



SPARK AND CANNON

TRANSCRIPT OF PROCEEDINGS

Telephone:

Adelaide	(08) 8110 8999
Brisbane	(07) 3211 5599
Canberra	(02) 6230 0888
Darwin	(08) 8911 0498
Hobart	(03) 6220 3000
Melbourne	(03) 9248 5678
Perth	(08) 6210 9999
Sydney	(02) 9217 0999

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 12/12/2012

Continued from 11/12/2012

..DAY 10

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.

12122012 01/RMO(BRIS) (Carmody CMR)

COMMISSIONER: Good morning. Mr Woodford?

1

MR WOODFORD: Mr Commissioner, I call Gloria Dawn McNeven. She's via telephone.

(Telephone contact attempted with witness)

MR WOODFORD: Perhaps we'll move to the next witness. The next witness is Decia Guttormsen.

COMMISSIONER: Is she by phone?

10

MR WOODFORD: She is by phone, Mr Commissioner.

COMMISSIONER: All right.

GUTTORMSEN, DECIA affirmed:

ASSOCIATE: For recording purposes please state your full name and your occupation?---Decia Helene Guttormsen and I'm the IT manager for Ruralco Holdings.

COMMISSIONER: Yes, Mr Woodford?

20

MR WOODFORD: Ms Guttormsen, can you hear me?---Yes, I can hear you.

My name is Woodford. I'm one of the counsel assisting this inquiry. I have some questions for you this morning, some brief ones, about a statement that you supplied us?---Yes.

Do you have a copy of your statement with you?---I do.

Is that a three-page document with 13 paragraphs?
---Correct.

30

Your signature appears on the third page?---That's correct.

It's got a date of 26 October on it?---That's correct.

We're interested in the John Oxley Youth Centre. You were employed there as a youth worker, were you, from around June, July 1989?---That's correct.

You were there for about six months?---I think so, around about that time. I can't remember the exact dates.

You recall that a Mr Coyne was the centre manager at the time that you were there?---I think, yes, that's correct. Peter Coyne, yes.

40

Just turning to paragraph 6 of your statement on the second page, it's correct that you never saw or heard of any allegations of sexual abuse while you were working at JOYC?
---Absolutely not.

12/12/12

GUTTORMSEN, D. XN

50

You note in paragraph 7 that you personally never had any conversations with any persons concerning management problems that you had observed?---That's correct.

1

From that do I take it that you have made your own personal observations of the management style at the centre but you didn't voice those observations with others?---No, it's really hard to remember what my thoughts were 22 years ago. I don't really have any impressions now and I can't recall what I might have had then.

10

You never gave any statement to - or any other statement other than the one we've just referred to, to any body or inquiry or any other person?---No, that's correct, I have not.

You were never interviewed by any other person?---No, never.

Thank you. I have no further questions?---Thank you.

Just hold the line, would you?---Okay.

20

Some others may have questions?---Okay.

COMMISSIONER: Thank you.

MS LARCOMBE-WEATE: No questions of this witness.

MR HARRIS: No questions, commissioner.

MR HANGER: No questions.

COMMISSIONER: Mr Woodford?

30

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

COMMISSIONER: Yes, thanks very much for appearing by phone. Nobody else has any questions for you so we'll terminate the call, with thanks?---Thank you. Cheers.

WITNESS WITHDREW

MR WOODFORD: Mr Commissioner, in terms of exhibit 225, Ms Guttormsen's statement, could I just direct your attention to paragraph 6. There's just a name there on the second-last line that has previously been ordered not to be published for other statements and I seek the same order for that name there.

40

COMMISSIONER: Subject to the deletion of that name the statement can be published.

MR WOODFORD: Thank you, Mr Commissioner. Perhaps we'll

12/12/12

GUTTORMSEN, D. XN

50

attempt again to get Mrs McNeven on the line.

1

COMMISSIONER: Okay.

(Telephone contact attempted with witness)

MR WOODFORD: Mr Commissioner, we're not having much luck there with Mrs McNeven so we'll make some further inquiries outside about that. If we move to the next witness, Mr Gradus Cornelius Olde-Wolbers.

OLDE-WOLBERS, GRADUS CORNELIUS sworn:

10

ASSOCIATE: For recording purposes please state your full name and your - - -?---Gradus Cornelius Olde-Wolbers, retired pensioner.

Thank you.

COMMISSIONER: Yes.

MR WOODFORD: Thank you, Mr Commissioner. May the witness see exhibit 232, please?

20

Sir, I've had placed in front of you there a document. Can you just cast your eye over it and confirm for us that that is the statement that you supplied on 14 November this year in relation to this inquiry? Is that correct?---Correct.

You worked as a youth worker at the John Oxley Youth Centre, did you?---Yes.

Was that for a period of about five years from the time it opened?---Yes.

You worked under a gentleman by the name of Peter Coyne? ---Yes.

30

Looking at paragraph 4 of your statement, you regarded him as a good manager during your time there?---Yes.

Or rather during his time there. There was no complaint ever made by you about the management at JOYC?---No - say that again?

You never made any complaint about the management at JOYC while you were working there?---No.

40

Looking at paragraph 4 of your statement, you describe your memories of working at JOYC as a pleasure?---It was.

Looking at paragraph 6 of your statement, I understand that you yourself never saw nor heard about any sexual abuse while you were working at the John Oxley Youth Centre? ---Nothing.

12/12/12

OLDE-WOLBERS, G.C. XN

50

You also have no knowledge at all about something called the Heiner inquiry?---Nothing.

1

Yes, I have no further questions, Mr Commissioner.

COMMISSIONER: Yes. Ms Larcombe-Weate?

MS LARCOMBE-WEATE: No questions, commissioner.

MR HARRIS: No questions, commissioner.

10

MR HANGER: No questions.

COMMISSIONER: Mr Woodford?

MR WOODFORD: May Mr Olde-Wolbers be excused?

COMMISSIONER: Yes. Thank you very much for attending and giving your evidence. We appreciate it. Sorry for the inconvenience it must have involved but you're now released from your obligation to attend further, thank you?---Thank you.

20

WITNESS WITHDREW

30

40

50

MR WOODFORD: Mr Commissioner, there's nothing contained in exhibit 232 that would prevent its publication in its entirety. 1

COMMISSIONER: Exhibit 232 is published.

MR WOODFORD: We'll return, Mr Commissioner, to Mrs McNeven. I hear it's third time lucky.

McNEVEN, GLORIA DAWN affirmed:

ASSOCIATE: For recording purposes please state your full name and your occupation?---Gloria Dawn McNeven, and I'm retired. 10

COMMISSIONER: Yes, Mr Woodford.

MR WOODFORD: Thank you, Mr Commissioner.

Mrs McNeven, can you hear me okay?---Yes, not too bad, yes.

Right. I have some questions for you this morning, some brief ones, about the John Oxley Youth Centre?---Mm'hm. 20

Now, do you have with you a copy of a two-page statement that you recently signed?---Mm'hm.

Yes. That has seven paragraphs on it, does it?---What's that?

Does that have seven paragraphs?---Yes.

And on that very last page where it says Declaration down the bottom, does that start off saying it was dated 13/11/2012?---Declaration, yes, dated - yes, this one's not signed. 30

I see. Okay?---Yes.

In any event it is two pages with seven paragraphs?---Yes.

It's got your name on the front of it?---Yes.

Right. Turning to the John Oxley Youth Centre, you worked there, you started there not long after it was opened, that's your best recollection?---Yes.

You were working there as what's known as a domestic? ---Yes. 40

Okay. Your main work involved cleaning?---Yes, just cleaning the offices and that, yes, and the floors and all that, yes.

Right. You've retired from the John Oxley Youth Centre in January 1991?---Yes.

12/12/12

McNEVEN, G.D. XN

You recall that one of the managers what you were there was a gentleman by the name of Peter?---Yes. 1

You don't know much more about him than that?---No.

From your time at the John Oxley Youth Centre you have no knowledge at all of any sexual abuse?---No.

And you never supplied any statement or any other writing to any person about the John Oxley centre?---No. Never talked about it, no. 10

Right?---Never talked about anything like that, anything, yes.

Okay. I have no further questions for you, but just hold on, some other people here might want to ask you some questions?---Rightio.

MS LARCOMBE-WEATE: No questions.

MR HARRIS: I have no questions, Commissioner.

MR HANGER: No questions. 20

MR WOODFORD: May Mrs McNeven be excused, Mr Commissioner?

COMMISSIONER: Mrs McNeven, your evidence is now complete. Thank you for taking the time to appear by phone to the inquiry. It's appreciated. We'll disconnect the call now. Thank you?---Thank you.

WITNESS WITHDREW

MR WOODFORD: Mr Commissioner, could I take you to exhibit 229. 30

COMMISSIONER: Yes.

MR WOODFORD: If you have a look at paragraph 7, if you cast your eye over that for a moment.

COMMISSIONER: Unless anyone wants to be heard about that I propose order the publication of Mrs McNeven's statement, not including paragraph 7.

MR WOODFORD: Thank you, Mr Commissioner. 40

MR HANGER: I wonder if it would be better just to delete the name in paragraph 7 because in other material there are allegations that are relevant to the last paragraph, in paragraph 7. That's some evidence to the contrary of gossip in other statements.

COMMISSIONER: What about - the only part of paragraph 7 that be published is just the first letter of the name,

12/12/12

McNEVEN, G.D. XN

"Did not stay at my house while she was at John Oxley."
Does that deal with that? 1

MR HANGER: What would be wrong with just deleting the name in that paragraph?

COMMISSIONER: Well, it's got a lot of personal information that seems to me to be irrelevant to anything. I mean - - -

MR HANGER: We've heard a lot of information that's irrelevant to anything. 10

COMMISSIONER: Well, this is something I've got some control over, so hang on, let me just have another look, Mr Hanger, if you wouldn't mind. Isn't the last part of - - -

MR HANGER: I'm only interested in to the extent - - -

COMMISSIONER: The last sentence, aren't you?

MR HANGER: Yes, so long as somebody reading that in conjunction with the other bits of gossip in other statements can put two and two together, and say, "This sentence relates to the gossip in the other statements." 20

COMMISSIONER: I don't - - -

MR HANGER: That's the only worry.

COMMISSIONER: - - - and I'm the only one who needs to do that, aren't I?

MR HANGER: Yes. 30

COMMISSIONER: And I know everything.

MR HANGER: You know who the names are.

COMMISSIONER: Yes, I know the names, so - - -

MR HANGER: Yes.

COMMISSIONER: - - - in that case - but you need an evidence base for me to do it, so - and I've got it, even though I don't publish it. So if you don't mind, I won't publish paragraph 7. 40

MR HANGER: Thank you.

COMMISSIONER: Otherwise exhibit 229 can be published.

MR WOODFORD: I call Lex John Clements.

12/12/12

CLEMENTS, LEX JOHN sworn:

1

ASSOCIATE: For recording purposes please state your full name and your occupation?---My name is Lex John Clements, I'm the depot supervisor for Greyhound Freight.

COMMISSIONER: Good morning, Mr Clements, thanks for coming.

MR WOODFORD: Thank you, Mr Commissioner. May the witness see Exhibit 220 please?---Yes.

10

Mr Clements, I've placed in front of you there a document that's a witness statement of seven pages. Can you confirm for the commission that that is a copy of the document that you signed - sorry, that that it is the document you signed?---Yes, it is.

Thank you. We're interested in the John Oxley Youth Centre this morning. You started there as a youth worker on 12 March 1987. Is that correct?---That would be correct.

You continued working there until October 1989?---Correct.

20

Initially you worked under a gentleman as the manager by the name of Terry McDermott?---Correct.

You later worked under another gentleman by the name of Peter Coyne?---Yes.

If I could just take you to paragraph 7 of your statement, you make some comments there about the comparative management style, if you like - - -?---Yes.

30

40

50

And how that impacted upon the centre and you stated, "The whole feel of the place and the staff became negative." That was after Mr Coyne became involved, was it?---Yes, it was. 1

That's on the fifth line of paragraph 7. You note that the focus appeared to shift from monitoring children to monitoring the staff. Is that correct?---very much so.

Okay. Now, an example of that, is it, in paragraph 8 of your statement you refer to an incident that involved one of your colleagues, Mr Paul Hamson?---Yes. 10

Later in your statement you detail numerous and various pieces of correspondence that you were asked to furnish in relation to that incident. Is that correct?---Yes.

From what I understand of your statement, it was Mr Coyne who was asking you to supply all of those things? ---Directly or indirectly.

That was one example that you placed in your statement to indicate the nature and style of the management of Mr Coyne that you were subjected to?---One instance, yes. 20

From your statement, do I understand that the way the centre was run led to you resigning?---Partly that and personal family reasons.

Now, you did put together a lengthy letter of resignation? ---Yes, I did.

You refer to that in paragraph 9 of your statement. That letter concerned the management at JOYC by and large? ---Pretty much. 30

The letter was delivered personally by you to the head office of the department in Brisbane?---Yes.

Mr Commissioner, may Mr Clements see exhibit 72I?

COMMISSIONER: Yes.

MR WOODFORD: Mr Clements, I have had placed in front of you exhibit 72I. Casting your eye over that document, that is a copy of the letter - - -?---Certainly is.

- - - that you delivered to the department?---Yes, it is. 40

It's a number of pages?---Yes.

