well, one possibility is it was just sent to you and you didn't solicit it?---Mm. 1

Another possibility is that you had asked for such record to be provided to you?---Yes.

One way of finding out in a general sense what Cabinet had decided would have been simply to ask George Nix, for example, wouldn't it?---It would have been, yes. I certainly wouldn't have been talking to George about it, though. 10

No, but gosh, wouldn't that be the kind of like a pretty easy and informal way to find something out without having to go asking people to trawl through the records of the previous government?---Yes.

It would have been a commonsense way to find out, wouldn't it?---Yes.

Or to ask Alan Pettigrew?---Yes.

These were men you knew?---Yes. 20

They were men Ms Matchett knew too, weren't they?---Yes.

They weren't strangers?---No. I'm sorry, but I just have no recollection about where or why these documents came.

Did Ms Matchett ask you to get them?---I can't recall. I can't recall her asking me to get them.

Okay. Well, because the witness has identified his signature and notation on the first page of the two that I've shown him, I tender the first page that bears his notation and signature. And I'll hand up a copy to you, Mr Commissioner, for your records, and provide a copy to Mr Selfridge and Mr Harris and Mr Lindeberg. 30

Can I suggest to you, Mr Walsh that it would - sorry.

COMMISSIONER: I'll just process this. The extract of the collective minutes of 23 October 1989 noted by Mr Walsh will be Exhibit 293.

ADMITTED AND MARKED: "EXHIBIT 293"

MR COPLEY: Mr Walsh, if there was a belief or some knowledge or some suspicion that the previous National Party Cabinet had discussed the position regarding John Oxley you would have been interested on behalf of the director-general to find out what they talked about, wouldn't you?---I think we were interested in the establishment of how the inquiry was sought to be established. 40

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Yes?---If that's what you mean.

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Yes, because it's not a matter of thinking you were interested, Ms Matchett and you were interested?---We were interested, yes.

Yes. And because you were interested it's quite possible, isn't it, that you asked somebody in the Cabinet office to see what they could discover on your behalf and let you know?---That's the only thing that I can think of.

Because it would be an odd coincidence if this document which was forwarded to Trevor Walsh came just out of the blue?---I don't imagine that would have been the case but I - yes, as I say, I have no recollection.

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Okay. Well, I don't wish to appear to be facetious with you, but if as the afternoon - or whatever is left of it - unfolds you do have thought about it - - -?---I will think about it.

- - -a recollection about it, I'd be happy for you to interrupt me and tell me?---Yes.

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All right. That will save me having to keep asking you? ---Mm.

All right. Now, could you look at exhibit 145, please? This would seem to be - it's obviously a letter from Martindale to Ms Matchett and it seems to be a threat that people like Dutney and Coyne are going to take some sort of industrial action unless their alleged rights under the Public Service Management Regulations were upheld. Do you agree?---Yes.

It bears Ms Matchett's signature or initials at the top? ---Yes.

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That she saw it on 21/2/1990?---Yes.

Even though it was received on 14 February 1990. And down the bottom there seems to be some handwriting. Do you recognise that?---Yes.

Whose is it?---That's my writing.

What does it say?---I said, "Noted. Mr Lindeberg has subsequently advised on 12/2/90 that the decision not to be on call as advised above has been lifted."

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Okay. So it would appear that as at 9 February 1990 there was a threat of industrial action?---There was.

But that threat was withdrawn?---Yes.

Apparently on 12 February 1990?---Yes.

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Yes, and then you noted the withdrawal of it on the 14th. Did Mr Lindeberg say why it was being withdrawn? Do you remember?---Not to my knowledge.

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Did you speak with him?---I believe I did. I believe I actually wrote a note.

Well, you did write a note, we just - - -?---Yes, but I think I may have written another memorandum saying Mr Lindeberg had called.

Okay. Now, was he a person that you knew?---No.

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You'd never met him?---No.

Okay. But you took is called nevertheless?---Yes.

It's not as if the secretary took the call and then pass that on to you and you make the note?---No.