And it's going to be somewhat of a tedious process?---Okay.

However, what I require of you this morning is for you to take your time and read that letter into the record for us.

COMMISSIONER: That is handwritten, is it?

1

MR WOODFORD: It is?---I handwrote it, yes.

COMMISSIONER: Yes.

MR WOODFORD: It is lengthy, Mr Commissioner. I have got a copy here. I'm in two minds about this document given the length - - -

COMMISSIONER: How legible is it?---14 pages.

10

MR WOODFORD: It's fairly legible. What I have in mind is instead of going through half an hour of this is inviting my friends if there's any particular word in there - no doubt they have all scrutinised the document. We're anxious to have on the record - we're anxious to ensure that the document is not subject to any later dispute amongst the parties about any particular word.

COMMISSIONER: Unless there is some reason to believe that there will be a lack of consensus about meaning, then I think you can just tender the document and it will speak for itself.

20

MR WOODFORD: Yes.

COMMISSIONER: The only reason it won't speak for itself is if the language or the writing creates some confusion about what's intended.

MR WOODFORD: There is no confusion in my mind looking at this document, but I would like to invite my friends to indicate whether or not they have any difficulty because Mr Clements back then had a quite legible writing style.

30

COMMISSIONER: All right.

MS LARCOMBE-WEATE: I have no issues with the exhibit, thank you.

MR HARRIS: I have got no confusion with the document.

MR HANGER: No, commissioner.

COMMISSIONER: All right. Is it tendered already?

40

MR WOODFORD: It's already in, Mr Commissioner. That document can be - - -

COMMISSIONER: Is it for identification or is it already an exhibit?

MR WOODFORD: It is exhibit 72I.

12/12/12

CLEMENTS, L.J. XN

50

COMMISSIONER: It is already an exhibit, okay. It can speak for itself. 1

MR WOODFORD: Yes, it can be returned to the custody of the court.

Mr Clements, there was an inquiry conducted at the John Oxley Centre, something called the Heiner inquiry. You refer to it in paragraph 10 of your statement. That thing started after you had left?---I believe so.

In any event, you had no involvement in that inquiry whatsoever?---No. 10

You never appeared?---No.

You never supplied any other writings - - -?---No.

- - - apart from the length document we have already seen? ---No.

At paragraph 12 of your statement - I'm interested in what you say there. You never saw any sexual abuse at the John Oxley Centre?---No. 20

You never had any first-hand knowledge of anything of the like. By that I mean you never saw anything?---I never saw anything.

You go on in paragraphs 13 through to 15 to note some incidents at the centre. Looking at your statement, is it fair assessment to say that you only had third-hand information in relation to those matters?---Is it easier to state what happened? It might be clearer.

Well, your statement is fairly clear?---I just wrote that down and it may be not quite accurate. 30

Well, let's just take - - -?---Paragraph 13, for example.

Yes?---It wasn't about whispers between a few indigenous female inmates. For a start, it was one Caucasian girl that spoke to me.

That's your knowledge?---To my knowledge, yes.

Okay, but my summary point, I guess, is that you never saw any anything?---No, I never saw anything; no. 40

And the only information you had was information coming from others?---From another, yes.

Now, from what you've just said before, are you saying that some of the detail in the statement as to who you got the information from is incorrect. Is that right?---Yes, this may have been miscommunicated during my chat; yes.

12/12/12

CLEMENTS, L.J. XN

That's fine. Paragraph 13 - have we cleared that up, that your information came from a Caucasian girl?---Yes; yes. 1

Was there any other error in the statement that you've spotted that you would like to clarify for us?---No; no, it's pretty accurate.

Yes, thank you, Mr Clements. I don't have any further questions, Mr Commissioner.

COMMISSIONER: Any questions, Mr Bosscher? 10

MR BOSSCHER: No, commissioner, thank you.

COMMISSIONER: Thank you. Mr Harris?

MR HARRIS: No questions, commissioner.

COMMISSIONER: Mr Hanger?

MR HANGER: No questions.

COMMISSIONER: Thank you. Mr Woodford? 20

MR WOODFORD: Mr Commissioner, may Mr Clements be excused?

COMMISSIONER: Yes, certainly.

Mr Clements, thanks for coming and giving your evidence. It is appreciated?---Thank you.

You are formally excused from your summons?---Thank you, commissioner.

Thank you. 30

WITNESS WITHDREW

MR WOODFORD: Mr Commissioner, can I take you to exhibit 220, paragraph 14 on the third line down?

COMMISSIONER: Yes.

MR WOODFORD: At paragraph 14, the third line down there is a name.

COMMISSIONER: Yes. 40

MR WOODFORD: And then the fourth-last line of paragraph 14 there are two names. In my submission, those matters would not be published. On paragraph 15, there is also a name in the first line.

COMMISSIONER: Yes.

MR WOODFORD: Similarly, my submission is that that would

12/12/12

CLEMENTS, L.J. XN

not be published and subject to what my friends have to say 1
those are the only matters that, in my submission, should
not be published from Mr Clements' statement.

COMMISSIONER: Agreed? All right. Exhibit 220 will be
published except the names in paragraphs 14 and 15 will be
deleted before publication.

MR WOODFORD: Thank you.

COMMISSIONER: Mr Copley?

10

MR COPLEY: Mr Commissioner, I call Irene Kathleen
Parfitt.

PARFITT, IRENE KATHLEEN sworn:

ASSOCIATE: For recording purposes, please state your full
name and your occupation?---Irene Kathleen Parfitt,
administration officer at Department of Corrections.

Please be seated.

20

30

40

12/12/12

PARFITT, I.K. XN

50

MR COPLEY: Could Ms Parfitt be shown exhibit 42? Could you have a look at that document, please, Ms Parfitt, to ascertain whether or not it's a statement you provided to the police on 5 November 2012?---Yes. 1

Now, you will just have to keep your voice up so that we can all hear what you're going to say, okay? Thank you. You worked at the John Oxley Youth Centre, you say, from around about August of 1987 until about August 1990?---Yes.

When you were working there what was your surname? ---Colmer. 10

C-o-l-m-e-r?---Yes.

You're now called Parfitt, P-a-r-f-i-t-t?---Yes.

When did you marry Mr Parfitt?---1994.

So well and truly after you had been at John Oxley, okay. Are you still married to him now?---No, I'm not.

In your statement on the first page at the bottom in the last line you set out some dates that are in brackets there. Do you see that?---Yes. 20

Are they meant to represent the dates as you recall them that you were employed by the Department of Corrective Services? ---Yes.

You state there 10/9/1990?---Yes.

Is that the starting date with corrective services?---Yes.

Thank you. In the statement you speak about some difficulties between staff and management at John Oxley? ---Yes. 30

You speak of the fact that Peter Coyne was focused on a more welfare orientated approach to the children?---Yes.

By a more welfare orientated approach what are you attempting to describe there? A more welfare orientated approach in comparison with what?---More of a family unit. The way the units were built and set out, it was more of a family idea or concept of running it. 40

Yes?---Two youth workers to nine children and you had your meals together. You, I suppose, role modelled.

You as the youth worker?---Yes.

Was that different to where you had worked previously? ---Yes. I had been at Sir Leslie Wilson but I was in the kitchen there, and from what I could recall it was much

more structured, more disciplined, previously.

1

Was John Oxley in its physical design, in the design of its buildings, different from what was set up at Wilson?
---Definitely.

Paragraph 5 states this: "Shortly after finishing up at JOYC I was made aware of and asked to participate in an inquiry relating to JOYC"?---Yes.

May I ask you just to look at that sentence and I just want to - it's on page 2. I just want to ascertain whether you are definite that you were asked to participate in an inquiry shortly after finishing at JOYC?---I think it was after I finished there. I really can't recall.

10

Okay?---Whether I was still at John Oxley or I'd moved on, I'm not sure.

So even though the statement says that it was shortly afterwards that you participated in the inquiry the real position is that you can't be sure whether it was before or after you left John Oxley?---No, but I really believe that it was after.

20

All right. So that's your present belief?---Yes.

What do you base that on?---I have no idea. I just - I don't recall actually going - it was at the Children's Court. I don't actually recall going there from work and being associated with John Oxley at the time.

You do recall, though, going to the Children's Court?
---Yes.

Who did you see there?---An older gentleman. I'm sure it was the Heiner inquiry, I think.

30

Did he tell you his name?---Yes, but I can't remember.

Was he the only person you met with or spoke with that day at the Children's Court in connection with an investigation?---The best that I can remember, yes.

Was there anybody else who may have been with him when you met him but didn't say anything to you?---Not that I can recall, no.

40

By saying not that you can recall, are you excluding that at all as being possible or - - -?---I honestly don't remember anyone else being there.

All right, thank you.

COMMISSIONER: Just in terms of locating it in time, you see the last sentence in paragraph 5? Did you mention that

12/12/12

PARFITT, I.K. XN

50

for any reason, because it helps you pinpoint when in relation to your service at JOYC - - -?---Yes. 1

- - - it was that you saw Mr Heiner?---Yes. I was not married but I was with Brad, yes.

So how does that fact help you identify when you saw Heiner?

---Because I know it was after 1989.

Because you weren't with Mr Parfitt before. Is that right? ---Yes. 10

MR COPLEY: So in 1990 did you take up with Mr Parfitt? ---Actually, no, it would have been the November of 89, thereabouts. It was towards the end of 89.

So towards the end of 1989 you began a relationship with Mr Parfitt, okay, though you didn't marry him, you said, until 1994?---No, that's right.

COMMISSIONER: Well, can I just - sorry, but you see in that last sentence you say, "I recall still being with my ex-husband." Now, that word "still" suggests - or doesn't suggest recency of that event compared to when you saw Heiner. Do you know what I mean?---No. 20

Well, wouldn't you normally say, "I'd just taken up with my ex-husband around the same time," if they were around the same time, rather than say, "I was still with him," as if you had been with him for some time? No?---No, probably just bad wording on my part.

Okay, so what's your best recollection now? How long before you saw Heiner did you take up with Mr Parfitt?---I really can't tell you. 30

So what makes you connect the two events at all?---I just know I was with him, that - - -

But you don't know for how long before?---No.

All right.

MR COPLEY: So when you went into the Children's Court you were, as you put it, with Mr Parfitt in relationship sense? ---Yes. 40

Were you both living under the one roof at the time you went to the Children's Court?---Yes.

So did you see him every day of the week when you were living under the one roof?---Yes.

Now, when you went and saw the man at the Children's Court who you think was alone did you have a discussion with

12/12/12

PARFITT, I.K. XN

him?---Yes.

1

How long did the discussion last, do you remember?---It wasn't very long. I didn't - I don't know specific times, but - - -

Well, could you estimate? Would it have been - - -?---I wouldn't have thought more than 15 minutes.

No more than 15 minutes, okay. Where did the conversation occur? Was it a hallway, a courtroom, an office?---It seemed to be, the best that I can recall, a small courtroomy type setup.

10

Why do you say that?---I just remember multiple desks, not dissimilar to this.

Did he record your discussion with him in any way?---Yes, it was.

How was it recorded?---I don't remember, but I remember seeing something at the end of it. I don't know if I signed it.

20

You don't remember what it was that you saw that makes you say it was recorded?---No.

Now, you say in your statement, "Some time after this conversation I was asked to sign a statement of this interview"?---Yes.

Was that on another occasion?---I think it was, yes.

Do you recall who asked you to sign the statement?---No.

Do you recall where you were or where that person came to see you to sign the statement?---No.

30

So it could have been, for all you remember now, at your home?---I doubt it.

40

Could it have been at your work at corrective services?---I 1
honestly don't know.

Could it have been back at the Children's Court?---No.

It wasn't back there?---No.

That's a sure?---I only recall going there once.

Okay. Now, the document that you signed, were you 10
permitted to read it?---I would have been, I'm sure.

Do you recall how many pages long it was?---No.

Was it a document like this that set out words in separate
paragraphs?---I cannot honestly remember.

Okay. Or was it a document that might have said something
like "question", and then have typing, and then under that,
"answer", and then have typing?---I don't know.

Okay. How long after the interview at the Children's Court
were you asked to sign this document?---I don't know. 20

Did you read it over?---Knowing me as I do, I probably
would of, yes.

You don't remember what - do you remember what its contents
were?---No.

So you can't say now whether the contents reflected
accurately your conversation with the man at the Children's
Court or not?---No.

Why do you therefore associate you're signing of that
document with the interview at the Children's Court?---Just 30
something, I don't know what. I just feel that that's what
happened.

That they're connected?---Yes.

Okay. Now, when you spoke with the man at the Children's
Court, do you remember what topics were discussed?---Yes,
it was in relation to an incident that had happened at the
centre.

It was in relation to what, did you say?---Into an incident
that had happened at the centre. 40

An incident, okay.

COMMISSIONER: You mean a single one?---As far as I know,
yes.

MR COPLEY: All right. Now, who brought this incident up
or who raised it?---I don't know. I just don't know how it

12/12/12

PARFITT, I.K. XN

came to be at the court, if that's what you're asking. 1

What was the incident that you discussed or talked about?
---My knowledge of a young female been subject to rape by
some fellow residents.

Okay. Now, what did you tell the man you knew about that
incident back then?---I would imagine what I'd be telling
you, and that is that I wasn't there, but the on-flow of it
and people talking about it was probably what I would have
said.

10

Okay. Well, if you talked about the on-flow of it, what
would you have told the man?---The best that I can recall
would have been that it was the talk of the centre.

Yes?---There was probably five boys involved, one female,
on and excursions with some education officers. I recall
that she was kept a little secluded for a while.

When you say you recall that, is that something you told
him or is that something you recall now?---I recall it now,
but I'm sure I would have told him at the time.

20

Okay. And probably that would have been about all that I
can remember.

Well, did she ask you any questions about the incident?
---I'm sure he would have.

Do you remember what they were?---No, I don't.

Did you have any view about the incident yourself?---Yes.

Or opinion about it?---Yes, I did.

30

At the time?---I'm sure I did.

Do you remember what that opinion was, and if you do, did
you express to this man at the Children's Court?---I would
have thought I would of, knowing me as I do, that I would
of expressed a view, yes.

So are you suggesting to me that you are a person that's
willing and able and inclined to express your opinions if
you have them?---Yes.

Okay. So what opinion did you expressed to the man in the
Children's Court?---I would have thought it's no different
to what I have now, and that is that they were asking for
trouble.

40

Who was asking for trouble?---The department.

Yes?---Combining male and female youths in the same units.

Yes?---And sending them on an excursion with education officers, not with support staff. 1

Yes, right. Did you tell him how many officers, be they education or support staff, went with the children on the excursion?---No.

Did you know?---I would of at the time. Yes, I'm sure I would of.

Did you know how many children went on the excursion?---One female - - - 10

Yes?--- - - - and it was either four or five boys.

Okay. Well, we've heard evidence here at five staff went on the excursion and seven children went on the excursion. Have you heard that ratio before?---No, but that could have been the case.

Okay?---It is a long time ago.

Yes. And what else did you tell him about that besides saying that the department was asking for trouble? ---Probably not a lot because I wasn't actually specifically involved in the incident. 20

Well, you didn't go on the excursion, did you?---No.

Were you present when everyone returned from the excursion? ---I don't believe I was, no. I recall being on shift the following morning.

Yes. And was the incident talked about then?---Yes.

What did you hear the next morning?---Well, that this had happened. 30

That what had happened?---That an incident had happened on the excursion.

What sort of an incident?---That a young lady had been raped.

Yes?---I found the whole thing overwhelming.

Yes?---I was young myself and I suppose unbelievable. 40

Right?---And I probably would have removed myself as much is possible in the sense not wanting to be too involved.

Yes.

COMMISSIONER: and did you see it as the result of bad practice?---Yes, I did.

MR COPLEY: Now, in your statement you state that, "I remember thinking: why haven't these boys been charged"?
---Mm.

1

When did you - was that something that you raised with the man at the Children's Court, or was that a thought you had after the incident?---After the incident.

Okay?---I mean, they may have been, but all these years I've thought: I wonder if they were ever charged.

Okay. Do you know whether or not the girl's mother was ever summoned to the centre to see the girl?---I don't ever remember that she had a mother.

10

Okay. Do you know whether or not the girl was ever taken from the centre to see a doctor?---I know there was talk of it. I don't know that it actually happened or - - -

Right, so no one told you it had occurred?---No.

No?---I would have thought maybe a doctor would have come to her.

20

Right. Then again, it's possible that somebody thought it desirable that she see a special type of doctor, like a paediatrician doctor or at doctor experienced in sexual assault, possibly?---One would have thought, yes.

That could have explained if she was taken away from the centre, couldn't it. Do you know if the police were ever called about that matter?---Do you know, honestly I don't ever recall the police being - they may have been, but I don't ever recall them being involved.

COMMISSIONER: But do you remember thinking that they should have been?---Yes.

30

And was your state of mind such that you didn't think they had been?---I didn't think they had been, no.

MR COPLEY: And is that why you raised this matter with the man at the Children's Court?---I didn't see an outcome.

Yes?---To this day I've not seen an outcome. So in my mind I'm thinking maybe the police weren't involved. They could very well have been, but I don't ever remember seeing or hearing an outcome, and I would of thought I would of.

40

Okay. All right. Well, you remember the name of the girl concerned, don't you?---Yes.

Is Annette?---Yes.

Yes. And that was the girl that you say you told the man at the Children's Court about?---Yes.

12/12/12

PARFITT, I.K. XN

50

Do you remember if there were any other topics discussed between you and that gentlemen at the Children's Court besides this one?---No, I don't recall. 1

Could there have been?---Possibly.

So it is possible there could have been but you just don't remember it?---No, I don't remember.

Okay.

COMMISSIONER: Did you tell Heiner, you know - - - 10

MR COPLEY: Well, she hasn't actually, with respect, given evidence that it was him, that's why I've called him "the man".

20

30

40

COMMISSIONER: I see; all right. 1

Did you believe it was Mr Heiner?---Yes, I did.

All right. The person you believe was - I will call him Heiner because you believe it to be him. Did you tell him who might have direct information about the incident?---I can't remember.

How much interest did he show in it?---Seemed quite interested, if I - well, we had got to that point so I thought to myself, and I think now, that for it to have got to that point there would have to be some interest. 10

MR COPLEY: When you say "got to that point", what do you mean by that?---Well, it was an inquiry.

Well, what did you understand the inquiry was into?---The best that I can recall is that incident and other incidences at the centre.

Where did you gain that understanding from?---I don't know.

COMMISSIONER: Were there media reports before you went to see the man you think is Heiner?---I can't remember. 20

In your statement you - have a look at paragraph 7. You say, "I had spoken about this matter as there had been" - that's a past tense phrase - "media hype about it as well as mention of numerous riots at JOYC happening around the same time?---Yes, there would've been because we had the media quite frequently.

Then you go on to say, "I formed the belief that this is what the inquiry was about." The basis of that belief - is it because there was media hype and riots happening around the time that you went to see Heiner?---Yes. 30

That's why you linked them all together?---Yes.

The statement that you provided to the police from the inquiry on 5 November - was that the first time you had been asked to recall seeing or discussing the Annette Harding incident at the Children's Court since?---I believe it was, yes.

MR COPLEY: Just for the knowledge of those with access to the exhibits, I'm now referring to exhibit 251. 40

Do you recall before speaking with the man who you believe was Mr Heiner seeing a report in the paper or hearing a report on the radio where someone from the government such as a minister or the Crown said that - in connection with a newspaper article who said:

1

It was alleged that a 15-year-old female inmate was raped during an excursion by three 14-year-old inmates. The reality is that there was a sexual incident involving two boys and a girl during an excursion when for a matter of minutes only they were not under the immediate supervision of staff. As a result of our concern, all staff and all the children on the excursion were questioned. The girl did not allege rape.

10

The girl's mother was spoken to and encouraged by centre management to talk with her daughter and to consider whether charges were appropriate. Neither the mother nor the girls believed charges were appropriate. If intercourse took place, the charge would necessarily because of the age of the girl have been statutory rape. No such charge was ever laid and therefore the allegation of such a serious crime is mischievous and dangerous.

20

Do you remember seeing or hearing or reading a statement like that before speaking with Mr Heiner?---No. I know there was bits and pieces in the paper, but I probably stuck my head in the sand on it.

What do you mean by that?---I found the whole time working there a little traumatic with the violence and there were some things I really didn't want to probably know and it just - I don't even read the papers for stuff these days because I get angry when I realise half the time what they write is not actually what happens or it's interpreted.

30

Yes.

COMMISSIONER: So your frame of mind, what, you just didn't want to know?---I had to know but I - yes, I found it really quite hard.

So you tried to minimise your involvement?---Yes.

MR COPLEY: When you mentioned before about the violence in there, what were you referring to?---There was constant violence against staff.

40

By whom?---By the residents, and I can recall a couple of - - -

Is "residents" a euphemism that you're employing for the children?---Yes.

12/12/12

PARFITT, I.K. XN

Right?---And ones that I was party to; incidents I was party to. 1

Does that mean to say - correct me if I'm wrong - that you were party to an incident where you visited violence on the children or you were party to an incident where violence was visited on you by the children?---Visited on me by the children.

Okay. Did that sort of thing happen at Sir Leslie Wilson? ---Not that I recall, no. It may have done. I wasn't a youth worker at Sir Leslie Wilson. 10

But did it happen to you at Sir Leslie Wilson?---No.

But it happened to you at JOYC?---Yes.

Okay; and what was your view about how management responded to the occasion or occasions when you were subject to violence?

---I felt unsafe and unsupported.

Yes. Did you mention those things to Mr Heiner?---I don't recall, no. I honestly don't remember it's so long ago. There was no note taken. 20

There was no note taken of what?---I don't recall taking any notes.

Right. To the meeting?---No, over any incident that happened, whereas now I would be taking notes.

Yes?---I don't know.

Okay. So you're positive that you - 100 per cent sure that you mentioned the Annette incident to Mr Heiner?---Yes. 30

Yes, but beyond that you can't remember what you discussed? ---No.

But there could have been other things discussed?---Yes.

Okay. Did Mr Parfitt know that you were going to see Mr Heiner?---I'm assuming he did.

Did you ever tell him whether you saw Mr Heiner?---I would've, yes. 40

Did you tell him what you and Mr Heiner talked about?---I would not think so; not in the full context, no.

Would you have told him at least what the topic was? ---Possibly.

When you go to John Oxley, was he there already?---No.

He came after you?---Yes.

1

Okay. Do you recall when he started at John Oxley?---I think it would've been about November or December 88.

So he was certainly there at the time of the Annette incident, was he?---I'd say so, yes. He was a casual youth worker.

Okay, because I'd suggest that the outing where the incident - however one might describe it, an incident involving Annette occurred on 24 May 1988. Does that ring a bell with you?---No.

10

No further questions.

COMMISSIONER: Thanks, Mr Copley. Yes, Mr Bosscher?

MR BOSSCHER: Thank you, Commissioner.

I have a few questions for you, Ms Parfitt, so I won't keep you for long. The date of your statement on the front page that you have in front of you there is 27 September 2012. I take it that's the day you sat down with Detective Senior Constable Denise Pera and told her the information that's in the statement?---Yes.

20

Did that take the form of questions and answers?---Yes.

And was she typing that statement at the time?---No.

At a later time, did you get given a typed copy of your statement?---Yes, it came through on the email.

So you had an email version of the statement before you signed it?---Yes.

30

Given what you have said to us today, I would take it that you carefully read through the statement before you signed I think?---Yes, and I seem to recall answering back in the email of a couple of little mistakes in it.

40

So there were some edits that you requested be made?---Yes. 1

You signed that, as I see it, on 5 November of 2012, so a month or more after you first sat down with Detective Pera. You would agree with that?---Yes.

This statement that you've sworn to be true and correct contains your very best memory of what occurred when you spoke with the man or Mr Heiner?---Yes.

You had an opportunity to make sure that it was as accurate as you could make it before you signed it?---Yes. 10

You don't remember some things, obviously, after the period of time that's elapsed, but as I read your statement you do have a very specific recollection of meeting with the man you believe to be Mr Heiner?---Yes.

You have a specific recollection of where you met him? ---Yes.

You have a specific recollection, as I understand it, that there was no-one else present?---I don't recall anyone else being present. 20

You have a recollection of the furnishings in the room where you met him?---Yes.

You have a specific recollection of telling him about the incident involving Annette Harding?---Yes.

No further questions, thank you, commissioner.

COMMISSIONER: Thank you. Mr Harris?

MR HARRIS: Ms Parfitt, my name is Gordon Harris and I'm representing Annette in these proceedings. You've just spoken about her. Can I just ask you a few questions with respect to it? You say in paragraph 2 of your affidavit, "At JOYC I held the position of youth worker, later attaining the position of a senior youth worker." When did you become a senior youth worker?---I actually had to do an adjustment in the statement. I was an acting senior youth worker. 30

Acting, okay?---So I only did intermittent, short periods.

Yes, I can see the "acting" here now. My eyesight is - so you were an acting senior youth worker. Did you do that - did you become an acting senior youth worker prior to the Annette incident or after?---I would have - I honestly don't know. 40

Okay, that's no problems. Now, as a youth worker at the John Oxley Centre can you tell the court what your role was

12/12/12

PARFITT, I.K. XN
PARFITT, I.K. XXN

there? What was your role as a youth worker there?---To be a positive role model, to ensure that the safety and security of the residents and the children and the centre was maintained at all times. It was functioning as much as possible on normality, what could possibly be normality for them.

1

With that role did you interact with the children at all times or with the - - -?---Sorry, did I?

With that role did you interact with the children?
---Interact with them, yes, constantly. We were constantly with them.

10

That was on a day-to-day basis?---Yes.

Do you have any recollection of interacting with Annette at the centre?---Yes, I do.

Was that before or after the incident?---It would have been both.

Did you notice anything with her demeanour after the incident?---I remember thinking to myself, "She's gone quiet," because she was quite a lively, outgoing person, and I just remember thinking, "She's got quiet."

20

Did she ever tell you anything?---No.

Were there any youth workers there that she confided in that you know of?---Not that I know of.

I have no further questions, commissioner.

COMMISSIONER: Thanks, Mr Harris. Mr Hanger?

30

MR HANGER: No questions.