Okay, thank you. All right. If you could now look at exhibits 147, 148, 149 and 150?---I apologise, but would it be possible for me to take a toilet break, please?

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COMMISSIONER: Of course.

THE COMMISSION ADJOURNED AT 3.49 PM UNTIL
3.52 PM

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THE COMMISSION RESUMED AT 3.52 PM

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COMMISSIONER: Mr Copley, we might pull up stumps at an appropriate time somewhere - - -

MR COPLEY: Well, it will be appropriate, in my submission, to pull up when I finish with the current topic, which should be just in the next couple of minutes, because then we're going to a new topic.

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COMMISSIONER: Yes, that's fine. You're okay to come back on Monday - - -

MR COPLEY: Tuesday.

COMMISSIONER: Tuesday?---Yes, Mr Commissioner, Tuesday.
Yes, okay.

MR COPLEY: Mr Walsh, these four exhibits, 147, 148, 149 and 150, would in the case of the first three appear to be memos that you wrote and signed, do you agree?---Yes.

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They're all directed to the director-general and they're relaying the contents of telephone calls, in the case of 147 and 149 from Peter Coyne?---Yes.

In the case of exhibit 148 from Mr Kevin Lindeberg?---Yes.

The last one is a transcription of a telephone call made by the acting director-general to Mr Peter Coyne. Do you see that?---Yes.

It's transcribed by Wendy Jones, executive secretary. Now, is she one of the two executive secretaries that you mentioned to me earlier this afternoon?---She is.

30

You may need to read the content of her transcription to work it out. The document refers to you, but I want to know were you present when Ms Matchett allegedly said those things to Peter Coyne?---Right. I'm aware that Ms Matchett made that phone call. I can't recall if I was actually present in the room when she made the call, but I was certainly aware that she intended to make that call in the light of the previous phone call that I had had from Mr Coyne.

40

Now, it's correct, isn't it, that not every phone call made to the office of the director-general by a public servant would find its way into a typed memo from you to the director-general telling her about what the public servant rang to say?---No.

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Yet the phone calls from Peter Coyne that day did find their way into typewritten memos from you to her?---Yes. 1

Why was that?---Mr Coyne was making lots of different calls, making lots of demands, and we just felt that it was important to keep a record of the sorts of things that were happening.

Okay, just on that topic, communication between the director-general and the minister would have been in writing, wouldn't it?---Sometimes, sometimes not. The minister was on the same floor. Ms Matchett would sometimes go in and talk to the minister about various issues. 10

Do you recall ever seeing any written memoranda from Ms Matchett to the minister about this Peter Coyne, Noel Heiner issue?---I don't recall any other than the cabinet submissions themselves.

Yes, okay. Nothing like a note to say, "There's this issue out here. Peter Coyne is making a nuisance of himself. He's making lots of demands on us"?---No, I don't recall any written submissions like that. 20

Who picked Ms Matchett to be the acting director-general, do you know? Did she ever tell you how she got the job? ---No, I don't know.

Did she ever say how she got the job?---No.

Did she ever tell you why Mr Pettigrew was no longer there? ---No.

Okay, those exhibits can be returned and that's probably the place to leave it for today, Mr Commissioner. 30

COMMISSIONER: Thanks, Mr Copley. Mr Walsh, we'll see you back on Tuesday at 10 am, if that's okay?---10 am.

WITNESS WITHDREW

COMMISSIONER: Everyone else is welcome to join us at that time. Thank you. Mr Walsh's statement will be exhibit 292.

ADMITTED AND MARKED: EXHIBIT 292" 40

MR COPLEY: Thank you.

COMMISSIONER: Can it be published or do I need to - - -

MR COPLEY: In my submission there's nothing - no reason in there at all why it can't be published as it is.

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COMMISSIONER: All right, that will be what will happen then. 1

MR COPLEY: Thank you.

COMMISSIONER: Enjoy the long weekend. See you Tuesday.

THE COMMISSION ADJOURNED AT 3.58 PM UNTIL
TUESDAY, 29 JANUARY 2013

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