COMMISSIONER: You were asked about all those things that you remembered about going to the Children's Court and seeing a man you thought was Heiner and this statement represents your best recollection of where it was and who you saw and what it was about. You say in paragraph 5 that when you were asked to participate in this inquiry with the man you thought to be Mr Heiner about the John Oxley may have been around March or September 1990 and you go on to say, "I still recall being with my ex-husband." Is that your best recollection of when you saw the man you thought was Heiner?---Yes, but I might be totally wrong. I honestly am struggling to even think back that far.

40

You would have to say the same about everything in your statement, wouldn't you?---Yes, I would.

Yes, Mr Copley?

12/12/12

PARFITT, I.K. XXN

50

MR COPLEY: To the extent that you can make your conversation with Mr Heiner referable to any event, you have linked it to shortly after finishing up at John Oxley, haven't you?---I have. Something tells me I wasn't working at John Oxley when I saw him.

1

Okay?---Or - yes, I - just my gut feeling is - not that that means anything. I don't recall being there.

No further questions. May Ms Parfitt be excused?

COMMISSIONER: Yes. Ms Parfitt, thanks for coming and giving your evidence. I know you were asked to recall a whole lot about what happened a long time ago. We appreciate you doing that and you're formally released from your summons?---Thank you.

10

WITNESS WITHDREW

MR COPLEY: In connection with exhibit 42, paragraph 11 refers to a recollection that Ms Parfitt had concerning a female detainee who possibly, she says, had the name that she attributes to her at line 3 of paragraph 11, so my submission is that her Christian and surname need to be obscured.

20

COMMISSIONER: Yes. Does everyone agree with that?

MR COPLEY: Sorry, there's just another reference to her Christian name four lines from the bottom.

COMMISSIONER: Line 8, yes.

MR COPLEY: Yes.

COMMISSIONER: I direct that exhibit 40 be published except for the name and surname on line 3 and the Christian name on line 8 - 42, sorry - yes, it is.

30

MR COPLEY: I call Rodney Reston.

RESTON, RODNEY LEE affirmed:

ASSOCIATE: For recording purposes please state your full name and your occupation?---Rodney Lee Reston, team leader with LifeBridge East Incorporated.

Please be seated?---Thank you.

40

MR COPLEY: Could Mr Reston see exhibit 235, please?

COMMISSIONER: Sure.

MR COPLEY: Mr Reston, if you would look at that document. Can you confirm that that is a statement that you provided to the police and signed at Murwillumbah on 30 November

12/12/12

RESTON, R.L. XN

50

2012?---Yes, that's correct.

1

Okay, thank you. In that statement in the first paragraph you state that you commenced employment with the Department of Family Services, a Queensland government body, I assume, around Easter of 1990. Do you see that?---Yes.

Just in terms of the time of your commencement, are you firm on that, that it was around Eastertime, or are you trying to put it down to the nearest six months or the nearest year?---I don't have the actual records of when it was, but I remember starting slightly before Easter and I'm pretty sure it was 90.

10

All right, and at the time you started before Easter in 1990 who was the manager of the centre?---It was Tim Evans.

Does the name Peter Coyne mean anything to you?---Only in what was talked about previously with - the name was heard as a previous manager of the centre.

Did you ever meet him?---Not that I recall.

Did you ever meet a man called Noel Heiner?---Not that I recall.

20

In paragraph 5 you speak about a conversation you had in the late 1990's with Fred Feige concerning another youth worker called Kevin. Do you see that?---It wasn't a conversation I actually - I see the paragraph you're referring to. It wasn't a conversation that I was part of, it was part of a conversation I overheard.

I see?---Yes.

30

40

50

So Fred Feige was speaking with someone else, was he? 1
---That's correct.

Okay. And was he speaking about a youth worker called Kevin?---Well, to me there are two different parts of that paragraph.

All right. Perhaps you can assist me in understanding it, then?---Sure. The initial part where it refers to Peter Coyne, as you mentioned earlier, was that I overheard a conversation between the people I've named there, Fred, Danny and a Darren - - - 10

Yes?--- - - - speaking something about Peter, referring back to Peter Coyne's name. I was asked similar like you did then. The other one is - the part of it regarding Kevin was I was - they were having a conversation when Kevin was doing some cartooning at the centre a few years later from that initial conversation and I was working in the same unit and I just recall him having a conversation, and I'm not even sure what the context was because they were talking like they knew each other previously.

Yes?---And I was working the floor with the youth, and I'd come into the office to get something and they were conversing about something and then I left. 20

Okay. Now, the person, Kevin, was he present in the conversation, or was he just the topic of the conversation? ---No, I'm not 100 per cent, but I think he was talking to Fred.

Okay. Yes, so the person, Kevin, you think was talking to Fred?---Yes.

Okay, that's fine?---Yes. 30

And then you put a surname in brackets there, do you see that?---Lindeberg.

Yes. Why is it in brackets, do you know?---Memory jog by the person who was interviewing me.

I see?---Because all I could remember was that he came to the centre and did some cartooning, but then him and Fred used to talk a bit and so I found out that he used to work there with Fred or something like that, maybe some time before, or he had some relationship with Fred beforehand, so. 40

Okay. And did the police ask you if his name was Lindeberg and did you say, "Yes, it was"?---Yes, that's the case. Evidence that I knew that he was, because he did caricatures and cartoons with kids and that's the staff at the time.

Right. So can you help us now this just as a matter of interest, when was Kevin Lindeberg in the John Oxley Centre doing cartooning?---Well, from what I said here it was sometime in the mid-to late 90s, I'm not really sure. 1

Okay have I got him - I may be mixed up with someone else, I don't know, that's just who I thought it was.

All right. Okay. You were certainly there until the place closed down in 2001?---Yes, and I went across to the new centre for a short time, yes. 10

That was the Brisbane Youth Centre?---Yes.

Yes?---I'm not accurate on the dates, that's why I put, you know, the mid-to late, because I can't really recall.

Yes, you'd need to see departmental records or something or timesheets or pay slips or something?---Yes, exactly.

Okay. No further questions, thank you.

COMMISSIONER: Mr Bosscher. 20

MR BOSSCHER: I have no questions, thank you, Commissioner.

MR HARRIS: I have no questions, Commissioner.

MR HANGER: No questions, Commissioner.

COMMISSIONER: Mr Copley.

MR COPLEY: No re-examination. May Mr Reston be excused?

COMMISSIONER: Certainly. Mr Reston, thanks for coming and giving your evidence. It's appreciated. You're formally released from your summons. Thank you?---Thank you very much. 30

WITNESS WITHDREW

MR COPLEY: In connection with Exhibit 235 I direct your attention to paragraph 10 where the surname and Christian name of the person described there needs to be removed.

COMMISSIONER: Yes, thank you. I direct that exhibit 235 be published except that the name of the male youth worker referred to in paragraph 10 be deleted prior to publication. 40

MR COPLEY: Mr Commissioner, I call Simon David Nance.

NANCE, SIMON DAVID sworn:

1

ASSOCIATE: For recording purposes please state your full name and your occupation?---Simon David Nance, storeperson.

COMMISSIONER: Good morning, Mr Nance. Thanks were coming.

MR COPLEY: May Mr Nance see exhibit 231, please.

If you look at that document, sir, can you confirm whether or not that is a statement that you signed on 16 November 2012?---It is.

10

Okay. Now, in the statement at paragraph 40 you state that you started working at the John Oxley Youth Centre about September or October of 1990 and continued through there until 1998?---That's correct.

How firm is your recollection that you didn't start until September or October of 1990?---I know I was there in 1990. I was married in 91, so. And I started there fairly late in - - -

20

Okay?---Yes.

All right. Who was the manager when you started?---Ian McIntyre.

Did you ever meet a person called Peter Coyne?---No.

Okay. No further questions.

MR BOSSCHER: No questions, thank you.

COMMISSIONER: Does anyone else have any questions?

30

MR HARRIS: I have no questions.

COMMISSIONER: You do? You have none? No, okay. Sorry.

MR COPLEY: May Mr Nance be excused?

COMMISSIONER: Yes, Mr Nance, thank you very much for coming. Sorry to inconvenience you for such a short duration. It is appreciated and you're formally excused from your summons?---No worries.

40

Thank you?---Thanks very much.

WITNESS WITHDREW

COMMISSIONER: Now - - -

MR COPLEY: Statement.

12/12/12

NANCE, S.D. XN

50

12122012 08/ADH (BRIS) (Carmody CMR)

COMMISSIONER: Yes.

1

MR COPLEY: Can we just have a look at his statement before we forget, exhibit 231.

COMMISSIONER: Yes. I can't imagine there's anything - yes.

MR COPLEY: There is.

COMMISSIONER: There is?

10

MR COPLEY: Paragraph 9 through to paragraph 14.

COMMISSIONER: Yes.

MR COPLEY: Concerns again stories about the same people. So I'd ask you to have obliterated the Christian and surnames of all of those people mentioned in those paragraphs. Of course, it doesn't include Mr Peter Coyne's name, wherever that appears.

COMMISSIONER: But otherwise the circumstances, are they relevant?

20

MR COPLEY: Are you concerned that to leave his name there in conjunction with the - - -

COMMISSIONER: No, just the whole - you know, what the witness was told by someone else about what someone else and other someone else were doing.

MR COPLEY: Well, it's perhaps relevant to this extent, that it shows the extent to which stories and gossip circulated through the place. But beyond that it doesn't - - -

30

COMMISSIONER: Yes.

MR COPLEY: The position is that eventually you will have placed before you evidence concerning - - -

COMMISSIONER: (indistinct)

MR COPLEY: - - - what happened to a matter involving the man mentioned in paragraph 14.

COMMISSIONER: And you think I need to be told about that?

40

MR COPLEY: Well, it's very difficult to say much more than this: that the man mentioned in paragraph 14 is alleged to have done things with one of the people that Mr Harris has sought and received authority to appear before you for. So that perhaps suggests that it might be asserted that there was some deficiency in terms of how government responded to an incident involving that client

12/12/12

COPLEY SC, MR

50

of Mr Harris's and that man.

1

COMMISSIONER: Yes.

MR COPLEY: Probably in the fullness of time the evidence will suggest that the matter was handled the way these sorts of matters always were handled, and appropriately. But I don't want to make a submission to you on merit about that at the moment.

COMMISSIONER: No, fair enough. And I'm just - I'll ask Mr Harris, I think.

10

MR COPLEY: Okay.

COMMISSIONER: I take your point. I understand. Mr Harris, I don't want to exclude anything that might form the basis of a submission or might be otherwise relevant to the term of reference, but I am inclined to exclude - - -

MR HARRIS: The full paragraph - - -

COMMISSIONER: - - - information that's sensational; its only value is prurient interest. So what do you think about these paragraphs?

20

MR HARRIS: With respect to those paragraphs, they're really hearsay, Commissioner, as I see it. And at the present I think there are other witnesses that can give better evidence with respect to it as we get further into the matter.

30

40

50

COMMISSIONER: Right. What do you say about Mr Copley's point that it's indicative of how a basic fact can be embroidered, recycled and circulated through a centre to give arguably a completely different complexion to an event that what actually occurred?

1

MR HARRIS: I understand that point and I think that other people may give stronger evidence and especially once we get into the management side of it to actually what happened.

COMMISSIONER: But the background circumstances don't embarrass or your client.

10

MR HARRIS: No, background circumstances don't.

COMMISSIONER: In that event I propose to order the publication of exhibit 231 except for the deletion of all the names in paragraphs 9 through to 12 except the name Peter Coyne wherever it appears.

MR COPLEY: And probably the name Marg Judd who is the youth worker can stay in.

20

COMMISSIONER: And likewise with the fellow youth worker referred to as Marg Judd.

MR COPLEY: Paragraph 11.

COMMISSIONER: In paragraphs 11 and 12.

MR COPLEY: Yes.

MR: What about 13 and 14?

COMMISSIONER: And 13, thank you.

30

MR: And 14.

MR COPLEY: I think he has already made an order that 14 will be edited.

COMMISSIONER: Yes, 12 through to 14 inclusive.

MR COPLEY: I call Colin Bray.

BRAY, COLIN WILLIAM affirmed:

40

ASSOCIATE: For recording purposes, please state your full name and your occupation?--Colin William Bray, unit manager Brisbane Youth Detention Centre.

Please be seated.

COMMISSIONER: Good morning, Mr Bray. Thanks for coming.

12/12/12

BRAY, C.W. XN

50

MR COPLEY: Could Mr Bray see exhibit 218?

1

Would you take that document, please? Take it in your hand and just turn through it to make sure that it is the statement that you provided to the police and signed on 16 November 2012?---Yes.

Thank you. You worked at the John Oxley Youth Centre during the time that Mr Peter Coyne was the manager there? ---Yes.

Okay; and at some point you became aware that an inquiry which you knew as the Heiner inquiry was to occur?---Yes.

10

Did you ever appear before Mr Heiner to speak with him? ---As in my statement, I can't recall actually appearing in front of Mr Heiner.

Yes, you say you can't recall it?---Mm.

Does that mean that there's a possibility it occurred or is that your way of expressing a position that you simply did not go before him?---No, as in my statement, I made inference to there were so many scenarios around the Heiner inquiry and I could not recall whether I actually did meet in front of - - -

20

All right. Well, if you can't recall if you appeared before him, you, of course, can't recall what you might have said?---No, that's right.

But certainly you have no recollection, according to paragraph 9 of your statement, of ever providing a statement to any person by the inquiry about your employment at John Oxley or any sexual abuse allegations. Is that the case?---Yes.

30

COMMISSIONER: Whether it was to Mr Heiner or anyone else? ---Not that I can recall, no.

MR COPLEY: No further questions.

COMMISSIONER: Mr Bosscher?

MR BOSSCHER: No, thank you, commissioner.

COMMISSIONER: Mr Harris?

40

MR HARRIS: No questions, commissioner.

COMMISSIONER: Mr Hanger?

MR HANGER: No.

MR COPLEY: May the witness be excused?

12/12/12

BRAY, C.W. XN

50

12122012 09/CES(BRIS) (Carmody CMR)

COMMISSIONER: Yes, certainly. 1

Thanks very much for coming, Mr Bray. We appreciate it. You can leave that. Just leave the exhibit there. Thanks very much. You are formally excused from the summons? ---Thank you.

WITNESS WITHDREW

MR COPLEY: There's no reason why exhibit 218 can't be published as it stands. 10

COMMISSIONER: I direct that exhibit 218 be published.

MR COPLEY: I call Brendan Collins.

COMMISSIONER: How are we going to for time, Mr Copley? This is my view of things: we have got short witnesses who have taken time out of their day or their employment to attend here under summons.

MR COPLEY: Yes.

COMMISSIONER: We will accommodate their convenience by sitting on until they have given their evidence and not take a break. 20

MR COPLEY: I'm content to proceed that way.

COMMISSIONER: Yes. How many have we got?

MR COPLEY: There are seven to go, including Mr Collins and the last person on the list, Mrs Hayward, would be the lengthiest of the seven.

COMMISSIONER: All right. So you think they might all be about the same time as Mr Bray. 30

MR COPLEY: That's right. I think they will all be as short as the last few witnesses except for Mrs Hayward.

COMMISSIONER: All right. On that basis, is everyone else content to proceed?

MR BOSSCHER: I am content, commissioner, but I will be just ducking in and out.

COMMISSIONER: Yes, that's all right. 40

MR BOSSCHER: I have no questions.

COMMISSIONER: I understand that, Mr Bosscher, and the same applies to anyone else if you need to come and go. Yes?

MR COPLEY: Thank you. I call Brendan Collins.

12/12/12

COPLEY SC, MR

COLLINS, BRENDAN SEAN affirmed:

1

ASSOCIATE: For recording purposes, please state your full name and your occupation?---My name is Brendan Collins, Brendan Sean Collins, and I'm a network engineer of the Department of Public Works.

Please be seated.

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

Mr Copley?

10

MR COPLEY: Thank you. Mr Commissioner, could Mr Collins see exhibit 221?

COMMISSIONER: Yes.

MR COPLEY: Could you just confirm that that is a statement that you signed and gave to the police on 10 October 2012?---That is correct, yes.

Okay, thank you. Now, you worked at the John Oxley Youth Centre and began working there when Terry McDermott was the manager?---That's correct, yes.

20

And you were there when Mr Peter Coyne came to be the manager?---Yes.

And you stayed there until about - sorry, you would have left John Oxley some time after Mr Coyne became the manager?---Yes.

You say in your statement it was some time in 1988?---Yes.

Are you able to be any more specific than that?---Looking at - yes, the dates have become clearer now that I've seen other information such as an affidavit that I prepared. So those dates have firmed up, yes.

30

All right. Well, before we ask you for a more definitive view we might just get you to have a look at what I call exhibit 72F which you might referred to or alluded to as your affidavit. Now, is that the document that you call an affidavit?---Yes.

And we can see that it was signed before a justice of the peace at Townsville on 2 October 1989?---Yes.

40

So had you left John Oxley by then?---I left John Oxley in July 1988.

Okay; and the affidavit says that you resigned at that time?---Yes.

Okay?---I resigned in 88.

12/12/12

COLLINS, B.S. XN

50

All right. Now, why did you make this document up and sign it?---I was - I don't recall who actually asked me to put the submission in - to create this document, but it was in terms of the reason for resigning from John Oxley and in terms of I just needed to voice my opinion or my concerns as to what was happening at the centre and the reason for my resignation. 1

And the reason for your resignation, I take it, is to be found in paragraph 3 of your affidavit where you speak about Mr Coyne's management of the centre?---That's correct, yes. 10

Okay. He didn't appeal to you or seem to you to be as good a manager as his predecessor Mr McDermott. Is that the case?---Essentially, yes.

Do you know where that document was sent?---For the life of me I can't, no.

20

30

40

50

Okay?---I don't recall it being an inquiry but - I don't recall it having been specifically - being sent to an inquiry, but then I don't - I can't recall why I've even set it out in that format.

1

Did you ever give any information to an inquiry into the John Oxley Youth Centre?---No, not at all.

Okay?---This would have been the sum total of it.

Did you ever speak with a man called Barbara - sorry, with a man called Noel Heiner?---No, I did not.

10

What about a lady called Barbara Flynn?---No.

Or a lady - - -?---Well, sorry in relation to that matter. I may have bumped into Barbara as part of my normal duties as a youth worker.

I see, so - - -?---But certainly not in relation to anything relating to Heiner.

So Barbara Flynn was a person that you knew?---In terms - not - knew of her existence and from her court services role.

20

Okay?---We had kids coming in all the time and moving around. That's how I may have known her - - -

All right, and not Jan Cosgrove?---No.

No, okay. You state at paragraph 20 of your affidavit that - sorry, of your statement, that when you were employed at John Oxley you were not aware of any incidents involving sexual abuse there?---That's correct.

30

Is that correct?---Yes.

I just want to ask you about paragraphs 10 and 7 of your statement. You speak in paragraph 7 of the philosophy at John Oxley, which was that the punishment ended after the door closed behind you. By that do you mean that the punishment ended after the door closed when you entered or after the door closed after you left?---No, after it closed - the punishment ended as the children arrived at the centre.

I see?---The door was - as they entered the centre into a secure environment. That was the sort of position I was trying to convey there.

40

Okay, thank you?---Not after they left, no.

In paragraph 10 you speak about the staff who came over from Sir Leslie Wilson as having generally a more prison guard approach to things?---Yes.

12/12/12

COLLINS, B.S. XN

50

Are you attempting to suggest there that the philosophy that the punishment ended after the door closed on entry wasn't a philosophy that was necessarily shared by the ex Sir Leslie Wilson staff?---No, that's not correct. That's misconstruing what I was getting at.

1

All right. Can you just keep your voice up?---Sorry.

And speak a bit more slowly?---Certainly. I'm just really nervous, sorry.

Yes, there's no need to be nervous?---Yes. That's not what I was trying to convey in that statement. What I was trying to convey in that statement was there was a cultural change when staff came over to the different operating or organisational culture and the way the centre was operating.

10

Right?---There was an adjustment that they had to make.

Okay?---We were running a normalised environment for the young people to live in and whereas Sir Leslie Wilson was a more institutionalised version of accommodation - - -

20

Okay, did - - -?--- - - - and that was - sorry.

Did the adjustment process that people from Sir Leslie Wilson had to make, was it a process that they were able to make seamlessly and quickly or was it an adjustment that they to your observation found difficult to make?---It was seamless.

It was seamless?---Not totally seamless. There were - when I say "seamless", it was a relatively easy transition.

All right?---I came from - I used to work at Sir Leslie Wilson Youth Centre before I started and, yes, it wasn't a major issue.

30

It's just that in paragraph 10 you state that the more prison guard approach, or the approach that involved being more of a prison guard, resulted in a lot more incidents between youth workers and children?---Sure.

What do you mean by that?---Incidents between youth workers and children were a lot more - things were handled differently, were handled differently than the way they would have been handled - the Wilson staff, I guess, or post Coyne management - post Coyne manager, Ms Hind.

40

Well, you weren't there then?---I was there - sorry, post McDermott; sorry.

Right, okay?---Post McDermott time there was a lot less collaboration between staff, a lot less collaboration between the various disciplines in case managing these

12/12/12

COLLINS, B.S. XN

50

young people. Excuse me a comment. Could I have a drink? 1

Yes, sure. Did it work better under Terry McDermott than it did under Peter Coyne?---Yes.

Did Terry McDermott start off with fewer of the Leslie Wilson people than Peter Coyne ended up with?---To my recollection, we were fully operational by - you know, fully staffed by the time Coyne - - -

COMMISSIONER: What proportion of staff were from Leslie Wilson?---Off the top of my head stuff I would say 70 per cent, 80 per cent. 10

Most?---Yes. I'm talking about residential care staff, direct care staff.

Right, and was there a cultural difference between them and the other 30 per cent?---Not really, no.

No?---No.

Was there a conflict between the 70 per cent and management?---No. It was specifically the - I mean, I've been sort of - the issues I had with the management style - there were other people who were having issues with Peter Coyne's management style, but it was about how - what we were doing for a living, it wasn't about - it was what - the tasks that we were doing with the people in our care and the way things were handled, the way things were - we just - there was a marked shift in the - - - 20

From what to what?---It's hard to say specifically but - - -

MR COPLEY: But you said it was marked?---It was - sorry, okay. It was much - with Terry McDermott you - he was - if he came up - you know, when he was visiting our wing he would be approachable. You were never on your guard with him. It was very relaxed and he was very competent and he interacted with our residents in the same - with respect, and that was lacking with Peter. 30

COMMISSIONER: Right?---That was the problem. That was the distinct approach.

You said before that the Sir Leslie Wilson staff were more prison guard-ish?---They had come from a prison guard-ish - - - 40

And you got - - -?---A sort of supervisory, stand back role, where we were a lot more interactive with the kids.

Yes, okay, but there was handcuffing at John Oxley, wasn't there?---I'd left before then. That was coming up, but I'd left before that time, I believe.

12/12/12

COLLINS, B.S. XN

All right. Thank you?---There certainly wasn't in my time, 1
no.

So John Oxley was an experiment on a more social work based
approach than directive or chivvyng?---Absolutely. A
normalised living environment to the best of our ability
and in management a case plan for issues of young people.

So doubt that approach had its supporters and detractors
because it was different?---Yes, that's a fair comment.

It wasn't the orthodoxy at the time?---No. 10

MR COPLEY: No further questions.

COMMISSIONER: Mr Bosscher?

MR BOSSCHER: Nothing, thank you, commissioner.

MR HARRIS: I have just one question for you, Mr Collins.
In paragraph 11 of your affidavit you say, "Prior to
leaving John Oxley, JOYC, in 1988 I remember there were
some problems with some of the wings where staff had been
traumatised from incidents that had occurred." Do you 20
remember any incidents that you can take this court to, or
this commission to?---Certainly. Nothing specific. I say
nothing specific as in I can't name the times and dates and
stuff, but it was the first - I'd come back from leave, or
days off, and it was the day after the riot that had
occurred in one of the wings. I think it was Blackston
wing. The place was just really, really traumatised.

COMMISSIONER: By the riot?---By that riot and the
response to it, and that was the sort of turning point for
me as far as whether I was prepared to stay there any
longer. 30

No further questions.

MR HANGER: No questions.

MR COPLEY: No further questions. May the witness be
excused, please?

COMMISSIONER: Yes, certainly. Thanks very much for
coming. We appreciate the time that you've taken to give
your evidence, Mr Collins. You're formally excused from
your summons?---Thank you. 40

WITNESS WITHDREW

12/12/12

COLLINS, B.S. XN
COLLINS, B.S. XXN

MR COPLEY: That statement can be published as it stands. 1

COMMISSIONER: Thank you. I direct that exhibit 221 be published.

MR WOODFORD: Mr Commissioner, I call Christopher Donald Deeley.

DEELEY, CHRISTOPHER DONALD affirmed:

ASSOCIATE: For recording purposes, please state your full name and your occupation?---Christopher Donald Deeley, carer. 10

Please be seated.

COMMISSIONER: Good morning, Mr Deeley. Thanks for coming. Yes, Mr Woodford?

MR WOODFORD: Thank you, Mr Commissioner. May Mr Deeley see exhibit 222, please?

Mr Deeley, I have had placed in front of you there a three-page document that carries your name. Is that the statement that you've supplied to this inquiry?---Yes, it is. 20

We're interested in the John Oxley Youth Centre for the moment. I understand from your statement that you worked as a casual youth worker there for about eight months? ---That's correct.

Do you recall when that was, Mr Deeley? I couldn't quite tie it down from your statement?---I'm sorry, I've got no recollection of exact dates and times when that was. 30

That's fine. We might be able to go about a different way. While you were there, was the manager Mr Peter Coyne?---He was and he interviewed me for my role there.

I see. Now, I'm looking at paragraph 4 of your statement. Your recollection is that Mr Coyne was easy to get along with and you personally didn't have any issues with him or the way he and his management staff ran the centre. Is that correct?---That's correct.

In fact from paragraph 4 I understand that you were not aware at all of any issues at the centre during your time there?---That's correct. 40

You were never asked to supply any statement in relation to the John Oxley Youth Centre save for that document I have placed in front of you this morning?---No, I wasn't.

You have some recollection of there being some sort of inquiry around that time at the centre but you had no

12/12/12

DEELEY, C.D. XN

involvement in that whatsoever?---That's correct. 1

And while you were employed at the centre, do I take it from paragraph 7 that you were never aware of any sexual abuse or any allegations thereof?---That's correct.

I have no further questions, Mr Commissioner.

COMMISSIONER: Thanks. Mr Bosscher?

MR BOSSCHER: Nothing, thank you, Mr Commissioner. 10

MR HARRIS: Nothing from me.

COMMISSIONER: Mr Hanger? Mr Woodford?

MR WOODFORD: The statement may be published in its entirety, Mr Commissioner. I don't see anything there that requires an order.

COMMISSIONER: Exhibit 222 will be published.

Mr Deeley, thank you for coming and giving your evidence. It is much appreciated. You are formally released from your summons?---Thank you. 20

WITNESS WITHDREW

MR WOODFORD: Mr Commissioner, I call Bronwyn Marguerite Friend.

FRIEND, BRONWYN MARGUERITE sworn:

ASSOCIATE: For recording purposes, please state your full name and your occupation?---Bronwyn Marguerite Friend. I'm head of service delivery at QSuper. 30

Please be seated.

COMMISSIONER: Good morning, Ms Friend. Thank you for coming.

MR WOODFORD: Thank you, Mr Commissioner. May the witness see exhibit number 20, please?

Ms Friend, I have had a document placed in front of you. It's a two-page document. Is that the statement that you gave the inquiry?---It is, yes. 40

All right. I have some very brief questions for you this morning. Looking at your statement from paragraph 4, is it the case that you worked at the John Oxley Youth Centre as a casual alarm watcher, if you like, between 1989 and March 1990?---That's correct.

12/12/12

COLLINS, B.S. XN
FRIEND, B.M. XN

And from paragraph 8 of your statement, do I understand correctly that you only ever worked somewhere around about five shifts over that period?---Yes, I believe so. 1

It's quite limited experience of the centre?---It was, yes.

Right. You haven't had any previous involvement with any other inquiry in relation to the centre?---No; no, I haven't.

Right. When you started there, Mr Peter Coyne was the manager?---Yes. 10

You yourself were not aware of any problems or tensions that existed at the centre?---No, I think I tended to work on weekends. I didn't see many people.

Thank you, Ms Friend. I have no further questions, Mr Commissioner.

COMMISSIONER: Thank you. Mr Bosscher?

MR BOSSCHER: Nothing, thank you, sir. 20

COMMISSIONER: Mr Harris?

MR HARRIS: Nothing for me, commissioner.

COMMISSIONER: Mr Hanger?

MR HANGER: No questions.

MR WOODFORD: May Mrs Friend be excused, Mr Commissioner?

COMMISSIONER: Thanks very much for coming. We appreciate the time you have taken to do it and give your evidence. You are free to leave and you are excused from the obligation of your summons?---Thanks. 30

Thank you very much.

WITNESS WITHDREW

MR WOODFORD: Exhibit 20 may be published in its entirety, Mr Commissioner.

COMMISSIONER: I direct the publication of exhibit 20. 40

MR COPLEY: Mr Commissioner, I call David William Hurikino.

HURIKINO, DAVID WILLIAM sworn:

1

ASSOCIATE: For recording purposes, please state your full name and your occupation?---David William Hurikino, supervisor, Brisbane Correctional Centre, dog squad.

Please be seated.

MR COPLEY: Could Mr Hurikino see exhibit 228, please?

COMMISSIONER: Yes?---Thank you.

10

MR COPLEY: Mr Hurikino, would you just have a look at that document to make sure that it contains your signature and it's a statement you gave on 28 November 2012?---Yes, it is.

Okay, thank you. In the statement you state that in early 1990 you began work at the John Oxley Youth Centre?---Yes, that's correct.

And you can state that although you don't know who the manager was at the time, Peter Coyne was not the manager when you started?---Yes, as best I can recollect.

20

All right?---Yes, that's correct.

Okay. You state the term "the Heiner inquiry" means nothing to you?---That is correct.

And you have never provided any written submission or statement to any person or inquiry about your work at the John Oxley Youth Centre?---That's correct.

Okay. No further questions from me.

30

COMMISSIONER: Thank you. Mr Bosscher?

MR BOSSCHER: Nothing, thank you, commissioner.

COMMISSIONER: Mr Harris?

MR HARRIS: I have nothing, commissioner.

COMMISSIONER: Mr Hanger?

MR HANGER: No questions.

40

COMMISSIONER: Mr Copley?

MR COPLEY: May Mr Hurikino be excused?

COMMISSIONER: Yes.

Mr Hurikino, thank you very much for coming. We appreciate the time that you have taken to give your evidence. You

12/12/12

HURIKINO, D.W. XN

50

are formally excused from your summons?---Thank you.

1

Thank you.

WITNESS WITHDREW

MR COPLEY: Turning to exhibit 228, there is a reference at paragraph 9 to two persons whose names have previously been obliterated and ask that the same order be made for their names in paragraph 9.

COMMISSIONER: Apart from the two names in paragraph 9 I direct that Mr Hurikino's statement which is exhibit 228 be published.

10

MR COPLEY: I call Jacqueline Von Lossberg.

VON LOSSBERG, JACQUELINE sworn:

ASSOCIATE: For recording purposes, please state your full name and your occupation?---Jacqueline Von Lossberg and I'm assisting in nursing.

Please be seated.

20

MR COPLEY: Could Ms Von Lossberg see exhibit 238?

COMMISSIONER: Yes?---Thank you.

MR COPLEY: If you just have a look at that document, can you confirm to us whether or not that is a statement that you signed on 14 November 2012?---Yes, it is.

Okay, thank you. In the document you state that you started at the John Oxley Youth Centre in 1989?---Yes.

30

Do you recall when in 1989?---About October.

Okay; and at least at that time your average working week consisted of three or four shifts a week?---That's correct.

Okay; and you stayed there until 1991?---Yes.

You state in paragraph 9 that you did not appear to give any evidence to any inquiry concerning your time at John Oxley?

---That is correct.

40

And that you have not previously provided a statement in writing to any inquiry or investigation in connection with your employment at John Oxley?---That's correct.

And you state in paragraph 8 that you don't know anything about an inquiry that was conducted at John Oxley, including any inquiry by a man called Heiner?---No, I

12/12/12

HURIKINO, D.W. XN
VON LOSSBERG, J. XN

50

don't.

1

Thank you. You also state that you had no issue or no concern about your relationship or dealings with the manager Peter Coyne?---No, I don't.

No further questions.

COMMISSIONER: Thank you. Mr Bosscher?

MR BOSSCHER: Nothing, thank you, commissioner.

10

COMMISSIONER: Mr Harris?

MR HARRIS: I have nothing, commissioner.

COMMISSIONER: Mr Hanger?

MR HANGER: No.

MR COPLEY: May the witness be excused.

COMMISSIONER: Yes.

20

Ms Von Lossberg, thank you very much for coming and providing the evidence that you have. It is appreciated. You are formally released from your summons?---Thank you.

WITNESS WITHDREW

30

40

50

MR COPLEY: In exhibit 238 at paragraph 12 and 13 and 14 there appear two names that have been obscured on other occasions; and in paragraph 15 there is a reference to one youth worker who might have been called - who might have gone by this Christian name or that Christian name, so clearly it is unacceptable to leave in the statement an allegation about a man whose name could be X or could be Y.

1

COMMISSIONER: Yes, and it might affect both or neither.

MR COPLEY: That's right.

10

COMMISSIONER: And we don't know which. All right, in that case I will direct that exhibit 238 be published except for the two names referred to in paragraph 12, 13 and 14 inclusive, and both names in paragraph 15 of the youth worker.

MR COPLEY: Thank you. I call Cindy Maree Ranger.

RANGER, CINDY MAREE affirmed:

ASSOCIATE: For recording purposes please state your full name and your occupation?---Cindy Maree Ranger, education and information officer for National Relay Service.

20

MR COPLEY: Could Ms Ranger see exhibit 47.

Could you have a look at that document, please, just to confirm that your signature appears on it and that you signed it on 12 November 2012?---That's correct.

Okay, thank you. Ms Ranger, you began work at the John Oxley Youth Centre as an art teacher, didn't you?---Yes.

You replaced Sarah Moynihan - - -?---That's right,

30

- - - in that capacity. And you began there in about 1989, you state?---Yes.

Do you recall when in 1989 it was?---I can't specifically pinpoint, no, sorry.

Okay. All right. And you left the department that governed John Oxley in 1990 - - -?---Mm'hm.

- - - to go overseas?---Yes.

40

Do you recall when in 1990 you left?---It was towards the end of the year.

Okay?---Again, not specifically.

Okay. Now, it is the case, isn't it, that you gave some information to - or answered questions addressed to you by Mr Noel Heiner?---Yes.

12/12/12

RANGER, C.M. XN

50

Okay. Whereabouts did you meet Mr Heiner for the interview?---It was in the centre itself at JOYC. 1

At JOYC. Was it in the morning of the afternoon, do you remember?---I can't recall that specific information.

Do you remember whether there was anybody else present when you met with Mr Heiner?---There were other people in the room, yes.

Were they men or women?---Men. I recall there were about three or four people in the room. 10

Okay. Do you recall the names of any of them?---No, I'm sorry.

Did they speak to you at all, or was it all Mr Heiner? ---Again, it's really difficult to remember that far back. I just recall being asked a few questions by a gentleman, yes, and obviously I didn't have any information so it was a very short process.

Okay. Well, the questions that this man ask you, what were they about?---Again, I really can't remember specifics. I think that I was asked about a specific event which I didn't know anything about. 20

Okay.

COMMISSIONER: What was the event that you didn't know anything about?---Again, I can't - it's really difficult to go back into that time and place, knowing what I know now. I don't recall it being - I really couldn't say, I'm sorry.

MR COPLEY: Are you - - - 30

COMMISSIONER: Could you say what it wasn't - sorry.

MR COPLEY: Sorry. No, you go, sir.

COMMISSIONER: Could you say what it wasn't?---I guess in hindsight I didn't see it as any sexual indiscretion because I think that would have alarmed me. At that time I was sort of more under the impression it was around management and more general issues.

And you don't remember being alarmed about any of those issues?---No, not at that point. 40

MR COPLEY: In your statement you stated, "I don't remember there being any questions about child sexual abuse and I didn't raise any issues regarding child sexual abuse"?---No, that's right.

That your recollection?---That's right.

12122012 12/ADH (BRIS) (Carmody CMR)

All right. No further questions.

1

COMMISSIONER: Thanks, Mr Copley. Mr Bosscher.

MR BOSSCHER: Nothing, thank you, Commissioner.

COMMISSIONER: Nothing for Harris?

MR HARRIS: Nothing.

COMMISSIONER: Mr Hanger?

10

MR COPLEY: May the witness be excused?

COMMISSIONER: Yes, of course.

Thanks very much for coming and giving your evidence, Ms Ranger. It's appreciated?---Your welcome.

You're formally excused from your summons?---Thank you.

WITNESS WITHDREW

MR COPLEY: I'll direct your attention, Mr Commissioner, to exhibit 47, paragraph 24.

20

COMMISSIONER: Yes.

MR COPLEY: Where there appears to persons' Christian and surnames on each line.

COMMISSIONER: Yes.

MR COPLEY: And ask that they be obscured.

MR COPLEY: I direct publication of exhibit 47 minus the two names mentioned in paragraph 24.

30

MR COPLEY: Thank you.

MR WOODFORD: Mr Commissioner, I call Raymond Charles Bentley. He is by telephone.

COMMISSIONER: Okay. He's not on the list.

MR WOODFORD: Sorry, Mr Commissioner, I missed that. He's not on the list. We've managed to locate him for today.

40

COMMISSIONER: Okay.

MR WOODFORD: Mr Bentley will be giving evidence by phone. The witness Hayward is not available today to give evidence.

COMMISSIONER: Isn't she?

12/12/12

RANGER, C.M. XN

50

12122012 12/ADH (BRIS) (Carmody CMR)

MR WOODFORD: So she's coming off the list. 1

COMMISSIONER: Right.

MR WOODFORD: And the other person that we have is a Ms Foley. I don't know whether she was on the list or not.

COMMISSIONER: So Mr Bentley and Ms Foley are substituted for Ms Hayward?

MR WOODFORD: You could call it that, yes. 10

COMMISSIONER: Okay, yes.

BENTLEY, RAYMOND CHARLES affirmed:

ASSOCIATE: For recording purposes please state your full name and your occupation?---It's Raymond Charles Bentley, I'm staff marketing manager and senior estimator.

MR WOODFORD: Mr Bentley, can you hear me?---I can, yes.

My name is Mr Woodford. I'm one of the counsel assisting this inquiry. Do you have a copy of your statement with you?---I do. 20

Is that a seven page document with 27 paragraphs?
---(indistinct) seven pages and it's got 27 paragraphs.

That's your signature on the last page of it?---It is.

With a date there, 19/9/2012?---It is.

Right. I'll ask you some questions this morning about your statement and clarify some matters. By way of background, you started at the John Oxley Youth Centre in May 1987. Is that correct?---That's correct. 30

You were employed as a principal youth worker?---I was.

You make mention that you had a particular portfolio, did you, of personnel and security officer?---Correct. I was principal youth worker as well as security.

All right. Okay. Part of your duties in that regard included incident management and review?---Correct.

In terms of timing you left the centre in November, December 1988. Is that correct?---I believe so, yes. That was about the time that I moved on. 40

So you were there somewhere around about a year and half. Is that correct?---That's correct, yes.

12/12/12

BENTLEY, R.C. XN

Now, initially you worked under a gentleman by the name of McDermott?---Correct. 1

I'm picking these details up from your statement, of course?---Yes.

Your experience was that the centre functioned as well as any centre of that type could. That's what you say in paragraph 5?---That is correct; surprisingly it functioned very well.

That was when it was run by Mr McDermott. Is that correct? ---That's correct. 10

Do you recall a gentleman by the name of Peter Coyne taking over as manager, do you?---I do, yes.

Now, did Mr Coyne have a different management style to Mr McDermott?---He did.

Are you able to broadly describe the difference? Is that possible?---Probably, yes. I would describe Terry McDermott's management style as impressive. He sought advice from his peers and (indistinct) including myself and he would keep me (indistinct) quite rightly (indistinct) and because of my experience at (indistinct) Training Centre and contrary to that Peter was quite different. He (indistinct) youth centre was the fact that a lot (indistinct) there some ingrown institutional behaviours there which I think he saw as being (indistinct) was right in some respects because (indistinct) suspicious attitude - - - 20

Can I just stop you there? Can I stop you there, Mr Bentley?---Yes, sure. 30

You're going to have to slow down a little for us because we need to have all of this recorded and transcribed? ---Mm'hm.

The line is not terrific and you're just going just a little bit too fast for us?---Okay, no problem.

So could you slow it down?---No problem.

Those matters that you have just mentioned about the staff coming from a different paradigm, if you like - they were inconsistent with the way Mr Coyne was setting about running the centre. Is that correct?---Well, in a nutshell, that's correct, but whether that was (indistinct) is another issue. 40

All right. Looking at paragraph 7 of your statement, you note there though that - and I will quote you, "No-one could question the loyalty and caring approach Peter had for the children and I would be the first to defend that

12/12/12

BENTLEY, R.C. XN

fact." That's correct?---That is definitely correct. 1

And you say similar things in paragraph 10 of your statement, that Peter would do everything he could for the children. That's correct?---Yes.

The caveat or rider that you place upon that though is that you had some questions about the long-term outcomes of the way the centre was being managed in that particular style? ---Yes.

Okay; and you go so far in paragraph 9 to say, "By and large it was a caring and good environment. However, it was doomed to fail because of Peter's management style"? ---Correct. 10

Okay?---That was my summation of where it was heading at that point in time, hence my resignation.

Yes. At paragraph 9 you note you never saw any physical abuse by the staff towards the children during your time there. That's correct?---That is correct, yes.

In paragraph 24 of your statement you note that you never saw, nor were you provided any information in relation to sexual abuse at the centre?---Correct. 20

That's correct?---That is correct, yes.

Okay. Moving to paragraph 14 of your statement, you refer to a particular incident there in paragraph 14 going on through to about paragraph 18, an incident in relation to a Ms Harding. Now, firstly, you yourself were not present at the excursion that you refer to in paragraph 14, were you? ---I wasn't, no. 30

You, from your statement I understand, feel that, given your position, perhaps you should have been consulted about that excursion before it took place?---In hindsight I thought I would have been and, yes, most definitely I would have probably had something to say about it.

Now, moving to after the incident in paragraph 15 of your statement here, you never saw any incident report for the matter?---I don't recall ever seeing one or being asked to get one prepared.

You were not briefed in relation to the incident. That's another matter that you raised in your statement?---Yes, that's correct. It was basically handled by Peter and some others. 40

Yes, that's the point I'm wanting to find out from you. It appeared to you that Peter Coyne, the manager, took over the management of that incident?---Yes.

You never saw any of the documentation concerning the incident?---To my knowledge, never. 1

Right. Now, is a summary of that that you were not involved or invited to be involved in the investigation and response process at all?---That is correct.

As a result of that, do you say those matters in paragraphs 15 and 16 in the sense that you say that - and I'll quote you, paragraph 16, "Upon the return of the absconders it appeared to me as it was being informally hushed up." That statement - does that flow from the fact that you were not invited to be involved in the investigation of the incident?---Correct. 10

Right?---And I wondered to this day why not, but having moved on from 23 years later, it comes back to me that, yes, there was really a reaction of, "I will hand this and I will handle it my way," and that was it.

And that's what happened?---That is exactly what happened.

Mr Coyne took over the whole process in responding to this incident?---Correct. 20

Is that the way you viewed it?---Yes, he did in consultation with some others, including the deputy manager and perhaps one other principal youth worker, Lyn Draper.

Yes. You still to this day don't know what he did in relation to it?---I don't; I don't.

You weren't present when the police attended the centre. We have information that the police attended at least once in relation to the incident?---Yes, but to the best of my knowledge, I was never present during any police interview or hearing - - - 30

You had no - sorry?---As a result of that incident, no, I wasn't.

You had no involvement in any medical examination that was conducted of Annette in the sense of the argument and transferring of her for that examination?---No.

You were not involved with Annette's mother attending the centre at all?---No. 40

You had no involvement or input into the correspondence that Mr Coyne drafted and ultimately sent to the department in relation to this matter?---No.

Now, apart from this statement that you've got in front of you today you've never been approached or asked to make any other statement about management issues or any other issue at the John Oxley Youth Centre?---No. It's some 23 years

ago. I haven't been approached since except from a
journalist.

1

Yes, you note that in paragraph 23 of your statement, your
contact with a journalist who you describe as Bruce?---Yes.
To the best of my memory, that was it and he was from the
Courier Mail or one of the papers but, however, you know,
whether he was (indistinct) or whatever at the end of the
conversation it was quite apparent that he was acting on
behalf of Peter.

10

20

30

40

12/12/12

BENTLEY, R.C. XN

50

Well, that's how it appeared to you?---That's correct, yes. 1

Whether that was the case or not we don't know?---No.

You've never made any report yourself in relation to sexual abuse or allegations or incidents at the centre?---None at all and I had no reason to.

You heard some news about an inquiry being conducted by a Mr Heiner. You were not involved in the process at all? ---No, and I was quite surprised on learning about it that I wasn't contacted, but I left it at that. 10

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

MR BOSSCHER: Commissioner, I may, but it would be preferable again if I follow Mr Harris.

COMMISSIONER: Mr Harris?

MR HARRIS: Thank you, commissioner.

Mr Bentley, my name is Gordon Harris and I'm representing Annette in this commission. Now, I just want to take you to something that you said to Mr Woodford a short while ago when he discussed with you about the excursion?---Yes. 20

You said that you would strongly say something about it, and he was talking about going onto or the beginning of that excursion. Could you just tell the commission what you know about that, or what you would have told?---I had a background at Westbrook Training Centre and risk assessments were quite regularly done on excursions. They were fairly standard in this instance when they were done and the boys were sent on some sort of excursion they were accompanied by appropriate staff. There were several times when it was - before going that it was decided that some boys should not partake in that excursion because of their risk either of absconding or of misbehaving. So I was used to that sort of a set up. In this instance, in this particular instance, and at John Oxley, I found that most of these decisions were made by Peter. If he felt that these children could go on an excursion then they went. Now, I probably in hindsight and - I would have liked to have been a participant in that decision-making process, but I certainly wasn't and in hindsight, if my memory is correct, some of those people who had gone, I remember thinking afterwards I would never have let them out, and particularly make it even with females, or some females. 30 40

All right. Now, do you know what - - -?---Well, that's not - perhaps I should just add there, that's not to say that they would have been, you know (indistinct) sexual assault at that particular point in time per se, but some of the

12/12/12

BENTLEY, R.C. XN
BENTLEY, R.C. XXN

females I wouldn't have let out either, if you understand what I'm saying. There was a risk from both points of view. 1

Just to clarify that, you're talking about the residents of John Oxley?---Correct.

Okay?---I'm talking male or female.

All right. Now, you said in your sentence there before in your statement about having appropriate staff. In this sort of exercise what sort of appropriate staff would you have accompany this group?---Well, experienced, experienced youth workers who can read signs, who can anticipate inappropriate behaviour and who can cut it off at the pass, because, you know, young offenders by their nature can be quite devious and they will, you know, run you around in circles if you're not very careful. Now, I would suggest that perhaps the two teachers that went on that excursion, whilst they were very good at what they did, they weren't youth workers per se, and I still believe - although they were experienced, I still believe that it wasn't the appropriate way to go about sending children out of the centre. 10 20

You had knowledge of the staff that went on this excursion. To your knowledge did the excursion fail having a senior youth worker on it?---Look, I don't recall that. I can't say categorically that it did, but I don't recall the senior youth worker to be (indistinct)

If I put it to you that the organisation of this outing, had someone with your experience been involved in it earlier, you would have run it completely differently?

MR WOODFORD: It's a bit speculative, Mr Commissioner. We don't really - this witness doesn't know, it seems, what planning was done in the first place for this excursion, so he doesn't have a benchmark against which to give the sort of answer that Mr Harris is looking for. 30

COMMISSIONER: It is a bit of a critique on what was happening, but I'll allow the question.

MR HARRIS: Thank you.

COMMISSIONER: I thought that the people who were in charge took their eyes off the kids for a couple of minutes and that's when it happened, rather than anything to do with the planning of it. I thought it was execution more than the planning. 40

MR HARRIS: Yes, that's sort of where I was trying to head to, Mr Commissioner.

COMMISSIONER: But I'll allow the - - -

12/12/12

BENTLEY, R.C. XXN

MR HARRIS: Yes. Did you understand that question, Mr Bentley?---Look, if you could ask it again. I'm listening, but if you could just ask it again, if you wouldn't mind. 1

All right. I'll try to get it - if you were running that excursion - I think I'll put it in the most simple way. If you were running excursion what would have you done differently to what was done on that day?

COMMISSIONER: Mr Harris, I think that's a better question, if you don't mind me saying so. 10

MR HARRIS: Thank you?---I would have very much looked at the children that were intended going and the staffing arrangements and I might have had something to say. Whether that would have stopped it from happening is another issue.

In essence, and if I understand you correctly, you would married it up so that there would have been experience to deal with the behaviour from the children?---In all cases that's what you're looking for, because they have the potential to go, you know, extremely pear-shaped, for want of a better term, in these instances if you don't. I've seen the most experienced staff get caught unawares in my time and, yes, so I would have had something to say, I have no doubt about that. 20

Can I just take you to paragraphs 15 and 16 of your affidavit? Now, in those paragraphs, as I understand your evidence, you commenced work at 2 pm on the day of this incident. You were actually there?---I believe so. Now, I'm working on memory here and I've got a feeling that I came into work as things - or and what - either it was about then or it was not long after that that things went awry and there were phone calls going backwards and forwards which I wasn't, you know, privy to. You know, there were youth workers talking to - on the scene at - I don't know whether it was Boon, Richard Boon or something, talking to sort of Peter Coyne or Lyn Draper or somebody else, for that matter, but certainly I don't recall having a conversation with any of them. 30

All right. Now, were you at the centre when the boys that had absconded returned?---I've got a feeling I might have been. I'm working from memory here, and I've got a feeling they did return later in the afternoon. I do recall just - vaguely remembering the minibus pull up and I think at that stage I do recall being relieved that everything had turned out the way it had, not knowing, of course, anything else that might have occurred on that trip. 40

Were you aware of a melee, if I can call it that, at the centre that evening when the - - -?---No, not that I'm aware of. I don't recall it.

12/12/12

BENTLEY, R.C. XXN

All right. Now, I just want to clarify, your position at the centre was personnel and security, as you outlined in paragraph 4?---Terry McDermott gave me that portfolio, basically, when I commenced working at John Oxley Youth Centre, yes.

1

Did Mr Coyne rescind that position?---He did not.

Okay. I have no further - - -?---That was my position until I resigned.

I have no further questions, commissioner.

10

COMMISSIONER: Yes.

MR BOSSCHER: I do have some questions, if I may, commissioner.

COMMISSIONER: Yes.

MR BOSSCHER: Mr Bentley, the portfolio that you were given, personnel and security, what did that entail?---My major role at the end of it all was trying to keep staff online. Because of the way the centre was managed prior to my resignation the staff turnover was horrendous, so my main objective was to keep staff on the ground, and in doing so I was constantly in for new staff. Now, that in itself lead to problems because we finished up having to employ inexperienced people, which left the centre vulnerable, as you can imagine. And so most of my work was taken up in looking for staff and participating in some interviews for staff; and by and large looking after the security, interacting with senior youth workers and staff members pretty much in or on a daily basis whenever I was at the centre, keeping an eye on what was happening around the place, possible problem areas; and basically troubleshooting when I was given the opportunity.

20

30

40

So when you recite at paragraph 14 that prior to the event, which was the excursion that we've been talking about, you had never seen an application as centre personnel security officer with the intention of removing those children from the centre for an excursion. Was that unusual that that hadn't come across your desk?---I don't recall ever seeing one but it wasn't unusual because at that particular point in time, as you know, it was a really - there was a - you know, it was being micromanaged by Peter.

1

So is it your recollection - and please say if you don't recall - that Peter approved this particular excursion? ---Look, he would have had to have. They wouldn't have gone out if he hadn't.

10

Now, again I'm going to call on one of your terms, but when things went pear shaped, ie young fellas absconded?---Mm.

Is that something that you would normally then be called in to assist with dealing with that issue?---Most definitely. I would have thought I would have been the first one to be consulted, and again when (indistinct) would have been put in place in consultation with Peter.

20

So the fact that you were cut out of that process, you found to be particularly unusual?---It wasn't unusual because it had been happening for some time. But I was dismayed. And that was just one incident that led to my resignation.

At paragraph 18 you say that, "Sometime after I resigned from JOYC" - you recall seeing an article in a newspaper about suggestion of an incident involving a rape?---Yes.

As I read your statement, or as I understand your statement, immediately upon seeing that, you connected that back to the incident that we've be discussing here today? ---Yes, but it was just an immediate reaction that came up, you know. This particular incident they're talking about is possibly the same - well, that incident that happened on this excursion.

30

And that's the first time you became aware that there was a suggestion or allegation of rape?---To the best of my knowledge, yes.

And again, at the role that you were supposed to fulfil at JOYC, that's something that should have come to your attention at the time?---Most definitely.

40

But your general impression of the way that incident was handled was that you were cut out of the loop?---Well, that's the only impression I could get from it. But, you know, I couldn't think of any other reason, why would they not, you know, make me privy to those things, being the manager of personnel and security?

12/12/12

BENTLEY, R.C. XXN

50

And it's from that you infer that it was hushed up or covered up?--Well, yes. Whether it was deliberately or unwittingly or not, I don't know, but I certainly wasn't made privy to anything that perhaps happened on the excursion apart from a bit of hearsay between the other principal youth workers; that is Lyn Draper and Rudi Pekelharing, who were my peers, my colleagues. There were three principal youth workers and they were the other two.

1

Thank you, Commissioner.

MR ROWLAND: Just two questions, Commissioner.

10

Mr Bentley, it's Rowland here. I'm acting on behalf of the state?---Yes.

I just like to ask you two questions. Now, Mr Coyne didn't consult with you prior to making the decision for the excursion that we've been talking about, but do you recall if he consulted with any other youth workers prior to that decision?---He would have consulted with other youth workers, including the teachers and perhaps the senior youth worker. I don't recall who the youth worker went on the excursion was, but I was certain that he would have talked to me at least, because they would have been the ones who would have applied for the execution, I would say. But they would have two apply to take these children on the excursion in the first place.

20

Okay, thanks, Mr Bentley. And just lastly, do you recall the ratio of adults to children that went on the excursion? ---Look, in hindsight is probably - if I remember correctly it was two teachers and (indistinct) so it was almost one-to-one. It would have been almost one-to-one.

Yes?---But not quite. That's just from working from memory.

30

Thanks, Ms to Bentley?---No worries.

COMMISSIONER: Mr Bentley, if you were planning it what ratio would you have used?---That's probably a fairly adequate ratio, I would think.

Okay. This fellow, Bruce, from the Courier Mail, you said that you thought he was acting for Peter Coyne. What made you think that?---Just the way the conversation went and, look, I'm sorry now that I - I'd kept notes of that conversation for some years and I bought a new home three and a half years ago and I destroyed the notes at that particular time when we moved, as you do in cleaning up. I thought I'd heard the last of it, or it had finished.

40

Yes?---Unfortunately I would have had that, but I do recall him as being Bruce, and I do recall also reading further newspaper articles later on which another thing - included

12/12/12

BENTLEY, R.C. XXN

50

in report which indicated that this fellow was in fact an advocate for Peter Coyne in his dealings with the union (indistinct).

1

I see. All right, thank you. Yes.

MR WOODFORD: Thank you, Mr Commissioner.

Mr Bentley, it's Mr Woodford again?---Mm.

Going back to your personnel and security function, who did you report to in that regard at JOYC?---Peter Coyne was my immediate, you know, but (indistinct) I had to make appointments to see him.

10

Yes. I'm just trying to work out the chain here, you see? ---Mm.

So if we were going above you we would be going straight to Mr Coyne. Is that correct?---Correct.

Right. You indicated your experience - and I think you were trying to say that a moment ago before I cut you off - was that Mr Coyne had micromanaged the centre so intensively during the time that he was there. Is that correct?---It wasn't all of the time, it was a fair portion of the latter years.

20

That included personnel and security matters?---Most definitely.

Yes. After you became aware of this incident you've raised some concerns with us about the planning process that went into the excursion taking place in the first time. In your capacity as the personnel and security designate there, if you like, did you conduct your own review of those matters after the fact?---No.

30

Thank you. I have no further questions. May Mr Bentley be excused?

COMMISSIONER: Yes. Mr Bentley, thanks for taking the time to give your evidence over the phone. I appreciate it. You're formally relieved of any obligation to appear by summons and we'll disconnect the call now. Thank you? ---Thank you.

WITNESS WITHDREW

40

MR WOODFORD: Now, exhibit 217, Mr Commissioner, Mr Bentley's statement. There were a couple of matters in there. If I could take you to paragraph 12. On the first line there's the name of a child referred to.

COMMISSIONER: Yes.

12/12/12

BENTLEY, R.C. REXN

50

12122012 15/ADH (BRIS) (Carmody CMR)

MR WOODFORD: I ask that that not be published, or I'd submit that that would not be published. 1

COMMISSIONER: Yes.

MR WOODFORD: Moving forward into paragraph 15, about halfway down you'll see a name in square brackets, and then later a further name in square brackets. My submission is that neither of those names would be published.

COMMISSIONER: Yes. 10

MR WOODFORD: And from my review of the statement those are the only matters that I would seek orders for non-publication.

20

30

40

12/12/12

50

COMMISSIONER: All right. I will direct that exhibit 217 be published except that the names in square brackets in paragraphs 12 and 15 of children be deleted first. Yes, Mr Woodford? 1

MR WOODFORD: I call Fiona Frances Foley.

FOLEY, FIONA FRANCES affirmed:

ASSOCIATE: For recording purposes, please state your full name and your occupation?---My full name is Fiona Frances Foley and my occupation is manager of a child care service. 10

Thank you.

COMMISSIONER: Yes, Mr Woodford?

MR WOODFORD: Thank you, Mr Commissioner.

Ms Foley, do you have a copy of a statement there with you? ---My statement, yes, I do.

Now, is that a three-page document of nine paragraphs? ---Yes, it is. 20

On the last page of that document, is it signed by you on 22 November 2012?---Yes, it is.

Okay. I have some questions for you this morning about the John Oxley Youth Centre. Do I understand from your statement that you worked there for about two years from 1989?---Yes, that's correct.

You performed a number of roles, starting out in a social-worker role, then as a youth worker and then into administrative roles?---That's correct. 30

Now, in terms of your exposure to materials - and I'm referring to paragraph 4 of your statement here - is it the case that in your admin role you didn't deal with incident reports or what would be described as major correspondence? ---That's correct, I wasn't involved in those matters.

Okay. Now, a gentleman by the name of Peter Coyne - he was the manager of the centre at the time you were there? ---Yes, that's correct.

Is it the case that he left the centre not too long before you yourself left?---Yes, that's correct. 40

Right. You personally - did you have any issues with Mr Coyne's management of the centre or were they things that you had just heard?---Personally I had no issues with his management of the centre, but I was aware in a very vague sense that there were certain staff members who did have issues, but not personally.

12/12/12

FOLEY, F.F. XN

In paragraph 6, do you note there that there was a lot going on at JOYC and you tried to stay out of it?---That's right.

1

You were never interviewed or supplied any statement in relation to the centre while you were there?---Not that I'm aware of, no.

Your awareness is that the three-page document that you have with you today is the only statement that you've ever supplied?---Yes.

10

In paragraph 7 of your statement, if you have that there, you refer to a particular incident that occurred at the centre?---Yes.

You had no actual knowledge of that incident directly in that you didn't see it?---No; no, I was aware that something had happened but, no, not aware of it directly at all.

So that was just something you had heard on the grapevine, if you like?---Yes, and I think that was some time before the time when Peter Coyne was removed.

20

Yes. When that incident took place, did Mr Coyne take over and manage the incident that you could see from your position, or can you not say?---I probably couldn't say. I mean, I don't recall him not, but, yes, I have no recollection of how that was handled.

Okay. Now, in paragraph 7 of your statement you also note that you have no knowledge of any sexual abuse at the centre while you were there?---That's correct.

Now, paragraph 8 of your statement refers to a three-page document. Do you see that?---Yes. I have that document in front of me as well.

30

That's terrific. Mr Commissioner, that's exhibit 160 in these proceedings.

Now, I want to ask you some questions about this document?---Mm'hm.

Do they contain your writing?---No.

Okay?---I don't think so. I doesn't look like my writing. It's much too neat for my writing.

40

Just going back to your statement at paragraph 8, just have a look at that for me for a moment?---Yes.

You state there - and I'll quote you, "This three-page document appears to be notes of a meeting I attended as an admin officer and it's dated 14/2/1990"?---Yes.

12/12/12

FOLEY, F.F. XN

50

I think I have misunderstood that sentence?---I wasn't the person taking the notes. 1

Okay?---I would presume that the notes were written by Jeff Manitzky, to the best of my ability. I can't confirm that. I can't actually recall those - you know, that meeting, but, no, I wasn't taking notes in a secretarial form. I was attending as a staff member.

Thank you for clarifying that. You see that those three pages of notes - they have got two different scrips, if you like. The main three pages are all obviously written by the same person, but there is a little notation at the top of four or five lines. Do you see that?---Yes. 10

That's not your writing either?---That's not my writing either, no.

Terrific; I won't trouble you with that any further then. Those are the only questions that I have?---Mm'hm.

Some others may have questions for you if you would just wait?---Okay. 20

MR BOSSCHER: Nothing, thank you, commissioner.

MR HARRIS: I have nothing, commissioner.

COMMISSIONER: Mr Hanger?

MR HANGER: Nothing.

COMMISSIONER: Mr Rowland?

MR ROWLAND: Nothing, sir. 30

COMMISSIONER: Yes, Mr Woodford?

MR WOODFORD: Yes, may the witness be excused, Mr Commissioner?

COMMISSIONER: Yes.

Thank you very much for appearing by phone, Ms Foley. We appreciate the time you have taken to do that and you're formally released from any summons that was served on you and we will terminate the call, thank you?---You're very welcome. Thanks very much. 40

WITNESS WITHDREW

MR WOODFORD: Mr Commissioner, can I take you to paragraph 7 of that statement?

COMMISSIONER: Yes.

12/12/12

FOLEY, F.F. XN

12122012 16/CES(BRIS) (Carmody CMR)

MR WOODFORD: There is one name, paragraph 7, third-last line. 1

COMMISSIONER: yes.

MR WOODFORD: My submission is that that name would not be published. Save for that the document may be published otherwise.

COMMISSIONER: Except for the male child named in paragraph 7 I direct that exhibit 223 be published. 10

MR WOODFORD: Yes, I will hand back over to Mr Copley.

COMMISSIONER: Mr Copley?

MR COPLEY: Mr Commissioner, there are, it seems, four witnesses remaining to be called this year.

COMMISSIONER: This year?

MR COPLEY: This year, yes.

MR WOODFORD: It is December. 20

MR COPLEY: Two of the four are witnesses that Mr Bosscher has told me that he is firmly of the view he wishes to cross-examine.

COMMISSIONER: Right.

MR COPLEY: Mr Bosscher won't be available until 2 o'clock tomorrow afternoon, so can I suggest that the commission adjourn now until 2.15 tomorrow, to then resume in the hope that, given the two of the witnesses will be questioned, cross-examined by Mr Bosscher, and two probably won't be, we resume at 2.15 and probably finish these witnesses off tomorrow afternoon. 30

COMMISSIONER: All four?

MR COPLEY: All four.

COMMISSIONER: Okay, thanks, Mr Copley. Yes, Mr Bosscher?

MR BOSSCHER: Commissioner, unbeknownst to Mr Copley when we discussed this some minutes ago, I have just received an email come through which meant I am actually available for the day tomorrow. Mr Copley has moved heaven and earth to accommodate me and I appreciate that, but what was to be done tomorrow is now going to be done Friday so if it's convenient to Mr Copley or the witnesses to resume in the morning, I will be available. If it's more convenient after arrangements have been made to deal with it in the afternoon, I will be available. 40

12/12/12

12122012 16/CES(BRIS) (Carmody CMR)

COMMISSIONER: Okay, thanks. **1**

MR BOSSCHER: I apologise; I was writing him a note when we finished that last witness.

COMMISSIONER: Don't worry about it, Mr Bosscher. Yes, Mr Copley?

MR COPLEY: Probably the better course would be to see if the witnesses can simply be available from 10 am.

COMMISSIONER: Yes, why don't we do that. We will adjourn until the time to be notified to the parties tomorrow and that will depend on the availability of the witnesses. I'm assuming everyone else is available from 10.00. **10**

MR HARRIS: Yes, commissioner.

COMMISSIONER: All right. I will be 10.00 if it can be, otherwise it will be as notified.

MR COPLEY: Thank you.

COMMISSIONER: Thanks, Mr Copley. Thank you, gentlemen. **20**

THE COMMISSION ADJOURNED AT 12.49 PM UNTIL THURSDAY, 13 DECEMBER 2012

30

40

12/12/12

50